

Building (Earthquake-prone Buildings) Amendment Bill

Government Bill

As reported from the Transport and Infrastructure Committee

Commentary

Recommendation

The Transport and Infrastructure Committee has examined the Building (Earthquake-prone Buildings) Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The Building (Earthquake-prone Buildings) Amendment Bill would amend the Building Act 2004 and related regulations to establish a more proportionate and risk-based system for managing earthquake-prone buildings.

The aim of the earthquake-prone building (EPB) system is to protect life by ensuring that buildings are seismically resilient. The revised system that this bill proposes would regulate only high-risk buildings located in high and medium seismic zones.

The bill would narrow the method available to territorial authorities for identifying new earthquake-prone buildings after an initial identification period. Under the new approach, only some types of high-risk buildings could be identified after the initial period and only if they were constructed after 1976 but before the commencement of the bill.

Earthquake ratings would be replaced with a more cost-effective, tiered system intended to better reflect the actual risk posed by individual buildings. The new approach would focus on mitigating risks to life, with requirements ranging from no remediation to a full seismic retrofit, depending on the building's risk profile. The definition of priority building would be narrowed so it only includes buildings that could fall onto or impede thoroughfares or emergency routes.

The bill includes provisions intended to make compliance easier and less costly for building owners. Territorial authorities would be able to grant extensions of up to 15

years for completing seismic work. Building owners changing the use of an EPB would only be required to meet the mitigation requirement that applied prior to the change rather than needing to meet higher standards, as at present. Consents for seismic work would no longer trigger concurrent requirements to upgrade disability access and fire escapes.

Alongside the legislation, an EPB methodology document is used by territorial authorities and engineers to identify and make decisions about earthquake-prone buildings. The EPB methodology is also being revised; detailed technical information may be found in the EPB methodology document rather than the bill. The EPB methodology will have its own process of public consultation in due course.

Changes in Auckland, Northland, the Chatham Islands, and coastal Otago

The committee tested and ultimately relied on advice from MBIE that regional risk assessment for earthquake hazard was an appropriate risk assessment for the bill to use. Currently, all seismic risk areas in New Zealand come under the EPB system. That is, whether an area is of low, medium, or high seismic risk, the current EPB system applies to it.

The bill would change this in two ways. In medium- and high-risk seismic zones, only some building types would be under the EPB system. This would include buildings made from concrete or heavy materials, or that have unreinforced masonry.

Buildings that are in low seismic zones (Auckland, Northland, and the Chatham Islands) would no longer be designated earthquake-prone and could not be designated earthquake-prone in the future. Evidence suggests that these areas are further from plate boundaries or major faults, and the faults that do exist often move very slowly or have not ruptured in a long time. While strong earthquakes are still a possibility, they are much less likely to occur in any given year compared to medium or high seismic zones. We also explored with advisers whether buildings in Auckland should still need to be strengthened. We heard that overseas jurisdictions with a similar or higher level of seismic hazard do not have mandatory remediation requirements. For example Sacramento California has a slightly higher seismic hazard but no mandatory retrofit requirements.

Analysis undertaken by Beca found that low seismic zones like Auckland return a low benefit–cost ratio (0.3) under the current system. Focusing regulatory effort on higher-risk areas would allow for more efficient use of resources and reduce compliance costs in areas where the risk is demonstrably lower. Under the current system, 1,544 buildings in the Auckland region are classified as earthquake prone. Under the new system proposed by this bill, this number would drop to zero.

In contrast, the bill would reclassify coastal Otago (including areas such as Dunedin, Mosgiel, and Ōamaru) and part of Stewart Island/Rakiura from a low seismic zone to a medium seismic zone. This reflects greater understanding of seismic hazard in the area. As a result, EPBs in coastal Otago that remain within scope (unreinforced masonry or tall buildings made from heavy materials and concrete) would still require some level of remediation. Further EPBs could also be identified in these areas.

As of May 2025 (the date of record for Beca’s analysis), 160 buildings in Dunedin were recorded as EPBs. We note that this number, and the cost–benefit number it was used to calculate, may change. We understand that Dunedin still has many buildings to be assessed for earthquake risk, and some buildings currently on the EPB register may be removed from it. Ōamaru and Mosgiel also have buildings yet to be assessed.

To ensure that no-one in coastal Otago is worse off, current EPBs would retain their remediation deadlines, and territorial authorities would retain their current deadline of 1 July 2032 for identifying potential new EPBs. In practice, this means current EPBs in the area would continue to be subject to the 35-year timeframe that applied when the area was treated as a low seismic zone, rather than the 25-year timeframe that would ordinarily apply in medium seismic zones. EPBs that are newly identified in coastal Otago after commencement would have a remediation timeframe of 25 years, instead of 35 years.

Some EPBs in coastal Otago may lose their EPB status due to not falling within the bill’s coverage (that is, because they are not made from concrete or heavy materials and do not have unreinforced masonry). The remaining EPB owners would have more cost-effective tiered remediation requirements. EPB owners will also be able to apply for deadline extensions of up to 15 years.

Table 1: Settings in coastal Otago under current vs proposed EPB system

	Current EPB system	Proposed EPB system
Identification timeframe	1 July 2032	1 July 2032
Remediation deadline	35 years	Identified before commencement: 35 years. Identified after commencement: 25 years.
Deadline extension	10 years (certain heritage EPBs only)	15 years (EPBs including those with deadlines that expired before commencement)
Unreinforced masonry buildings and tall concrete buildings in coastal Otago	Within scope and required to remediate to at least 34%NBS	Within scope and have tiered and more cost-effective remediation requirements (façade risk mitigation or targeted retrofit)
All other buildings in coastal Otago	Can become EPBs via the ‘identify at any time’ pathway and require remediation	Cannot become EPBs, and existing ones removed from EPB Register after 1 July 2027
Seismic Zone	Low seismic risk area	Medium seismic zone (informed by new seismic hazard evidence)

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. Many of the amendments we recommend are for purposes of clarification or to improve the workability of the bill. We do not discuss this type of minor or technical amendment. Further detail on minor amendments can be found in the departmental report.

A note on numbering

The attached revision-tracked version of the bill inserts an “A” in all section numbers in Subpart 6A of Part 2 of the Act, to match the numbering used in the Act.

This commentary refers to provisions that are introduced by or remain in the revision-tracked version with the “A” added. Where a provision from the bill as introduced is removed by our amendments, we refer to the section without an A, matching how the struck-out clauses appear in the revision-tracked version.

For example, this commentary refers to the section headed “Meaning of priority building” with the updated number 133AF, matching where it can be found in the revision-tracked version. The equivalent section in the bill as introduced can be found by removing the A.

Definition of “urban centre”

The bill would require different remediation measures for unreinforced masonry buildings depending on whether a building was in an area classified as an “urban centre”. This distinction is based on the assumption that buildings in urban centres are likely to have higher pedestrian and vehicle traffic outside and could therefore pose a greater threat to life, or block emergency vehicles in an earthquake.

Clause 7 of the bill would replace Subpart 6A (Special provisions for earthquake-prone buildings) in Part 2 of the Building Act. Proposed section 133D(7) would define “urban centre” using Statistics New Zealand’s *Functional urban areas – methodology and classification* (2021). Under this definition, some satellite towns such as Featherston or Greytown would have higher remediation measures for one- or two-storey unreinforced masonry buildings than small regional centres such Cromwell or Marton, despite lower populations.

We recommend replacing section 133D(7) with section 133AD(8) to narrow the definition of urban centre to only include towns or areas that are within the following categories. They are as described in Statistics New Zealand’s *Functional urban areas – methodology and classification*, as of its publication date in 2021:

- a metropolitan area’s urban core and secondary urban cores
- a large regional centre’s urban core and secondary urban cores
- a medium regional centre’s urban core.

We consider that this amendment will provide more certainty for building owners and territorial authorities.

Strategic transport routes

Another term used in the bill is “priority building” (defined in section 133AF), which is one that has the potential to impede a strategic transport route if it were to collapse in an earthquake. Priority buildings have shorter deadlines for seismic work. Some regional authorities have identified a large number of strategic transport routes, resulting in a correspondingly large number of priority buildings.

We recommend inserting section 133ASA to provide for a transition period in which territorial authorities could reassess their current strategic transport routes. This would only be available from the day after the bill's assent to 1 July 2027 and would be restricted to removing routes and not allow authorities to identify any new strategic transport routes. Territorial authorities would be required to have regard to the views of the New Zealand Transport Agency when it comes to the removal of strategic transport routes that are State highways.

Heritage as a consideration for deadline extensions

Proposed new section 133AY sets out the factors a territorial authority must have regard to when considering whether to grant an extension to deadlines for seismic work. We agree with submitters that heritage buildings may face unique or additional barriers to remediation. We therefore recommend inserting section 133AY(1)(da) to include heritage as one of the matters territorial authorities must have regard to when considering extensions.

Fire safety and disability provisions

To help contain the cost of remediation, proposed sections 133ZF and 133ZG would allow for remediation of an earthquake-prone building without requiring that means of escape from fire, and disability access and facilities, be upgraded at the same time. We asked about the potential savings of the provision. Advisers told us that this change could save an estimated 5 percent of the total cost of building work. However, this could vary widely depending on retrofit requirements.

