

# Earthquake-prone building update

Legislative changes put the onus on building owners to have earthquake-prone buildings remediated within clear timeframes.



**ON 1 JULY 2017**, the Building (Earthquake-prone Buildings) Amendment Act 2016 came into effect. It focuses on the country's most vulnerable buildings by identifying the seismic risk of a building and whether or not the building is a priority building.

### **What is an earthquake-prone building?**

Buildings are classified as earthquake-prone if they will have their ultimate capacity exceeded in a moderate earthquake. A building is earthquake-prone if it does not exceed 34% of new building standard (NBS).

The Amendment Act has recognised that parts of a building may also be earthquake-prone.

### **Timeframes for building owner to fix**

There are three hazard factors - Z factors - that determine whether an area is high risk, medium risk or low risk. The hazard factor governs the timeframe in which a building owner will have to remedy an earthquake-prone building. The timeframes are:

- 15 years - high seismic risk areas
- 25 years - medium seismic risk areas
- 35 years - low seismic risk areas.

### **Priority buildings have tighter timeframes**

However, these timeframes alter if the building is a priority building such as schools and hospitals in high or medium seismic risk areas.

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Buildings with unreinforced masonry in certain thoroughfares may also be a priority building.

The deadlines for completing repairs on priority buildings are:

- 7.5 years - high seismic risk areas
- 12.5 years - medium seismic risk areas.

#### **Deadlines set to identify buildings**

Territorial authorities (TAs) also have deadlines for taking the first step of identifying earthquake-prone buildings (EPBs):

- High seismic risk EPBs need to be identified by 1 January 2020.
- Medium seismic risk EPBs need to be identified by 1 July 2022.

#### **Some buildings excluded**

Owners of farm buildings, retaining walls, fences, some monuments, wharves, bridges and storage tanks are not subject to the Act.

Most residential buildings are excluded. However, larger residential buildings (three or more household units) and buildings used as hostels, boarding houses or other specialised accommodation are included.

#### **Owners will be notified if remedial work required**

TAs will identify potential earthquake-prone buildings. If a TA notifies an owner that it considers a building is an earthquake-prone building, the building owner is required to obtain engineering assessments of the building carried out by qualified engineers.

TAs must send notices to building owners that give details about the state of the building and whether or not it is a priority building. The notice will detail the process for obtaining an engineering assessment.

#### **Public can identify earthquake-prone buildings**

Buildings identified as earthquake-prone must display an earthquake-prone building notice. These notices will advise the earthquake rating and the time allocated for remediating the building.

TAs must enter information about earthquake-prone buildings into a public register, which is maintained by the Ministry of Business, Innovation and Employment (MBIE).

#### **TA can get court order if needed**

A TA may apply for a court order to carry out seismic work if an owner fails to do so or fails to meet the deadlines in a reasonable timeframe. If the TA is required to do this, the cost will be recoverable from the owner. ◀

**Note** ▶ This article is not intended as legal advice. For further information, contact your legal advisor or the Harkness Henry Building and Construction team on (07) 838 2399 or email [build@harkness.co.nz](mailto:build@harkness.co.nz).