

Information for building owners

Last updated: 18 December 2019

Your home, workplace or property may need a building assessment by a suitably qualified professional if it is damaged by a major event. This is to ensure it is safe to enter, safe to occupy and does not risk the safety of others.

Responsibilities of building owners

Building owners have a responsibility to ensure their buildings remain structurally sound following an event such as a major earthquake or flood. They must also continue to comply with their obligations in relation to health and safety, tenancy and lease agreements, and any other contracts.

Building owners also have an obligation to help authorised officials carry out their inspection duties following an event.

Information about a building owner's responsibilities under the Health and Safety at Work Act 2015 can be found on the WorkSafe website – see [Dealing with earthquake-related hazards \(http://www.worksafe.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements/position-statement-dealing-with-earthquake-related-hazards/\)](http://www.worksafe.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements/position-statement-dealing-with-earthquake-related-hazards/).

If the building has tenants, or if you are a tenant yourself, you may also wish to read:

- [occupation guide for building owners and managers post-earthquake \(https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/non-residential-and-multi-unit-residential-occupation-post-earthquake/\)](https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/non-residential-and-multi-unit-residential-occupation-post-earthquake/)
- [information in the event of a natural disaster \(https://www.tenancy.govt.nz/about-tenancy-services/news-and-events/in-the-event-of-a-natural-disaster/\)](https://www.tenancy.govt.nz/about-tenancy-services/news-and-events/in-the-event-of-a-natural-disaster/) on the Tenancy Services website.

States of emergency, transition periods and designations

If there is widespread damage from a major event such as an earthquake or flooding, a state of emergency may be declared under the Civil Defence Emergency Management Act and/or an area may be 'designated' under the Building Act for building emergency management. In order to assist with the recovery process, notice of a 'transition period' may also be given.

When a state of emergency, transition period or designation is in force, authorised civil defence or territorial authority officials are provided with statutory emergency management powers to keep people safe and manage affected buildings.

Rapid building assessments

Following a significant event, authorised officials will work to quickly assess the damage to buildings within the affected area(s). When a state of emergency, transition period or designation is in force, authorised officials have statutory authority to enter buildings or land to carry out rapid building assessments.

There are two levels of rapid assessment for complex residential and commercial buildings. A 'Level 1' assessment is a 'first look' at a building and involves an external visual inspection to determine if the building poses a risk (including to streets around it).

Complex or multi-storey buildings and critical facilities typically undergo a 'Level 2' assessment, which will be undertaken only after a Level 1 Assessment has shown it is safe for inspectors (structural, geotechnical and building service engineers) to enter the building. Level 2 assessments involve both an internal and an external inspection.

Assessments will not check functions within the building, such as partitions, fittings, electrical, gas, water or sewage systems.

If there is a further event such as an aftershock, a building may undergo a further rapid building assessment.

Placards

As each building is assessed, it is issued a placard to indicate whether it can be used or if access must be restricted or prohibited. Officials may also direct the evacuation of buildings where necessary to prevent death or injury.

White placards indicate a building has suffered light or no damage and can be used. However, a white placard doesn't necessarily mean the building is safe, as there could be unobserved damage.

Yellow placards indicate a building may have sustained moderate damage and access is restricted. This generally means either some identified areas of the building pose a significant hazard and cannot be used, or that the public cannot enter except under supervision for a limited time on essential business. This could include emergency or assessment purposes, for example, or removing critical business records, valuables and property.

Red placards indicate a building cannot be used and entry is prohibited because it has sustained moderate or heavy damage and poses a significant risk to health or life. This could be from the building itself, from external factors such as adjacent buildings, or from ground failure.

A person must not occupy or use a building otherwise than in accordance with the placard, and must not damage, alter, remove or otherwise interfere with the placard or any other signs and notices.

Measures to keep people safe

Authorised officials may also put in place measures considered necessary to keep people at a safe distance or to protect buildings. These might include hoardings, fences, cordons, barricades, and other measures to prevent or limit public access, or that will prevent the building or debris from harming people.

A person must not intentionally bypass or interfere with any such measures.

Detailed assessments

Following a rapid building assessment, an authorised official may request the building owner to provide further information such as an Interim Use Evaluation (IUE), Detailed Damage Evaluation (DDE) or Targeted Damage Evaluation (TDE) if this is needed to determine the risks posed by the building and any works required to make it safe. When a Building Act designation is in place, the owner can be directed to provide this information.