However, this section is not intended to allow a remediated building to have less compliance with building code provisions than it did before the alteration. As part of our proposed amendments clarifying these provisions we recommend combining 133ZF and 133ZG into the single section 133AZF. We further recommend inserting new sections 133AZF(3)(a)(iv) and 133AZF(3A). These provisions specify that for the purposes of the exceptions in 133AZF, a building must continue to comply with the building code to at least the same extent as it did before work began.

Some of us disagree with removing the requirements for upgraded disability access and fire safety to be triggered by remediation.

Change of use: code compliance requirements

A current barrier to changing the use of an earthquake-prone building is the requirement that it meet certain building code provisions as nearly as is reasonably practicable. In the case of seismic work this has resulted in some buildings being required to be strengthened to at least 67 percent of NBS (new building standard). Clause 6 of the bill would amend section 115 of the Act to specify that owners only need to carry out the remediation measures that are required before a change of use, but not carry out more onerous work.

We understand that submitters found the deadline for the remediation measures unclear, and queried whether the provision also applied to non-earthquake-prone buildings. We recommend inserting clause 5B into the bill (which would insert sec-

tion 114A into the Act) to make it clear that required remediation measures must be completed before a building undergoes a change of use. The exception would be earthquake-prone buildings with register-only requirements as there would be no mandatory seismic work to undertake by a set deadline under the EPB system. We recommend amending section 115 of the Act to provide for this. We also recommend clarifying that these exceptions to section 115 of the Act only apply in relation to earthquake-prone buildings and to structural performance requirements in relation to earthquakes.

Simplifying earthquake-prone-building notices

EPB notices are sent to building owners and must be displayed on earthquake-prone buildings. Currently, the notices contain dense legal information and we consider that they do not effectively inform members of the public about a building's risk. We propose updating the requirements for EPB notices to a simpler and more modern form.

We recommend amending proposed section 133AZA to replace the requirement to display an EPB notice with a requirement to display an EPB warning sign issued by a territorial authority. The chief executive of the Ministry of Business, Innovation and Employment (MBIE) would be authorised to specify the form and content of the warning signs, rather than this being prescribed in regulations. This would align with the system currently used for Rapid Building Assessments. The offences associated with failing to display an EPB notice would be updated to apply to the new EPB warning signs.

We recommend amending section 133AZA to require that warning signs be issued and attached to all EPBs, including those with a register-only requirement or seismic work exemption. This would ensure that the public are aware of the risk the building poses.

We also recommend amending proposed section 133AU to simplify the requirements for how territorial authorities must notify building owners of earthquake-prone status and required remediation measures. Rather than sending a notice with a form prescribed by regulations, territorial authorities would be able to notify owners by sending them a letter. The letter would still need to contain the information currently required by the Act, but would not need to have a specific form.

Transitional regulations

Schedule 1 of the bill would insert new Part 6 into Schedule 1AA of the Act. Proposed clause 24 of this Schedule would enable transitional regulations to be made by Order in Council on the recommendation of the Minister. Regulations made under this power could continue in force for up to 2 years after commencement. In the bill as introduced, regulations could specify that:

- provisions of the Act do not apply
- provisions in the Act repealed or amended by this bill continue to apply
- specified terms in the Act have the meanings given to them by the regulation.

This power of secondary legislation to overrule primary legislation is commonly known as a Henry VIII power. The Regulations Review Committee wrote to us with concerns about this clause and recommended that we consider the appropriateness of the power and any safeguards it may require.

We understand that a power to make transitional regulations is no longer needed due to subsequent progress in the drafting of the bill, and recommend removing this provision.

Clarification of building features

We heard from some submitters that it is unclear what each remediation measure will require, and that terms such as “full retrofit” and “façade securing” may not be the right term for those measures.

We propose the following amendments, while noting that the EPB methodology will contain more technical information and explain how different remediation requirements can be met.

In clause 7, we propose replacing the term “façade securing” with a more general term that is broad enough to apply to other measures that meet the same requirements of mitigating risk. For example, a one-storey unreinforced masonry building could potentially meet the same requirements as façade securing by providing overhead protection from falling masonry. Therefore, we recommend replacing section 133D in the bill as introduced with new section 133AD that defines the broader term “façade risk mitigation”.

Clause 7, section 133D in the bill as introduced also defines “full retrofit” and “targeted retrofit” as separate remediation options. As part of our proposed new section 133AD we recommend only defining the broader term “targeted retrofit”. This amended definition would cover both the “targeted retrofit” and “full retrofit” remediation measures that were defined in section 133D. As with “façade risk mitigation” above, this broader definition would better allow for remediation measures that meet requirements but may not technically count as a full retrofit.

We also recommend amending section 133AB(3) and (4) and inserting new subsections (5) and (6) to clarify what buildings would fall in scope of the EPB regime. Section 133AB(6)(a) provides that the EPB methodology would set requirements for determining how many storeys high a building is. These requirements will take into account part-storeys and very tall storeys, and may vary between building types

We heard from several submitters representing churches, who raised concerns that the bill as introduced was unclear on what provisions captured their buildings. One concern was how many storeys buildings with unusually tall storeys or part-storeys would have under the new EPB system. We agree that the bill as introduced could cause confusion about these matters. We note this will also include specifics about determining height for buildings on slopes or buildings with basements, mezzanines, or very high inter-floor height, and differences in building materials such as narrow bricks or wide stone blocks. We explored these scenarios with advisers. These are not matters that are dealt with in primary legislation, but rather are covered in secondary

legislation. Many aspects of the process for identifying an EPB will be captured in the EPB methodology set by the chief executive of MBIE under section 133AZI. The EPB methodology will be subject to statutory consultation requirements under the Building Act.

We note EPB owners will also have the ability to apply for a seismic work exemption under regulations made under new section 133AW of the Building Act. Our proposed section 133AB(6)(c) would provide a fuller definition of “unreinforced masonry building”, and section 133AB(6)(b) would provide a fuller definition of “tall building built using heavy materials”. Both sections reference further requirements in the EPB methodology.

Residential buildings

While we have no specific recommendations in this area, we consider it relevant to provide clarity on how the Act treats residential buildings, and how this may be affected by the changes introduced by the bill.

To be considered an EPB, a building that is wholly or mainly used for residential purposes needs to be two or more storeys. In addition it must either contain 3 or more household units, or be a hostel, boarding house, or other specialised accommodation.

Based on these criteria, some multi-storey residential apartment buildings have been determined to be EPBs, and those in medium and high seismic zones would likely remain EPBs under the new system. They would therefore require a targeted retrofit due to the life-safety risk that they pose. While remediation costs would fall for most of the buildings that would remain EPBs under the new system, they would remain high for around 300 multi-storey buildings. These buildings are concentrated in major cities, particularly Wellington, and many are apartment buildings. We understand that, outside this bill, officials have been working with stakeholders to identify practical ways to reduce costs and barriers.

New Zealand Labour Party and Green Party of Aotearoa New Zealand differing view

Labour supports sensible rules to remediate buildings that pose the greatest risk to life safety and maintaining affordability, particularly for regional communities.

We opposed the exclusion of Auckland from the rules for remediation of risky buildings. The evidence presented by officials relies on an assessment of risk in three parts: the chance of an earthquake happening, the chance of a building collapsing given that the earthquake has happened, and the exposure of people to that risk. In deciding not to include Auckland within the remediation rules the committee has relied on advice of that on all three counts, Auckland as an area is low risk. But we know some buildings in Auckland will still be high-risk buildings. The right choice is to include those buildings.

This is not a minor issue. Auckland contains around 1,400 earthquake-prone buildings, which is the majority. Excluding Auckland’s buildings that are highly vulnerable

in seismic events is political and is not the right decision based on the evidence available.

We will also have an eye to the impact on people of the shifting goalposts within the bill. Deadline extensions of up to 15 years reduce certainty and risk delaying essential strengthening work. The legislation as proposed still fails to provide a workable solution for owner-occupiers in apartment buildings, who are trapped between unaffordable strengthening costs and an inability to act collectively.

Finally, Labour and the Greens believe this bill should have addressed the need for assistance for apartment owners faced with not only the remediation costs of their homes and risk to their life savings, but also the heavy administrative burden required for collective action with other shared title holders. Labour introduced policy to address this in 2022/23 but it was removed. New rules should be progressed at the same time as better arrangements for earthquake-prone apartment owners in financial hardship and significant mental distress.

This is an area where reform is welcome, but this change means that some buildings that pose the risk to life will not be remediated quickly and efficiently.

Appendix

Committee process

The Building (Earthquake-prone Buildings) Amendment Bill was referred to this committee on 16 December 2025.

We called for submissions on the bill with a closing date of 16 February 2026. We received and considered submissions from 107 interested groups and individuals. We heard oral evidence from 40 submitters at hearings in Wellington and via videoconference.

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. Other than the resolved matter raised by the Regulations Review Committee and discussed above, we have no issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in proposed clause 24 of Schedule 1AA.

