

# Owners of potentially earthquake-prone buildings

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Owners of buildings must take action within set time frames if their building is considered to be potentially earthquake prone or determined as earthquake prone and an EPB notice is issued.

## Responsibilities of building owners

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If your territorial authority (local council) notifies you that your building is potentially earthquake prone and an EPB notice is issued you must:

- provide an engineering assessment within 12 months, or provide other information to the territorial authority if you suspect your building has been identified as potentially earthquake-prone in error. You may be able to apply for one extension of up to 12 months.
- notify the territorial authority that you do not wish to obtain a report. If you do so the territorial authority must determine your building to be earthquake prone with the lowest rating and may obtain an engineering assessment and recover the costs from the building owner.

Once your building is determined as earthquake prone you must:

- display the EPB notice issued by the territorial authority on the building
- carry out seismic work on the earthquake-prone building, so that it is no longer earthquake prone, within the specified time frame.

Owners issued with a previous earthquake-prone building notice (section 124 notice) before 1 July 2017:

- can expect their territorial authority to replace this with a new EPB notice if the building is still within the scope of the legislation
- may get, or be able to ask for, a different deadline in some cases for completing the required seismic work.

[The methodology to identify earthquake-prone buildings \(https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/\)](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/) (EPB methodology) has information on the categories of buildings that must be identified as potentially earthquake prone by territorial authorities, the requirements for engineering assessments that building owners of potentially earthquake-prone buildings must obtain, and the criteria for territorial authorities to determine whether a building is earthquake prone.

[The register of earthquake-prone buildings \(EPB register\) \(https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/\)](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/) contains information on earthquake-prone buildings.

## Buildings that may be earthquake prone

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The system for managing earthquake-prone buildings categorises New Zealand into three seismic risk areas and sets time frames for identifying and taking action to strengthen or demolish earthquake-prone buildings.

If you own the following type of building it may be considered potentially earthquake prone:

- an unreinforced masonry (URM) building that has not been strengthened
- a building of three or more storeys designed before 1976
- a one or two storey building designed before 1935 other than URM and timber buildings (this only applies in high and medium seismic risk areas).

[The methodology to identify earthquake-prone buildings \(https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/\)](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/) has details of these profile categories.

If a territorial authority has reason to suspect your building is earthquake prone, it may identify your building as potentially earthquake prone at

any time even if it's outside the categories identified in the EPB methodology. For example, if the territorial authority becomes aware of issues that could impact your building's performance such as a particular construction type or ground conditions.

If your building is located in a high or medium seismic risk area, it may also be a priority building.

Priority buildings are certain types of buildings in high and medium seismic risk areas that are considered to present a higher risk because of their construction, type, use or location. Priority buildings need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas.

Your territorial authority will inform you if your building is a priority building when they identify it as potentially earthquake prone and request an engineering assessment.

[Priority buildings \(high and medium seismic risk areas\) \(https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/#jumpto-priority-buildings-0028high-and-medium-seismic-risk-areas\\_0029\)](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/#jumpto-priority-buildings-0028high-and-medium-seismic-risk-areas_0029) has more information on priority buildings, including advice for owners.

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## Obtaining an engineering assessment of a potentially earthquake-prone building

If your territorial authority has written to say your building is potentially earthquake prone, you should contact an engineer with relevant skills and experience to obtain an engineering assessment. At a minimum this must be a structural engineer who is also a Chartered Professional Engineer.

The websites of [Engineering New Zealand \(https://www.engineeringnz.org\)](https://www.engineeringnz.org) and the [Association Representing Consulting and Engineering in NZ \(http://www.acenz.org.nz\)](http://www.acenz.org.nz) (ACENZ) have advice on finding an engineer, writing a brief, agreeing a contract and types of contracts.

[The methodology to identify earthquake-prone buildings \(https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/\)](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/methodology-identify-earthquake-prone-buildings/) sets out the qualifications and experience engineers need to carry out an engineering assessment. It outlines the technical and reporting requirements for engineering assessments on earthquake-prone buildings and the circumstances where previous assessments (those completed before 1 July 2017) may be recognised.

You have 12 months to provide an engineering assessment or other information about your building. If you need more time you can ask your territorial authority for an extension of up to 12 months. You must apply for an extension no later than two months before the engineering assessment is due, and your territorial authority must let you know promptly whether or not the extension has been granted. Talk to your territorial authority about the process of applying for an extension.

If you believe your building has been strengthened to an acceptable standard, and you already have an assessment by a Chartered Professional Engineer, provide evidence to your territorial authority as soon as possible. The EPB Methodology outlines the circumstances where previous assessments may be recognised.

