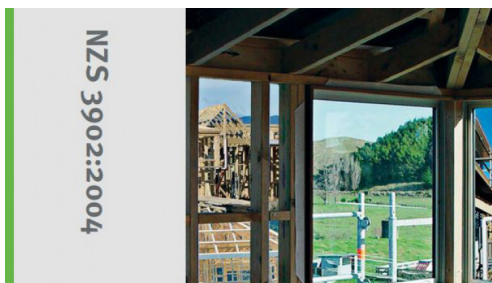


Building owner rights and obligations

Last updated: 21 March 2016

Building owner rights and obligations can vary, depending on the intended use of the building.

This section is for owners of commercial, public, multi-unit residential and other buildings, including residential properties with a cable car (primarily buildings that require an annual Building Warrant of Fitness).



New Zealand Standard NZS 3902:2004 Housing, alterations and small buildings contract

Download a free copy

[\(https://www.standards.govt.nz/sponsored-standards/building-standards/nzs3902/\)](https://www.standards.govt.nz/sponsored-standards/building-standards/nzs3902/)

If you are planning to build or renovate make sure you understand the building process and read all the website sections relevant to your project. These are general rights and obligations, with the full requirements set out in the Building Act 2004 and its regulations. If you use appropriately qualified professionals they should be able to assist you.

[Homeowner rights and obligations \(https://www.building.govt.nz/getting-started/your-rights-and-obligations/homeowner-rights-and-obligations/\)](https://www.building.govt.nz/getting-started/your-rights-and-obligations/homeowner-rights-and-obligations/) has information for residential property owners.

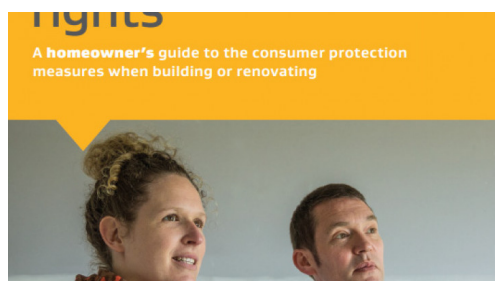
Building work and owner obligations

If you are planning building work, the building owner needs to:

- ensure any building work complies with the Building Code and the Building Act
- apply for a building consent if one is required, confirming the work will comply with requirements of the Building Code (this includes construction, alteration, demolition and siteworks, although some low-risk work is exempt) and apply for any other consents
- tell the council about:
 - who will do any restricted building work (provide the name(s) of the licensed building practitioners who will do or supervise the work)
 - any changes to the consented plans as you progress
 - a planned change of use for a building
 - an extension of life for a building with a specified life
 - the subdivision of a property with an existing building
 - any alterations, even if they don't require a building consent (alterations can trigger upgrade requirements, such as smoke detectors or insulation)
- build to the consent
- organise council inspections
- ensure your contractors act on any notice to fix and have the work re-inspected

- prohibit access or apply for a certificate for public use to permit certain access if the work will affect all or part of a building intended for public use
- apply for a code compliance certificate on completion of building work that requires a building consent
- maintain the property and meet any Building Warrant of Fitness obligations.

You can't contract out of these obligations but you can get someone to do them on your behalf. For example, your main contractor, architect or project manager might submit your building consent application.



Building or renovating? Know your rights

Your first job in renovating or building is to understand consumer protection measures.

Read Know your rights (<https://www.building.govt.nz/getting-started/your-rights-and-obligations/homeowner-rights-and-obligations/know-your-rights-consumers/>)

Construction Contracts Act protection

If you have entered into a contract for construction work your contract is covered by the Act.

Construction Contracts Act 2002

Most construction work is covered by the Construction Contracts Act. Make sure your payments align with the Act.

Learn more (<https://www.building.govt.nz/projects-and-consents/why-contracts-are-valuable/construction-contracts-act-2002/>)

New Zealand Standards for construction contracts, available for purchase from [Standards New Zealand website \(https://shop.standards.govt.nz/catalog/ics/\)](https://shop.standards.govt.nz/catalog/ics/), are:

- NZS 3910:2013 Conditions of contract for building and civil engineering construction
- NZS 3916:2013 Conditions of contract for building and civil engineering construction – Design and construct
- NZS 3917:2013 Conditions of contract for building and civil engineering construction – Fixed term contracts

Seek legal advice before signing a contract.

[Resolving problems \(https://www.building.govt.nz/resolving-problems/\)](https://www.building.govt.nz/resolving-problems/) includes information about what to do when things go wrong.