IUEs provide an indication of the ongoing usability of a building until a DDE can be completed. A DDE is an in-depth engineering assessment focussed on determining the extent and nature of structural damage suffered by a building. The engineer will provide advice on building usability and options to address any damage; eg repair or demolition.

TDEs focus on certain building types and building elements. They recognise that some buildings or building elements may be affected more than others by an event such as an earthquake, for example.

Assessments should be carried out by chartered professional engineers. In addition to considering whether a building remains structurally sound and can be re-occupied, an assessment should also consider whether the building poses a risk to adjacent properties or public areas, whether infrastructure (services and facilities) have been affected, and whether the building remains sanitary. [Find an engineer on the Engineering New Zealand website \(https://www.engineeringnz.org/our-work/working-engineer/find-engineer\)](https://www.engineeringnz.org/our-work/working-engineer/find-engineer) has more information.

Urgent works

During a state of emergency, transition period or designation, authorised officials may carry out urgent works to any buildings that present a risk of injury or death, or a risk to critical infrastructure, when it is necessary to carry out the works without delay to remove or reduce these risks.

This might apply, for example, if a building is in danger of collapsing in a location that would cause death or injury, or could block access to a critical facility such as a hospital.

Urgent works can include demolishing all or part of a building if it cannot be stabilised, is an immediate risk to life safety, or cannot be adequately barricaded without preventing access to a critical route or significantly disrupting homes and businesses.

The cost of any urgent works may be recovered from the building owner, with this becoming a charge on the land on which the building is situated.

Other works and long-term works

When an affected area has been designated under the Building Act for building emergency management, authorised officials may require 'other works' (including demolition) to a building where necessary to reduce risks and where measures put in place to protect safety are causing ongoing disruption to public thoroughfares, other buildings or critical infrastructure.

This might apply, for example, if works to prop and brace the walls of a building are necessary to reduce the risk of collapse but need not be carried out immediately, and where measures to keep people at a safe distance are preventing entry to an adjacent building.

Officials must seek and consider the views of the building owner and any occupants before making a decision on any works. Officials may carry out the works and recover the costs from the building owner, or can direct the building owner to carry out the works.

When a designation is in effect, authorised officials may also direct the building owner to carry out works for the long-term use or occupation of a building where this is necessary to remove or reduce risks, and works are needed to make the building safe, sanitary and otherwise suitable to be used or occupied by people on a long-term basis.

This might apply, for example, when works to a damaged wall are necessary to make a building safe for long-term use or occupation, but urgent works are not required and re-entry to the building does not need to be prohibited.

Determinations and appeals

Where authorised officials have exercised building emergency management powers during a 'designation' under the Building Act, a building owner may apply to MBIE for a determination on any decision about:

- measures to protect buildings or keep people at a safe distance
- notices or placards restricting the use of buildings
- 'other works' or long-term works.

An application for a determination cannot be made if the official was acting under the direction of the Minister for Building and Construction.

When an application is made, decisions by officials on other works and long-term works are suspended until MBIE has made a determination, while any measures to protect buildings or keep people at a safe distance, or in relation to any notices or placards restricting the use of buildings, remain in force until a determination has been made.

An application will typically be determined within 15 working days if received within 6 months from when the designation came into force. If the application is received after this time or MBIE considers the subject matter is complex or relevant to other buildings in a designated area, an application will typically be determined within 60 working days.

A person who disagrees with the outcome of a determination may lodge an appeal with the District Court within 15 working days. The Court may confirm, reverse, or modify the determination, refer the matter back to MBIE's chief executive, or make any determination MBIE could have made in respect of the matter.

A building or land owner who is directed to provide information (such as a Detailed Damage Evaluation) may also appeal to the District Court within 10 working days of receiving the direction, if they consider it was unreasonable. In this case, the scope of the appeal is limited to considering relief for the reasonable costs of complying with the direction.

Building emergency management when no state of emergency, transition period or

designation is in force

If an area has been affected by a major event, but no state of emergency or transition period is declared, your local council may still carry out some assessments and manage restrictions on building access under the provisions of the Building Act relating to dangerous, insanitary and earthquake-prone buildings.

[Occupation guide – multi-unit and non-residential buildings post-earthquake \(https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/non-residential-and-multi-unit-residential-occupation-post-earthquake/\)](https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/information-for-building-owners/non-residential-and-multi-unit-residential-occupation-post-earthquake/) explains the process for non-residential and multi-unit residential buildings where no state of emergency is declared.



New Zealand Government

This information is published by the Ministry of Business, Innovation and Employment's Chief Executive. It is a general guide only and, if used, does not relieve any person of the obligation to consider 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.