Committee membership

Andy Foster (Chairperson)

Dan Bidois

Dr Carlos Cheung

Simon Court

Hon Julie Anne Genter (until 11 February 2026)

Dr Tracey McLellan

Tangi Utikere

Celia Wade-Brown (from 11 February 2026)

Arena Williams assisted with some of our work on this bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Building (Earthquake-prone Buildings) Amendment Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Penk

Building (Earthquake-prone Buildings) Amendment Bill

Government Bill

Contents

		Page
1	Title	5
2	Commencement	5
3	Principal Act	5
Part 1		
Amendments to Building Act 2004		
4	Section 7 amended (Interpretation)	6
5	Section 112 amended (Alterations to existing buildings)	7
<u>5A</u>	<u>Section 114 amended (Owner must give notice of change of use, extension of life, or subdivision of buildings)</u>	<u>7</u>
<u>5B</u>	<u>New section 114A inserted (No change of use for earthquake-prone building until required remediation is complete)</u>	<u>7</u>
	<u>114A No change of use for earthquake-prone building until required remediation is complete</u>	<u>7</u>
6	Section 115 amended (Code compliance requirements: change of use)	7
7	Subpart 6A of Part 2 replaced	8
Subpart 6A—Special provisions for earthquake-prone buildings		
<i>Application and interpretation</i>		
<u>133AA</u>	Outline	8
<u>133AB</u>	Interpretation: building ₂ and building within scope ₂ and building type	9
<u>133C</u>	Meaning of earthquake-prone building	11
<u>133AC</u>	Meaning of earthquake-prone building	11

Building (Earthquake-prone Buildings) Amendment Bill

133D	Meaning of earthquake evaluation and required remediation measure	12
133AD	<u>Required remediation measures</u>	13
133AE	Meaning of low, medium, and high seismic zones	14
133AF	Meaning of priority building	15
	<i>Identifying priority buildings</i>	
133AG	Role of territorial authority in identifying certain priority buildings	16
	<i>Identifying potentially earthquake-prone buildings during applicable time frame</i>	
133AH	Territorial authority must identify potentially earthquake-prone buildings <u>within applicable time frame</u>	17
	<i>Identifying buildings after expiry of applicable time frame</i>	
133AI	Territorial authority may identify certain buildings after expiry of applicable time frame	18
	<i>Engineering evaluation required for tall buildings built using heavy materials identified under section 133AH</i>	
133AJ	Territorial authority must request engineering evaluation of certain potentially earthquake-prone buildings	20
133AK	Obligations of owners on receiving request for engineering evaluation	21
133AL	Owners may apply for extension of time to provide engineering evaluation	21
	<i>Evidence or information required when suspected unreinforced masonry building identified under section 133AH</i>	
133AM	Territorial authority must request evidence or information about masonry buildings that may be earthquake-prone	22
133AN	Obligations of owners on receiving information or evidence or information request under section 133AM	22
	<i>Determination of whether building identified under section 133AH is earthquake prone</i>	
133AO	Territorial authority must determine whether building is earthquake-prone	23

Building (Earthquake-prone Buildings) Amendment Bill

	<i>Cessation of earthquake-prone building status as result of 2025 amendment Act-Building (Earthquake-prone Buildings) Amendment Act 2025</i>	
133 <u>A</u> P	Earthquake-prone buildings in low seismic zones cease to be earthquake-prone <u>buildings</u>	24
133 <u>A</u> Q	Certain other buildings cease to be earthquake-prone <u>buildings</u>	24
133 <u>A</u> R	Certain buildings cease to be priority buildings	24
	<i>Review of building status in light of 2025 amendment Act-Building (Earthquake-prone Buildings) Amendment Act 2025</i>	
133 <u>A</u> S	Territorial authorities must identify <u>update</u> earthquake status of certain <u>buildings in low seismic zones</u>	25
133 <u>A</u> SA	<u>Territorial authorities may review existing strategic transport routes</u>	26
133 <u>A</u> SB	<u>Territorial authorities must determine and update earthquake status of buildings in medium and high seismic zones</u>	27
	<i>Territorial authorities must make further decisions on certain matters</i>	
133 <u>T</u>	Relevant territorial authority must determine whether certain buildings to which this subpart applies are earthquake-prone or priority buildings	29
133 <u>A</u> T	<u>What territorial authority must do after deciding registered earthquake-prone building is building within scope</u>	29
	<i>Remediation of earthquake-prone buildings</i>	
133 <u>A</u> U	Territorial authority must issue EPB notice for earthquake-prone buildings	30
133 <u>A</u> V	Deadline for completing seismic work	32
133 <u>A</u> W	Owner may apply for exemption <u>Exemptions</u> from requirement to carry out seismic work	33
133 <u>A</u> X	Owners of certain buildings may apply for extension <u>Extensions</u> of time to complete seismic work	33
133 <u>A</u> Y	Considerations to be taken into account <u>territorial authority must have regard to</u> when deciding to grant extensions to deadlines	34
133 <u>A</u> Z	Applications under section 133 <u>A</u> X may be made after deadline expiry <u>in some circumstances</u>	35
133 <u>A</u> ZAA	<u>Voluntary remediation of earthquake-prone building with no required remediation measure</u>	35

Building (Earthquake-prone Buildings) Amendment Bill

	133A ZA EPB notices and EPB exemption notices <u>EPB warning signs</u> to be attached to earthquake-prone buildings	36
	133A ZB Territorial authority may assess information relating to earthquake-prone building status at any time	37
	133 ZC Certain buildings may not be identified as earthquake-prone	38
	<i>Powers of territorial authorities in respect of earthquake-prone buildings</i>	
	133A ZD Territorial authority may impose safety requirements	39
	133A ZE Territorial authority may carry out seismic work	40
	133A ZF General alterations <u>Alterations to earthquake-prone buildings subject to EPB notice</u>	40
	133 ZG Seismic work alteration to buildings subject to EPB notice	42
	<i>Offences</i>	
	133A ZH Offences in relation to earthquake-prone buildings	43
	<i>Methodology for identifying earthquake-prone buildings (EPB methodology)</i>	
	133A ZI Chief executive must set methodology for identifying earthquake-prone buildings (EPB methodology) and appropriate required remediation measure	44
	133A ZJ Consultation requirements for setting EPB methodology	45
8	Section 133A renumbered and amended (Dams to which subpart 7 provisions apply)	45
8	<u>Section 222 amended (Inspections by territorial authority)</u>	45
9	Section 133B renumbered (Measurement of dams)	46
9	<u>Section 274 amended (Purpose of registers)</u>	46
10	Section 275A amended (Content of EPB register)	46
10A	<u>Section 381 amended (District Court may grant injunctions for certain continuing breaches)</u>	47
11	Section 401C amended (Regulations: earthquake-prone buildings)	47
12	Schedule 1AA amended	47
13	New Schedule 2A inserted	47
	Part 2	
	Amendments to other legislation	
	<i>Amendment to Building (Dam Safety) Regulations 2022</i>	
14	Principal regulations	48
15	Regulation 6 amended (Height of dam)	48

Amendments to Building (Infringement Offences, Fees, and Forms) Regulations 2007

16	Principal regulations	48
17	Schedule 1 amended	48

Amendments to Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

18	Principal regulations	48
<u>18A</u>	<u>Regulation 5 amended (Change the use: what it means)</u>	<u>48</u>
19	Regulation 7 revoked (Moderate earthquake and ultimate capacity defined)	49
20	Regulation 8 revoked (Categories of earthquake ratings)	49
21	Regulation 9 amended (Form of EPB Notice)	49
<u>21</u>	<u>Regulation 9 revoked (Forms of EPB notice)</u>	<u>49</u>
22	Regulation 10 amended (Exemption from requirement to carry out seismic work: required building characteristics)	49
23	Regulation 11 amended (Alteration of building: what amounts to substantial alteration)	49
<u>24</u>	<u>Schedule 3 replaced</u>	<u>49</u>
<u>24</u>	<u>Schedule 3 revoked</u>	<u>49</u>

Schedule 1 50

New Part 6 inserted into Schedule 1AA

Schedule 2 53

New Schedule 2A inserted

Schedule 3 55

Schedule 3 of Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 replaced

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Building (Earthquake-prone Buildings) Amendment Act **2025**.

2 Commencement

- (1) This Act comes into force on **1 July 2027**. 5
- (2) However, **section 7** (to the extent that it relates to **sections 133AE, 133AP, and 133AS, and 133ASA** of the principal Act), **sections 12 and 13, and Schedules 1 and 2** come into force on the day after Royal assent.