Building work and premises intended for public use

If you are building or working on a building intended for public use, you can't let people access it during building work unless the council confirms it is safe to do so.

To get council confirmation you need to apply for a certificate for public use. You will still need to apply for a code compliance certificate once you've completed the building work.

[Public access during a build \(https://www.building.govt.nz/projects-and-consents/build-to-the-consent/public-access-while-building-or-altering-a-public-building/\)](https://www.building.govt.nz/projects-and-consents/build-to-the-consent/public-access-while-building-or-altering-a-public-building/) explains who this affects and how to apply.

Commercial on-seller obligations

If you are building, or arranging to have built, a household unit for the purpose of selling it you must get a code compliance certificate before completing the sale, or before allowing a purchaser to take possession of the unit. The only exception is if the on-seller and purchaser sign an agreement to waive this requirement.

[Get the build signed off \(https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/get-the-build-signed-off/\)](https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/get-the-build-signed-off/) explains sign-off responsibilities.

Ongoing owner obligations

As the owner of a building you are obliged to provide annual evidence that your building meets health and safety requirements, called a Building Warrant of Fitness.

You need to ensure:

- your building has a compliance schedule for any specified systems (where this is a requirement of the Building Act)
- inspection, maintenance and reporting procedures are carried out as required by any compliance schedule for specified systems, including ensuring:
 - an appropriately qualified person does all necessary inspections, maintenance and reporting (for example, an Independent Qualified Person or IQP)
 - the compliance schedule is readily available for inspection by authorised persons
 - a current building warrant of fitness is prepared and displayed
- you maintain the building in a safe and sanitary condition at all times, including:
 - taking appropriate measures regarding building work and premises intended for public use
 - testing for legionella bacteria on a regular basis
- you get professional engineering advice and act on it, if there are concerns about building safety in earthquakes.

[Building warrant of fitness \(https://www.building.govt.nz/managing-buildings/managing-your-bwof/\)](https://www.building.govt.nz/managing-buildings/managing-your-bwof/) explains the requirements.

The Building Act introduced provisions to improve the likelihood of earthquake-prone affected buildings withstanding earthquakes.

Owner responsibilities when using employees and agents

In most instances, a building owner will engage specialists for the design and construction of all or part of any proposed building work. They might also employ specialists to carry out compliance schedule procedures.

If the Building Act is breached the owner is likely to be fully liable. However, any agent of the owner is responsible for the work they do or the advice they give in relation to compliance.

Building management following a major emergency

If a major event damages your home, workplace or property it may need a rapid building assessment. This is to ensure it is safe to enter, safe to occupy and does not risk the safety of others.

[Building manager guidance post-emergency \(https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/\)](https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/) explains your rights and obligations as well as the council assessment process.

Earthquake-prone buildings

The Building Act introduced provisions to improve the likelihood of earthquake-prone affected buildings withstanding earthquakes.

Earthquake-prone buildings (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>) has more information.

Building infringement scheme guidelines

Building infringement scheme guidelines (<https://www.building.govt.nz/building-officials/guides-for-building-officials/building-infringement-scheme-guidelines/>) sets out details of the penalties councils can impose under the Building Act and its regulations.

The LINZ website

Information about property owner rights, property locations, features, boundaries and ownership.

Visit the LINZ website (<http://www.linz.govt.nz/information-for/property-owners-and-investors>)

Key rights and responsibilities

Find information for landlords and tenants are on the Tenancy Services website. (<https://www.tenancy.govt.nz/starting-a-tenancy/new-to-tenancy/key-rights-and-responsibilities/>)

Related content

Rights and obligations in the building process (<https://www.building.govt.nz/getting-started/your-rights-and-obligations/>)

<p>It pays to know your rights and obligations in the building process so you can protect yourself and others within the law. Find out what you and others need to do to help the project run smoothly and what to do if things don't go to plan.</p>

Public access while building or altering a public building (<https://www.building.govt.nz/projects-and-consents/build-to-the-consent/public-access-while-building-or-altering-a-public-building/>)

Find out how you can use part of a public building while consented building work is underway.

Homeowner rights and obligations (<https://www.building.govt.nz/getting-started/your-rights-and-obligations/homeowner-rights-and-obligations/>)

Essential information about your rights and obligations as you build or renovate.

any matter to which the information relates according to the circumstances of the particular case. Expert advice may be required in specific circumstances. Where this information relates to assisting people:

- with compliance with the *Building Act*, it is published under section 175 of the *Building Act*
- with a *Weathertight Services* claim, it is published under section 12 of the *Weathertight Homes Resolution Services Act 2006*.