

## Applying the outcome of the decision

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Owners of earthquake-prone buildings who have received an EPB notice must take action within set time frames. The time frames depend on whether the building is a priority building, and the seismic risk area that the building is located in.

Owners can either strengthen their building so it is no longer earthquake prone, or demolish it to remove the risk within the time frame specified on the EPB notice. A structural engineer can provide advice on an approach that is suitable for the building.

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### Information sheet: Managing earthquake- prone buildings

[PDF 264 KB]

<https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/Managing-earthquake-prone-buildings.pdf>

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## Extensions for action

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Owners of certain heritage buildings that are determined to be earthquake prone can apply to their territorial authority for more time – up to 10 years longer – to strengthen their buildings. The building must either be a Category 1 historic place on the New Zealand Heritage List/Rārangi Kōrero, or included on the National Historic Landmarks list/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

There are funds that support work on heritage buildings. They include:

- Building Heritage Incentive Funds operated by some councils. Check to see if your council has one.
- [The Heritage EQUIP fund \(http://www.mch.govt.nz/heritageequip\)](http://www.mch.govt.nz/heritageequip) operated by the Ministry for Culture and Heritage.

## Exemptions from action

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Owners of some earthquake-prone buildings may be eligible to apply for an exemption from the requirement to undertake the necessary seismic work to make their building no longer earthquake prone.

Owners can apply to their territorial authority for an exemption. The territorial authority then decides whether or not to grant this. The characteristics the building must have, in order to be granted an exemption, are set in regulations.

Exemptions recognise that, although a building may be earthquake prone, the consequences of its failure will be low. For example, the building is rarely occupied and, when it is, only by a low number of people.

Building owners granted an exemption still need to disclose to the public that their building is earthquake prone. Owners are issued an exemption notice by their territorial authority to display on the building, and the building information is published on the EPB register.

The Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html>) on the Legislation website has more information on exemptions.

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website also has more information.

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## Triggers for early action

If owners undertake 'substantial alterations' to their building they must also complete the earthquake strengthening at the same time.

Territorial authorities determine whether any planned alterations are 'substantial alterations' that trigger this requirement, when they receive building consent applications for buildings that have been determined as earthquake-prone. Regulations set the criteria for substantial alterations.

The Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html>) on the Legislation website has more information on substantial alterations.

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (<http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html>) on the Legislation website also has more information.

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## Territorial powers where no action is taken

If building owners do not display an EPB notice, provide an engineering assessment or undertake seismic work within the time frames required, territorial authorities have powers to take action.

Territorial authorities can issue a \$1,000 infringement fee if a building owner fails to complete seismic work, fails to comply with the requirement to attach an EPB notice or exemption notice, or failing to notify the territorial authority when a notice becomes illegible. They can also issue a \$2,000 infringement fee if an earthquake-prone building is used or occupied contrary to a hoarding, fence or notice.

What offences are covered by the building infringement regulations (<https://www.building.govt.nz/building-officials/guides-for-building-officials/building-infringement-scheme-guidelines/what-offences-are-covered-by-the-building-infringement-regulations/>) also has information on the infringement system.

Building owners can be fined up to \$20,000 if convicted for failing to display an EPB notice on their building, or failing to notify the territorial authority when a notice become illegible.

Building owners who fail to complete seismic work within the time frame on an EPB notice can be fined up to \$200,000, if convicted. Territorial authorities can also apply to the District Court for an order allowing them to carry out seismic work that has not been completed to deadline and recover the cost from the building owner.

If an earthquake-prone building has a territorial authority notice restricting entry, and someone fails to comply with that notice, the building owner can be fined up to \$200,000, if convicted.

The Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html>) on the Legislation website has detailed information on territorial authorities' powers.

Building (Infringement Offences, Fees, and Forms) Amendment Regulations 2007 (<http://www.legislation.govt.nz/regulation/public/2007/0403/latest/whole.html>) on the Legislation website has information about fees and offences.

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### Online learning: Applying the outcome of the decision

A course is available to learn more about the monitoring and enforcement process for earthquake-prone buildings.

Go to the online learning site (<https://learning.building.govt.nz/course/index.php?categoryid=9>)

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