3 Principal Act

This Act amends the Building Act 2004. 10

Part 1

Amendments to Building Act 2004

4 Section 7 amended (Interpretation)

- (1) In section 7(1), insert in their appropriate alphabetical order:
- ~~2025 amendment Act~~ has the meaning given to it by ~~clause 18~~ of Schedule 1AA 5
- building within scope** has the meaning given to it by **section 133AB(3) and (4)**
- engineering evaluation**, in relation to a building, means the evaluation of the building in accordance with the EPB methodology 10
- EPB warning sign** means a warning sign issued under **section 133AZA**
- high seismic zone** has the meaning given to it by **section 133AE**
- low seismic zone** has the meaning given to it by **section 133AE**
- medium seismic zone** has the meaning given to it by **section 133AE**
- required remediation measure** has the meaning given to it by **section 133D(2) 133AD(1)** 15
- (2) In section 7(1), replace the definition of **earthquake-prone building** with:
- earthquake-prone building** has the meaning given to it by **section 133AC**
- (3) In section 7(1), repeal the definitions of **earthquake rating**, **high seismic risk**, **low seismic risk**, and **medium seismic risk**. 20
- (4) In section 7(1), replace the definition of **EPB exemption notice** with:
- EPB exemption notice** means an exemption notice issued under **section 133V 133AW**
- (5) In section 7(1), replace the definition of **EPB methodology** with:
- EPB methodology** means the methodology for identifying earthquake-prone buildings that is set by the chief executive under **section 133AZI** 25
- (6) In section 7(1), replace the definition of **EPB notice** with:
- EPB notice** means a notice issued under **section 133AU**.
- (7) In section 7(1), replace the definition of **seismic work** with:
- seismic work**, in relation to a ~~building within scope or a priority building that is subject to an EPB notice that includes an earthquake-prone building with a required remediation measure,~~— 30
- (a) means the building work required to comply with the required remediation measure; and
- (b) may include the demolition of all or part of the building 35

5 Section 112 amended (Alterations to existing buildings)

In section 112(3), replace “section 133AT” with “**section 133V 133AZF**”.

5A Section 114 amended (Owner must give notice of change of use, extension of life, or subdivision of buildings)

In section 114(1), after “this section”, insert “, **section 114A**.”.

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5B New section 114A inserted (No change of use for earthquake-prone building until required remediation is complete)

After section 114, insert:

114A No change of use for earthquake-prone building until required remediation is complete

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(1) This section applies to a building if—

(a) the building is an earthquake-prone building with a required remediation measure; and

(b) the building’s seismic work is not complete.

(2) The owner of the building must not change the use of the building until the building’s seismic work is complete.

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6 Section 115 amended (Code compliance requirements: change of use)

In section 115, insert as ~~subsection (2)~~ subsections (2) to (4):

(2) ~~For the purposes of this section, structural performance—~~

(a) ~~includes the seismic work that is a required remediation measure; but~~

(b) ~~does not include seismic work that would be in addition to, or more onerous than, the required remediation measure (if any).~~

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(2) **Subsection (1)** is subject to **subsections (3) and (4)**, which apply as follows:

(a) **subsection (3)** applies to a building if the building—

(i) was an earthquake-prone building with a required remediation measure; and

(ii) ceased to be an earthquake-prone building because the building’s seismic work was completed;

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(b) **subsection (4)** applies to a building if the building—

(i) is an earthquake-prone building that does not have a required remediation measure because it is a 1- or 2-storey-high unreinforced masonry building that is outside an urban centre (a **register-only EPB**) (see **section 133AD**); or

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(ii)	is a former register-only EPB that ceased to be an earthquake-prone building under section 133AZAA(2) after undergoing facade risk mitigation.	
	<i>Exception for former earthquake-prone buildings that have completed required remediation</i>	5
(3)	If this subsection applies to a building, the requirements in subsection (1) must, to the extent that they relate to structural performance in relation to earthquakes, be treated as met in relation to an element of the building if that element was remediated as part of the building's seismic work.	
	<i>Exception for current and former register-only earthquake-prone buildings</i>	10
(4)	If this subsection applies to a building, the requirements in subsection (1) do not apply to the extent that they relate to structural performance in relation to earthquakes.	
7	Subpart 6A of Part 2 replaced	
	Replace subpart 6A of Part 2 with:	15
	Subpart 6A—Special provisions for earthquake-prone buildings	
	<i>Application and interpretation</i>	
	133AA Outline	
(1)	Sections 133AB to 133AF relate to interpretation and define the key terms used in this subpart.	20
(2)	Sections 133AG to 133AO set out the procedures to be followed in identifying potentially earthquake-prone and earthquake-prone buildings, and priority buildings.	
(3)	Sections 133AP to 133AR set out the circumstances in which buildings cease to be earthquake-prone as a result of the 2025 amendment Act <u>Building (Earthquake-prone Buildings) Amendment Act 2025</u> .	25
(4)	Sections 133AS and to 133AT provide for a review of the earthquake status of certain buildings in light of the changes made by the 2025 amendment Act <u>Building (Earthquake-prone Buildings) Amendment Act 2025</u> .	
(5)	Sections 133AU to 133ZG 133AZB provide for the remediation of earthquake-prone buildings.	30
(6)	Sections 133AZD to 133ZG 133AZF confer powers on territorial authorities in relation to earthquake-prone buildings.	
(7)	Section 133AZH creates offences.	
(8)	Sections 133AZI and 133AZJ provide for the issue <u>issuing</u> of a methodology to be used as a tool for identifying buildings within scope, earthquake-prone buildings, and potentially earthquake-prone buildings.	35

133AB Interpretation: building, and building within scope, and building type*Meaning of building*

- (1) In this subpart, **building** includes all buildings (within the meaning of sections 8 and 9) except the following:
- (a) a building that is used wholly or mainly for residential purposes (but *see* **subsection (2)**): 5
 - (b) a farm building (being a shed or other building that is located on a farm and used primarily for farming activities or an ancillary purpose):
 - (c) a stand-alone retaining wall (being a retaining wall that is not integral to the structure of a building): 10
 - (d) a fence:
 - (e) a monument (including a statue), unless the monument is capable of being entered by a person:
 - (f) a wharf:
 - (g) a bridge: 15
 - (h) a tunnel:
 - (i) a storage tank:
 - (j) a building that is a dam:
 - (k) a part of a building that is a dam.
- (2) Despite **subsection (1)(a)**, ~~a—~~ in this subpart, **building** includes a 20
building that—
- (a) ~~a building that~~ comprises 2 or more storeys; and
 - (b) either—
 - (i) is a hostel, boardinghouse, or other specialised accommodation; or
 - (ii) contains 3 or more household units. 25

Meaning of building within scope

- (3) In this subpart, **building within scope** means a building—
- (a) that is in a medium or high seismic zone; and
 - (b) ~~in respect of~~ to which either of the following applies:
 - (i) it is a tall building built using heavy materials that was designed before 1 January 1976 and is at least 3 storeys high and built of concrete or other heavy materials (as explained in the EPB methodology); or 30
 - (ii) ~~it is built of unreinforced masonry (as explained in the EPB methodology)~~ an unreinforced masonry building. 35

- (4) For the purposes of ~~sections 133S, 133T, and 133ZB~~ **section 133ASB** (which specifies how buildings that were registered as earthquake prone must be dealt with), **building within scope** also includes a building—
- (a) that is in a medium or high seismic zone; and
 - (b) ~~in respect of to~~ which both of the following apply:
 - (i) ~~it is a tall building built using heavy materials that was designed on or after 1 January 1976 and is at least 3 storeys high and built of concrete or other heavy materials (as explained in the EPB methodology):~~
 - (ii) it was completed before **1 July 2027**.
- (5) The following buildings are also a **building within scope**:
- (a) ~~a building that is designated as an earthquake-prone building under section 133AI while it remains designated as an earthquake-prone building:~~
 - (b) ~~a building described in subsection (4)(a) and (b) while its status as an earthquake-prone building is continued under section 133ASB(3)(a).~~
- Building types*
- (6) In this subpart,—
- (a) ~~a building is 1, 2, 3, or any other number of storeys high, as the case may be, if it satisfies the requirements specified in the EPB methodology for a building of its type to be considered to be that many storeys high (which may, without limitation, relate to the height of the building in storeys or in metres, or to the height of a component of the building, such as the building’s facade):~~
 - (b) **tall building built using heavy materials** means a building that—
 - (i) is at least 3 storeys high; and
 - (ii) includes 1 or more significant elements (for example, a roof or floor) that are built using concrete or other heavy materials (as those concepts are explained in the EPB methodology); and
 - (iii) satisfies the other criteria to be a tall building built using heavy materials specified in the EPB methodology (if any):
 - (c) **unreinforced masonry building** means a building that—
 - (i) has 1 or more exterior walls that are built of unreinforced masonry (as those concepts are explained in the EPB methodology); and
 - (ii) satisfies the other criteria to be an unreinforced masonry building specified in the EPB methodology (if any).

Compare: 2004 No 72-s-133A s 133AA

133C Meaning of earthquake-prone building

- (1) A building within scope is an **earthquake-prone building** if—
- (a) the building is located in a medium or high seismic zone; and
 - (b) either of the following applies:
 - (i) the building was designed before 1 January 1976 and is at least 3 storeys high and built of concrete or other heavy materials (as explained in the EPB methodology), and is evaluated, using the EPB methodology, as an earthquake-prone building; or
 - (ii) the building is built of unreinforced masonry (as explained in the EPB methodology) and is evaluated, using the EPB methodology, as an earthquake-prone building.
- (2) An **earthquake-prone building** also includes—
- (a) a building designated under **section 133I** as an earthquake-prone building; and
 - (b) for the purposes of **sections 133S, 133T, and 133ZB**, any building referred to in **section 133B(4)**—
 - (i) that is recorded in the EPB register as an earthquake-prone building; and
 - (ii) that is required by any of those sections to be treated as an earthquake-prone building.
- (3) Whether a building within scope is earthquake-prone is determined by the territorial authority in whose district the building is situated (*see sections 133I, 133O, and 133T*).