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## Territorial authority determines that your building is earthquake prone

If the territorial authority determines that your building is earthquake prone it will assign it an earthquake rating and issue an EPB notice.

You must display this notice in a prominent place on your building.

Information about your building will also be entered in the EPB register of earthquake-prone buildings.

The EPB notice will include the time frame for completing seismic work on your building. For example, if your building is a priority building and is in a high seismic risk area, you will have seven and a half years to strengthen or demolish the building from the date of the EPB notice. If your building is in a low seismic risk area, the time frame for action will be 35 years.

If your unit or building is part of a larger earthquake-prone structure or is affected by an earthquake-prone part, the affected titles/lots will be listed on your EPB notice.

[Territorial authorities issue EPB notices for earthquake-prone buildings \(https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/ta-issue-epb-notices.pdf\)](https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/ta-issue-epb-notices.pdf) has more information.

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## Challenging the local authority decision

If you disagree with your territorial authority's decision that your building is earthquake prone, or disagree with the earthquake rating, talk to them first to try and resolve this.

You can apply to MBIE for a determination (a legally binding ruling) about nearly all the decisions territorial authorities make regarding earthquake-prone buildings.

[Determinations \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/) has more information.

However, you can't challenge your territorial authority if it takes enforcement action against you because you haven't strengthened or removed your building by the deadline given in the EPB notice.

[Territorial powers where no action is taken \(https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/applying-outcome-of-decision/#jumpto-territorial-powers-where-no-action-is-taken\)](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/how-the-system-works/applying-outcome-of-decision/#jumpto-territorial-powers-where-no-action-is-taken) has more information about fines and other territorial authority powers.

## Doing the work

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If your building is determined earthquake prone you will have a set time frame for undertaking seismic work to ensure your building is no longer earthquake prone. This will be specified on the EPB notice issued to you.

However, if you are planning substantial alterations to an earthquake-prone building or part, you must do the required seismic work at the same time as the alterations.

[Substantial alterations to earthquake-prone buildings \(https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/owners-of-earthquake-prone-buildings/#jumpto-substantial-alterations-to-an-earthquake\\_002dprone-building\)](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/owners-of-earthquake-prone-buildings/#jumpto-substantial-alterations-to-an-earthquake_002dprone-building) has further information.

Work with your building professional to agree an approach to the work that is suitable for your building and your budget.

You will need to think about:

- the resources you can commit to the project within the set time frame
- the potential impact on tenants in the building.

Your territorial authority can give you advice on the consent requirements for seismic work on your building and ways to respect heritage values.

If the work will involve fencing off part of the pavement or street, check what council permits or fees will be required.

## Extensions for heritage buildings

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If your building is 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 you may be eligible to apply for an extension of up to 10 years to strengthen your building. You can talk to your council to find out if your building is eligible.

If you have a heritage building 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.

To find out if your building is entered on the New Zealand Heritage List/Rārangi Kōrero contact [Heritage New Zealand \(http://www.heritage.org.nz\)](http://www.heritage.org.nz)

It is advisable to engage a Chartered Professional Engineer experienced in work on heritage buildings. Get advice from your council heritage advisor and the [Heritage EQUIP \(http://www.mch.govt.nz/heritageequip\)](http://www.mch.govt.nz/heritageequip) website.

## Substantial alterations to an earthquake-prone building

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Substantial alterations to an earthquake-prone building or part is work that:

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- needs a building consent
- together with other work consented in the past two years, has an estimated value of at least 25 per cent of the building's value and is more than \$150,000.

Councils determine whether building work amounts to substantial alterations when they receive a building consent application. This decision is based on criteria set in regulations. Check with your council if you think work you plan to do on your building could be considered substantial alterations.

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## Earthquake-prone buildings: Substantial alterations

[PDF 509 KB]

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

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Overview of substantial alterations.

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## Exemptions

You may be able to apply to your territorial authority for an exemption from undertaking the necessary seismic work (this includes demolition). Exemptions recognise that, although a building may be earthquake prone, the consequences of its failure would be low. You can talk to your territorial authority to find out if your building is likely to be eligible. You can also look at the regulations the territorial authority has to follow when it decides whether your building should get an exemption.

If you are granted an exemption you will still need to disclose to the public that your building is earthquake prone. You will be issued an exemption notice by your territorial authority to display on the building and information will also be published on the [EPB register](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/) (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register/>).

[Exemptions from carrying out seismic work](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/exemptions-carrying-out-seismic-work/) (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/exemptions-carrying-out-seismic-work/>) has more information about the process for applying for an exemption.

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

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

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## Online learning: Course for building owners

A course is available to learn more about the earthquake-prone buildings process.

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

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