Compare: 2004 No 72 s 133AB

133AC Meaning of earthquake-prone building

- (1) A building is an **earthquake-prone building** if the building is,—
- (a) evaluated as earthquake prone using the EPB methodology; and
 - (b) designated as an earthquake-prone building under **section 133AI(6A) or 133AO(3)**.
- (2) A building is also an **earthquake-prone building** if—
- (a) its status as an earthquake-prone building is continued under **section 133ASB(3)(a) or (8)**; or
 - (b) it is required to be treated as an earthquake-prone building under **section 133AO(4)**.
- (3) Whether a building is earthquake prone is determined by the territorial authority in whose district the building is situated (*see sections 133AI and 133AO*).

Compare: 2004 No 72 s 133AB

133D Meaning of earthquake evaluation and required remediation measure

- (1) In this subpart, **earthquake evaluation**, in relation to a building within scope or another building, means any evaluation that the relevant territorial authority is required to make as to whether a building—
- (a) is a building within scope: 5
 - (b) is earthquake-prone:
 - (c) is a priority building:
 - (d) if earthquake-prone, should be subject to a required remediation measure and, if so, which measure.
- (2) In this subpart, **required remediation measure** means one of the following: 10
- (a) facade securing, as explained in the EPB methodology:
 - (b) a targeted retrofit, as explained in the EPB methodology:
 - (c) a full retrofit, as explained in the EPB methodology.
- (3) The decision as to whether a building within scope is earthquake-prone—
- (a) is made by a relevant territorial authority,— 15
 - (i) in the case of a building referred to in **section 133C(1)(b)(i)**, in accordance with the EPB methodology (*see section 133Z1*):
 - (ii) in the case of a building referred to in **section 133C(1)(b)(ii)** (an unreinforced masonry building), in accordance with the EPB methodology: 20
 - (iii) in the case of a building referred to in **section 133C(2)**, in accordance with the EPB methodology:
 - (b) must be specified on the EPB notice issued for the earthquake-prone building (if required) and recorded in the EPB register:
 - (c) determines the form of the EPB notice issued for the building within scope (if any) (*see section 401C(1)(a)*): 25
- (4) The determination of whether an earthquake-prone building should have a required remediation measure imposed, and, if so, which remediation measure,—
- (a) will depend on the EPB methodology; and 30
 - (b) may vary according to the area the building is in (for example, whether it is in an urban centre or outside an urban centre (*see subsection (5)*) and other considerations described in the methodology.
- (5) For the purposes of the determination referred to in **subsection (4)**,—
- (a) an earthquake-prone building that was designed before 1 January 1976 and is at least 3 storeys high and is made of concrete or other heavy materials (as explained in the EPB methodology) must have a targeted retrofit and be recorded in the EPB register: 35

- (b) ~~an unreinforced masonry building outside an urban centre—~~
- (i) ~~needs only to be recorded in the EPB register if the building is 1 or 2 storeys high; but~~
- (ii) ~~must undergo facade securing if the building is 3 or more storeys high:~~ 5
- (c) ~~an unreinforced masonry building in an urban centre must—~~
- (i) ~~undergo facade securing and be recorded in the EPB register if it is 1 or 2 storeys high:~~
- (ii) ~~have a full retrofit and be recorded in the EPB register if the building is 3 or more storeys high.~~ 10
- (6) ~~An unreinforced masonry building referred to in **subsection (5)(b)(i)** must undergo facade securing (as explained in the EPB methodology) before its details can be removed from the EPB register.~~
- (7) ~~For the purposes of this section, **urban centre** means any of the following described in Statistics New Zealand's *Functional urban areas—methodology and classification* (2021):~~ 15
- (a) ~~a metropolitan area:~~
- (b) ~~a large regional centre:~~
- (c) ~~a medium regional centre:~~
- ~~Compare: 2004 No 72 s 133AC~~ 20

133AD Required remediation measures

Meaning of required remediation measure

- (1) In this subpart, **required remediation measure** means one of the following:
- (a) **facade risk mitigation**, which mitigates the risk of injury or death posed by an earthquake causing building elements that are built of, or supported by, unreinforced masonry to fall onto an area outside the building by requiring the building's owner to carry out seismic work on or in relation to some or all of those elements (as those concepts are explained in the EPB methodology): 25
- (b) **a targeted retrofit**, which mitigates the risk of injury or death posed by an earthquake causing a building to fully or partially collapse by requiring the building's owner to carry out seismic work on or in relation to some or all of the structural deficiencies of the building that give rise to that risk (as those concepts are explained in the EPB methodology). 30
- (2) The details of what must be done to comply with a required remediation measure must be determined using the EPB methodology and may vary from building to building depending on the particular features of each building. 35

How earthquake-prone building's required remediation measure is determined

(3) **Subsections (4) to (7)** set out how the required remediation measure for an earthquake-prone building must be determined.

(4) The required remediation measure for an earthquake-prone building of a type specified in the first column of the table in **subsection (7)** depends on whether a building is located in an urban centre or outside an urban centre.

(5) If the building is located in an urban centre, the required remediation measure is specified in the second column of the table.

(6) If the building is located outside an urban centre, the required remediation measure is specified in the third column of the table.

(7) The table is as follows:

EPB type	Remediation if in urban centre	Remediation if outside urban centre
Unreinforced masonry building, 1 or 2 storeys high	Facade risk mitigation	No required remediation (but see section 133AZAA)
Unreinforced masonry building, 3 or more storeys high	Targeted retrofit	Facade risk mitigation
Tall building built using heavy materials	Targeted retrofit	Targeted retrofit

(8) For the purposes of this section, **urban centre**—

(a) means any of the following described in Statistics New Zealand's *Functional urban areas – methodology and classification* (2021):

(i) a metropolitan area's urban core and secondary urban cores;

(ii) a large regional centre's urban core and secondary urban cores;

(iii) a medium regional centre's urban core; and

(b) refers to those areas as they were delineated on 10 February 2021 (when the *Functional urban areas – methodology and classification* (2021) was published).

133AE Meaning of low, medium, and high seismic zones

(1) For the purposes of this subpart, the area in which a building is located is—

(a) in a **low seismic zone**, if the area it is in an area marked as seismically unrated no EPB requirements on the map in **Schedule 2A**; and

(b) in a **medium seismic zone**, if the area it is in an area marked as a medium seismic zone on the map in **Schedule 2A**; and

(c) in a **high seismic zone**, if the area it is in an area marked as a high seismic zone on the map in **Schedule 2A**.

(2) The chief executive must publish and maintain, on an internet site operated by or on behalf of the chief executive, a digital version of the map in **Schedule 2A** that is capable of being shows the boundaries of each territorial authority's

~~district and can be enlarged to a sufficient extent to indicate in which seismic zone an individual property is located.~~

- (3) The seismic zone of an area affects—
- (a) whether a territorial authority must apply the EPB methodology to identify earthquake-prone buildings in a particular zone; and
 - (b) the time frame within which a territorial authority must—
 - (i) apply the EPB methodology to identify buildings in the area that are potentially earthquake-prone (*see section 133AH*); and
 - (ii) report to the chief executive on its progress towards that objective; and
 - (c) the deadline for completing seismic work on ~~a building earthquake-prone buildings~~ in the area, ~~if it is subject to an EPB notice~~ (*see sections 133AV and 133AX*).

Compare: 2004 No 72 s 133AD

133AF Meaning of priority building

- (1) In this subpart, **priority building** means any of the following buildings that are located in a medium or high seismic zone:
- (a) an unreinforced masonry building, part of which could—
 - (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
 - (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under **section 133AG(3)(a)**;
 - (b) a building that a territorial authority has identified under **section 133AG(3)(b)** as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.
- (2) ~~If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building.~~
- (3) Whether a building is a priority building affects—
- (a) the deadline by which a territorial authority must identify whether the building is earthquake-prone (*see sections 133AH and 133AI*); and
 - (b) the deadline for completing seismic work on the building ~~or a part of the building if it is subject to an EPB notice~~ if it is an earthquake-prone building (*see section 133AV*).

Compare: 2004 No 72 s 133AE

*Identifying priority buildings***133AG Role of territorial authority in identifying certain priority buildings**

- (1) This section applies to a territorial authority whose district includes any area that is in a medium or high seismic zone.
- (2) However, this section does not apply in respect of any building that, immediately before the day after the ~~2025 amendment Act~~ Building (Earthquake-prone Buildings) Amendment Act 2025 received Royal assent, was in a low seismic zone. 5
- (3) The territorial authority,—
- (a) for the purpose of **section 133AF(1)(a)** (prioritising ~~parts of~~ unreinforced masonry buildings in a medium or high seismic zone), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare that is in a medium or high seismic zone and— 10
- (i) onto which parts of an unreinforced masonry building could fall in an earthquake; and 15
- (ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of ~~those parts of the~~ unreinforced masonry buildings referred to in **subparagraph (i)**; and
- (b) for the purpose of **section 133AF(1)(b)** (prioritising a building in a medium or high seismic zone that could impede a strategic transport route),— 20
- (i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but 25
- (ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.
- (4) However, a territorial authority is not required to act under **subsection (3)(a)** if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in **subsection (3)(a)(i) and (ii)**. 30
- (5) If a territorial authority is required by **subsection (3)(a)** or decides under **subsection (3)(b)** to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under **section 133AH(5)** for identifying buildings within scope in its district that are potentially earthquake-prone and buildings that are priority buildings. 35

Compare: 2004 No 72 s 133AF

Identifying potentially earthquake-prone buildings during applicable time frame

133AH Territorial authority must identify potentially earthquake-prone buildings within applicable time frame

- (1) This section applies to a territorial authority in respect of any building in its district that was or is a building within scope (within the meaning of **section 133AB(3)**)—
- (a) on or after 1 July 2017 but before **1 July 2027**; or
- (b) on or after **1 July 2027**.
- (2) However, this section does not apply in relation to any building that, on the day after the ~~2025~~ amendment Act Building (Earthquake-prone Buildings) Amendment Act 2025 received Royal assent, was in a low seismic zone.
- (3) The territorial authority must, within the applicable time frame ~~under specified in subsection (5)~~, apply the EPB methodology to buildings to which this section applies to identify buildings that are potentially earthquake-prone.
- (4) Until the end of the applicable time frame, a territorial authority must report to the chief executive on its progress towards identifying buildings to which this section applies that are potentially earthquake-prone as follows:
- (aa) if the whole of the district is a new medium seismic zone, 3 years; or
- (a) if the district includes ~~a~~ any other medium seismic zone, but no high seismic zone, every 2 years; or
- (b) if the district includes a high seismic zone, every year.
- (5) The **applicable time frame** is the period commencing ~~on the commencement date (as determined in accordance with subsection (6))~~ 1 July 2017 (the commencement date) and ending on,—
- (aa) for a new medium seismic zone, the expiry of 15 years after the commencement date:
- (a) for ~~each~~ every other medium seismic zone, the expiry of the following period after the commencement date:
- (i) 5 years for priority buildings; and
- (ii) 10 years for other buildings; and
- (b) for each high seismic zone, the expiry of the following period after the commencement date:
- (i) 2 years and 6 months for priority buildings; and
- (ii) 5 years for other buildings.
- (6) ~~The commencement date for every deadline that started running before 1 July 2027 is the same date that would have applied when the Building~~

~~(Earthquake-prone Buildings) Amendment Act 2016 came into force (see **clause 21** of Schedule 1AA for transitional provisions).~~

- (6) In this section, **new medium seismic zone** means an area that—
- (a) was in a low seismic risk zone at any time between 1 July 2017 and the date of Royal assent for the Building (Earthquake-prone Buildings) Amendment Act **2025** (including on those dates); but
 - (b) is in a medium seismic risk zone after the date of Royal assent for the Building (Earthquake-prone Buildings) Amendment Act **2025**.

Compare: 2004 No 72 s 133AG

Identifying buildings after expiry of applicable time frame

133AI Territorial authority may identify certain buildings after expiry of applicable time frame

- (1) This section applies in respect of any building—
 - (a) in a medium seismic zone or a high seismic zone; and
 - (b) that was designed on or after 1 January 1976; and
 - (c) on which construction was completed before **1 July 2027**; and
 - (d) that is a tall building built using heavy materials 3 or more storeys high and built of concrete or other heavy materials (as explained in the EPB methodology).
- (2) After the end of the applicable time frame (as defined in **section 133AH(5)**), a territorial authority may, if it has reason to suspect that a building within its district to which this section applies may be earthquake-prone, identify the building as earthquake-prone, but may do so only—
 - (a) by applying the EPB methodology; and
 - (b) if the building meets the criteria to be earthquake prone under that methodology for an earthquake-prone building.
- (3) After making an identification under **subsection (2)**, the territorial authority must—
 - (a) notify the owner of the building in writing—
 - (i) of the identification; and
 - (ii) that the owner has a specified period to comment on the identification (being a period of not less than 20 working days); and
 - (b) consider the matters ~~contained~~ in the owner's response (if any); and
 - (c) if it wishes to designate the building as an earthquake-prone building, consult refer the proposed designation to the chief executive on whether they agree that the building be designated an earthquake-prone building for confirmation that the building may be designated as such.

- (4) ~~As soon as practicable after receiving a consultation request under **subsection (3)**, the chief executive must decide—~~
- ~~(a) whether they agree with the authority’s identification and the designation of the building as earthquake-prone; and~~
 - ~~(b) whether a required remediation measure should be imposed, and the details of that measure.~~ 5
- (4) As soon as practicable after receiving a referral under **subsection (3)(c)**, the chief executive must—
- (a) consider whether the territorial authority has complied with **subsection (3)(a) and (b)**; and 10
 - (b) determine the referral by—
 - (i) agreeing to the proposed designation, if the chief executive is satisfied that the territorial authority has complied with **subsection (3)(a) and (b)**; or
 - (ii) refusing to agree to the proposed designation, if the chief executive is not satisfied that the territorial authority has complied with **subsection (3)(a) and (b)**. 15
- (5) ~~The chief executive must not give their agreement to the proposed designation unless satisfied that the territorial authority has complied with **subsection (3)(a) and (b)**.~~ 20
- (6) ~~The chief executive must notify the territorial authority whether they agree to the authority designating territorial authority’s proposal to designate the building as an earthquake-prone building.~~
- (6A) If the chief executive agrees to the proposed designation, the territorial authority must— 25
- (a) decide whether to designate the building as an earthquake-prone building; and
 - (b) if it decides to designate the building as such,—
 - (i) issue an EPB notice for the building under **section 133AU**; and
 - (ii) record the details of the decision in the EPB register, and update other information in the EPB register as necessary. 30
- (7) ~~The A territorial authority may designate a building as an earthquake-prone building under this section only if the chief executive ~~gives their agreement to that designation~~ agrees to the territorial authority’s proposal to designate the building as an earthquake-prone building. 35~~
- (8) ~~The applicable required remediation measure for a building designated under this section as earthquake-prone is the same as would have applied to a building designed before 1 January 1976, and **sections 133D and 133U to 133ZJ** and the other provisions of this subpart, to the extent that they relate to the completion of, exemption from, or non-compliance with, the required~~ 40

remediation measure apply accordingly, with any necessary modifications, as if the building were a building within scope.

- (9) ~~The designation of the building as an earthquake-prone building has no legal effect until the date on which the territorial authority designates the building as an earthquake-prone building.~~

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Engineering evaluation required for tall buildings built using heavy materials identified under section 133AH

133AJ Territorial authority must request engineering evaluation of certain potentially earthquake-prone buildings

- (1) ~~If a territorial authority conducting an earthquake evaluation that is identifying buildings that are potentially earthquake prone under **section 133AH** identifies a building as having been designed before 1 January 1976, being at least 3 storeys high and constructed of concrete or other heavy materials (as explained in the EPB methodology), and a tall building built using heavy materials that was designed before 1 January 1976 as being potentially earthquake-prone, the territorial authority must ask the owner of the building to provide an engineering evaluation of the building.~~

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- (2) The request must—

- (a) be in writing; and
- (b) be dated; and
- (c) identify the building that the territorial authority has identified as potentially earthquake-prone; and
- (d) explain the basis on which the territorial authority has identified the building as potentially earthquake-prone; and
- (e) explain the owner's obligations under **section 133AK**; and
- (f) state whether the building is a priority building; and
- (g) state the due date for the engineering evaluation, which must be 12 months after the date of the request; and
- (h) explain that if the owner is not reasonably able to provide an engineering evaluation by the due date (for example, because of a shortage of people qualified to conduct engineering evaluations), the owner may apply under **section 133AL** for an extension of up to 12 months; and
- (i) explain the consequences of the owner failing to provide the engineering evaluation by the due date; and
- (j) explain what will happen if the territorial authority determines that the building is earthquake-prone.

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Compare: 2004 No 72 s 133AH

133AK Obligations of owners on receiving request for engineering evaluation

(1) If a territorial authority asks the owner of a building to provide an engineering evaluation of the building under **section 133AJ**, the owner must, by the due date for the engineering evaluation (which may be extended under **section 133AL**),—

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- (a) provide to the territorial authority an engineering evaluation of the building that complies with the requirements of the EPB methodology; or
- (b) provide to the territorial authority evidence of a factual error in the basis on which the territorial authority has identified the building as potentially earthquake-prone; or
- (c) notify the territorial authority that the owner does not intend to provide an engineering evaluation.

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(2) If a territorial authority is satisfied that it has incorrectly identified a building ~~or a part of a building~~ as potentially earthquake-prone, the territorial authority must cancel the request for an engineering evaluation and give the owner of the building ~~or part~~ written notice of that fact.

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Compare: 2004 No 72 s 133AI

133AL Owners may apply for extension of time to provide engineering evaluation

(1) This section applies if—

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- (a) a territorial authority asks the owner of a building to provide an engineering evaluation of the building under **section 133AJ**; and
- (b) the owner is unable to provide an engineering evaluation by the due date.

(2) The owner may, no later than 2 months before the due date, apply to the territorial authority for an extension of up to 12 months from the due date.

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(3) The territorial authority must deal with the application promptly by—

- (a) granting the extension and notifying the owner in writing of the revised due date for the engineering evaluation; or
- (b) declining the extension and notifying the owner in writing that the extension has not been granted.

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(4) A territorial authority must not extend the due date for an engineering evaluation more than once.

Compare: 2004 No 72 s 133AJ

Evidence or information required when suspected unreinforced masonry building identified under section 133AH

133AM Territorial authority must request evidence or information about masonry buildings that may be earthquake-prone

- (1) If a territorial authority ~~conducting an earthquake evaluation that is identifying~~ buildings that are potentially earthquake prone under **section 133AH** identifies what is suspected to be an unreinforced masonry building that is potentially earthquake-prone, the territorial authority must ask the owner of the building to provide evidence or information about the building. 5
- (2) The request must— 10
- (a) be in writing; and
 - (b) be dated; and
 - (c) identify the building that the territorial authority has identified as potentially earthquake-prone; and
 - (d) explain the basis on which the territorial authority has identified the building as potentially earthquake-prone; and 15
 - (e) explain the owner's obligations under **section 133AN**; and
 - (f) state the due date for providing the information or evidence, which must be 6 months after the date of the request; and
 - (g) state whether the building is a priority building; and 20
 - (h) explain the consequences of the owner failing to provide evidence or information by the due date; and
 - (i) explain what will happen if the territorial authority determines that the building is earthquake-prone.

133AN Obligations of owners on receiving information or evidence or information request under section 133AM 25

- (1) If a territorial authority asks the owner of what is suspected to be an unreinforced masonry building to provide evidence or information about the building under **section 133AM**, the owner must, by the due date under **section 133AM(2)(f)**,— 30
- (a) provide to the territorial authority evidence or information about the earthquake status of the building; or
 - (b) provide to the territorial authority evidence of a factual error in the basis on which the territorial authority has identified the building as potentially earthquake-prone; or 35
 - (c) notify the territorial authority that the owner does not intend to provide evidence or information about the building.

- (2) If a territorial authority is satisfied that it has incorrectly identified a building as potentially earthquake-prone, the territorial authority must cancel the request for evidence or information and give the owner written notice of that fact.

Compare: 2004 No 72 s 133AI

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Determination of whether building identified under section 133AH is earthquake prone

133AO Territorial authority must determine whether building is earthquake-prone

- (1) If a territorial authority receives an engineering evaluation of a building, or evidence ~~and or information about~~, a building in response to a request made under **section 133AJ or 133AM**, the territorial authority must determine, ~~in accordance with the EPB methodology,~~— 10
- (a) in accordance with the EPB methodology, whether the building is earthquake-prone; and 15
- (b) if the building is earthquake-prone, the required remediation measure for the building (if any) (see section 133AD).
- (2) If the territorial authority determines that the building is not earthquake-prone, the territorial authority must promptly notify the owner of the building in writing of its decision. 20
- (3) If the territorial authority determines that the building is earthquake-prone, the territorial authority must promptly—
- (aa) designate the building as an earthquake-prone building; and
- (a) issue an EPB notice for the building under **section 133AU**; and 25
- (b) record the details of the decision in the EPB register, and update any other information in the EPB register as necessary.
- (4) If a territorial authority asks the owner of a building ~~or a part of a building~~ to provide an engineering evaluation of the building under **section 133AJ** or for evidence ~~and or information~~ under **section 133AM**, and either does not receive it by the due date or is notified that the owner does not intend to provide it by the due date,— 30
- (a) the territorial authority—
- (i) must proceed as if it had determined the building to be earthquake-prone; and
- (ii) need not determine whether the building is earthquake-prone; and 35
- (b) this Act applies as if the territorial authority had ~~determined the building to be~~ designated the building as an earthquake-prone building.

*Cessation of earthquake-prone building status as result of 2025-amendment
Act Building (Earthquake-prone Buildings) Amendment Act 2025*

133AP Earthquake-prone buildings in low seismic zones cease to be earthquake-prone buildings

If, before this section comes into force, a building or a part of a building was an earthquake-prone building but on that date the area in which the building is located is in, or becomes part of, a low seismic zone,— 5

- (a) the building or part of the building ceases to be an earthquake-prone building; and
- (b) the relevant territorial authority must— 10
 - (i) notify the owner of the building or part of the building that it has ceased to be an earthquake-prone building; and
 - (ii) remove the details of the building or relevant part of the building from the EPB register; and
 - (iii) remove, or authorise the owner of the building or relevant part of the building to remove, the any EPB notice or EPB exemption notice that is attached on or adjacent to their the building. 15

133AQ Certain other buildings cease to be earthquake-prone buildings

- (1) This section applies if, before ~~this section comes into force~~ **1 July 2027**, a building or part of a building was an earthquake-prone building but on or after that date the relevant territorial authority decides that the building— 20
 - (a) is not ~~3 or more storeys high and built of concrete or other a tall building built using heavy materials (as explained in the EPB methodology)~~; or
 - (b) is not ~~built of an unreinforced masonry (as explained in the EPB methodology) building~~. 25
- (2) The building or part of the building ceases to be an earthquake-prone building and the relevant territorial authority must—
 - (a) notify the owner of the building or part of the building that it has ceased to be an earthquake-prone building; and
 - (b) remove the details of the building or relevant part of the building from the EPB register; and 30
 - (c) remove, or authorise the owner to remove, the any EPB notice or EPB exemption notice that is attached on or adjacent to their the building. 35

133AR Certain buildings cease to be priority buildings

- (1) This section applies if, before **1 July 2027**, a building was a priority building because it qualified as a priority building under section 133AE(1)(a) to (d) (as it read before **1 July 2027**) but, on or after that date, the relevant territorial authority decides that the building is no longer a priority building because it 35

does not satisfy the criteria to be a priority building under **section 133AF(1)(a) or (b)**.

- (2) The building ceases to be a priority building and the relevant territorial authority must—
- (a) notify the owner of the building that it has ceased to be a priority building; and 5
 - (b) amend the details of the building in the EPB register and adjust the deadline for completion of seismic work in the EPB register, as necessary; and
 - (c) re-issue an EPB notice under **section 133AU**, if necessary. 10

Review of building status in light of 2025 amendment Act Building (Earthquake-prone Buildings) Amendment Act 2025

133AS Territorial authorities must ~~identify~~ update earthquake status of certain buildings in low seismic zones

- (1) As soon as is reasonably practicable after, and within 3 months of, the commencement of this section, each territorial authority whose district includes an area that is in a low seismic zone must ~~identify each building in that zone that is recorded in the EPB register as an earthquake-prone building and remove the details of each building from the register.~~ 15
- (a) identify each building in that zone that is recorded in the EPB register as an earthquake-prone building; and 20
 - (b) take the steps specified in **section 133AP(b)** in relation to the building.
- (2) As soon as ~~practicable after 1 July 2027,~~ each territorial authority whose district includes an area that is in a medium or high seismic zone must—
- (a) ~~identify each building in either of those zones that is recorded in the EPB register as an earthquake-prone building or a priority building but is not—~~ 25
 - (i) ~~a building within scope; or~~
 - (ii) ~~still a priority building; and~~
 - (b) ~~identify each building in either of those zones that is recorded in the EPB register as an earthquake-prone building or a priority building and is—~~ 30
 - (i) ~~a building within scope; or~~
 - (ii) ~~still a priority building; and~~
 - (e) ~~evaluate each building—~~ 35
 - (i) ~~described in **paragraph (a)** as not earthquake-prone or not a priority building, or both, as the case requires;~~

- (ii) ~~described in **paragraph (b)** as earthquake-prone or a priority building or both, as the case requires.~~
- (2) If a territorial authority fails to do the things specified in **subsection (1)(a) and (b)** by the end of the 3-month period specified in **subsection (1)**, the territorial authority must finish doing those things as soon as possible after the end of the 3-month period. 5
- (3) The decision under **subsection (2)** must be made—
- (a) ~~under **section 133Q or 133R**, as the case requires, and in accordance with the provisions of this subpart as they read on and after **1 July 2027**; and~~ 10
- (b) ~~on the basis of information held by the authority; and there is no need for the authority to make any inquiries or consider submissions before making the decision.~~
- (3) (See also **section 133AP(a)**, which provides that a registered earthquake-prone building in a low seismic zone ceases to be an earthquake-prone building on the day that that section and this section come into force). 15
- (4) ~~If, as a result of the decision required by **subsection (2)**, the relevant territorial authority decides that the building is not a building within scope or is not a priority building, or both,—~~
- (a) ~~the building ceases to be an earthquake-prone building or a priority building, or both, as the case requires; and~~ 20
- (b) ~~the relevant territorial authority must—~~
- (i) ~~notify the owner of the building that it has ceased to be an earthquake-prone building or a priority building, or both, as the case requires; and~~ 25
- (ii) ~~remove or amend the details of the building and update the deadlines for completing seismic work in the register for earthquake-prone buildings, accordingly.~~
- (5) ~~If at the close of **30 June 2027** a building is classified as an earthquake-prone building and does not cease to hold that status as a result of a decision under **subsection (2)**, it continues to be an earthquake-prone building unless the relevant territorial authority changes its status, on application by the owner or otherwise, under **section 133ZB** or otherwise.~~ 30
- (6) ~~The obligations imposed on a territorial authority by this section are separate from, and in addition to, the obligations imposed on that authority by **section 133H**.~~ 35

Compare: 2004 No 72 s 133AK

133ASA Territorial authorities may review existing strategic transport routes

- (1) This section applies if, at the time this section commences, a territorial authority has identified 1 or more buildings as priority buildings because they have 40

- the potential to impede a transport route of strategic importance (a **strategic transport route**) if they were to collapse in an earthquake.
- (2) The territorial authority may review whether a strategic transport route in its district, in respect of which a priority building has been identified, should continue to be a strategic transport route on and after **1 July 2027**. 5
- (3) A review under this section—
- (a) must be carried out using the special consultative procedure in section 83 of the Local Government Act 2002; and
- (b) must be completed before **1 July 2027**; and
- (c) may be carried out even if the applicable time frame for identifying buildings as potentially earthquake prone under **section 133AH(5)** has elapsed. 10
- (4) If a review under this section relates to a strategic transport route that is a State highway, the territorial authority carrying out the review must also—
- (a) consult the New Zealand Transport Agency about whether the route should continue to be a strategic transport route; and 15
- (b) take its views into account when deciding how the route should be dealt with.
- (5) If, as a result of a review under this section, a territorial authority decides that a route should cease to be a strategic transport route for the purposes of this sub-part,— 20
- (a) the route ceases to be a strategic transport route on **1 July 2027**; and
- (b) the territorial authority must take the route's change in status into account when determining whether buildings in its district are still priority buildings under **section 133ASB(1)(c)**. 25
- (6) A review under this section may not identify new strategic transport routes.
- (7) In this section, **State highway** has the meaning given to it by section 5(1) of the Land Transport Management Act 2003.
- 133ASB Territorial authorities must determine and update earthquake status of buildings in medium and high seismic zones** 30
- Evaluation of buildings in medium and high seismic zones*
- (1) As soon as is reasonably practicable after, and within 3 months of, **1 July 2027**, each territorial authority whose district includes an area that is in a medium or high seismic zone must—
- (a) identify each building in either of those zones that is recorded in the EPB register as an earthquake-prone building or a priority building; and 35
- (b) determine whether each building that is recorded as an earthquake-prone building is a building within scope (see **section 133AB(3) and (4)**); and
and

- (c) determine whether each building that is recorded as a priority building is still a priority building (see **section 133AF**).
- (2) A decision under **subsection (1)(b) or (c)** may be made on the basis of information held by the territorial authority, and the territorial authority does not need to make inquiries or consider submissions before making its decision. 5
- What happens if building is building within scope*
- (3) If a building is determined to be a building within scope,—
- (a) the building continues to be an earthquake-prone building unless the relevant territorial authority subsequently changes its status (whether under **section 133AZB** or otherwise); and 10
- (b) the territorial authority must—
- (i) notify the owner of its decision; and
- (ii) take the steps specified in **section 133AT** in relation to the building.
- What happens if building is not building within scope* 15
- (4) If the building is determined not to be a building within scope,—
- (a) the building ceases to be an earthquake-prone building; and
- (b) the territorial authority must take the steps specified in **section 133AQ(2)** in relation to the building.
- What happens if building is priority building* 20
- (5) If the building is determined to be a priority building,—
- (a) the building continues to be a priority building; and
- (b) the territorial authority must notify the owner of its decision.
- What happens if building is not priority building*
- (6) If the building is determined not to be a priority building,— 25
- (a) the building ceases to be a priority building; and
- (b) the territorial authority must take the steps specified in **section 133AR(2)** in relation to the building.
- What happens if territorial authority runs out of time*
- (7) If a territorial authority fails to do the things specified in **subsection (1)(a), (b), and (c)** by **1 October 2027**, the territorial authority must finish doing those things as soon as possible after **1 October 2027**. 30
- Status of buildings during evaluation*
- (8) If, at the close of **30 June 2027**, a building is classified as an earthquake-prone building, it continues to hold that status until the relevant territorial authority makes a decision about the building under **subsection (1)(b)** (or until the territorial authority otherwise determines the building should cease to 35

be an earthquake-prone building, if the territorial authority makes that decision before it makes its decision under **subsection (1)(b)**.

Other obligations to identify earthquake-prone buildings continue to apply

- (9) The obligations imposed on a territorial authority by this section are separate from, and in addition to, the obligations imposed on the territorial authority by **section 133AH**. 5

Territorial authorities must make further decisions on certain matters

133T Relevant territorial authority must determine whether certain buildings to which this subpart applies are earthquake-prone or priority buildings

- (1) ~~If a relevant territorial authority decides, under **section 1330, 133S, or 133ZB**, that a building to which this subpart applies remains an earthquake-prone building, the territorial authority must determine, in accordance with the EPB methodology and the other relevant criteria,—~~ 10
- (a) ~~whether the building is also a priority building; and~~
- (b) ~~whether a remediation measure is required, and, if so, the particular remediation measure that must be undertaken.~~ 15
- (2) ~~If the territorial authority determines that the building is not earthquake-prone, the territorial authority must promptly notify the owner of the building in writing of its decision.~~
- (3) ~~If the territorial authority determines that the building is earthquake-prone and requires a particular remediation measure to be undertaken, the territorial authority must promptly—~~ 20
- (a) ~~issue an EPB notice for the building under **section 133U**; and~~
- (b) ~~record the details of the decision in the EPB register and update other information in the EPB register as necessary (for example, any change in the deadline for completion of seismic work); and~~ 25
- (c) ~~notify the owner of its decision.~~
- (4) ~~If the territorial authority decides that a building is earthquake-prone but no remediation measure is required, it must record the details of the decision in the EPB register and update other information in the EPB register as necessary.~~ 30

133AT What territorial authority must do after deciding registered earthquake-prone building is building within scope

- (1) This section applies if a territorial authority determines, under **section 133ASB(1)(b)**, that a building recorded as an earthquake-prone building is a building within scope. 35
- (2) The territorial authority must do the following things in relation to the building:
- (a) determine whether the building has a required remediation measure and, if it does, what that measure is (*see section 133AD*); and

- (b) issue an EPB notice for the building under **section 133AU**; and
- (c) update the information about the building in the EPB register to—
- (i) record the territorial authority’s determination under **section 133ASB(1)(b)** in relation to the building;
- (ii) record the building’s required remediation measure (or that the building does not have a required remediation measure);
- (iii) reflect any other relevant changes (for example, a change to the deadline for completion of seismic work if the building has ceased to be a priority building); and
- (d) remove, or authorise the owner of the building to remove, any EPB notice or EPB exemption notice that is attached or adjacent to the building (but see **section 133AZA(1)**, which requires an EPB warning sign to be attached on or adjacent to an earthquake-prone building).

Remediation of earthquake-prone buildings

133AU Territorial authority must issue EPB notice for earthquake-prone buildings

- (1) This section applies if—
- (a) a territorial authority makes any of the following decisions:
- (i) ~~designating a building as earthquake-prone under **section 133I**;~~
- (ii) ~~determining under **section 133S** or clause 2 of Schedule 1AA that a building within scope is earthquake-prone;~~
- (iii) ~~revoking an exemption under **section 133W(5)**;~~
- (iv) ~~revoking an extension under **section 133Y(3)**;~~
- (v) ~~determining under **section 1330, 133S, 133T, or 133ZB** that the earthquake evaluation of a building within scope that is already subject to an EPB notice gives the building a different status from the earthquake evaluation (if any) of the building that is stated in the earlier notice or the EPB register; or~~
- (b) ~~**section 133Y(4)** applies.~~
- (1) This section applies if a territorial authority makes any of the following decisions:
- (a) a decision designating a building as an earthquake-prone building under **section 133AI**;
- (b) a decision determining that a building is earthquake prone under **section 133AO**;
- (c) a decision determining that a building is a building within scope under **section 133ASB(1)(b)**;

- (d) a decision determining that a building within scope is earthquake prone under clause 2 of Schedule 1AA:
- (e) a decision revoking an exemption under **section 133AW(5)**:
- (f) a decision that requires a building’s EPB notice to be reissued to update information in the EPB notice, including the following decisions: 5
 - (i) a decision that an earthquake-prone building is no longer a priority building under **section 133ASB(1)(c)**:
 - (ii) a decision to grant an extension under **section 133AX(4)** or to revoke an extension under **section 133AX(4B)**:
 - (iii) a decision that an earthquake-prone building’s required remediation measure has changed under **section 133AZB(2)**. 10
- (2) The territorial authority must promptly issue an EPB notice, which must—
 - (a) be dated; and
 - (b) ~~be in the prescribed form; and~~
 - (c) identify the building determined to be earthquake-prone; and 15
 - (d) specify whether the building is a priority building; and
 - (e) state whether the owner is required to carry out a remediation measure, and the details of that measure; and
 - (f) state the deadline for completing any required seismic work (*see **sections 133AV, 133AX, 133AY, and 133AZ***); and 20
 - (g) state that the owner of the building may apply under **section 133AW** for an exemption from a requirement to carry out seismic work; and
 - (h) if the building is a building to which **section 133AX** applies, state that the owner may apply under that section for an extension of time to complete seismic work; and 25
 - (i) state that the owner is not required to complete seismic work if the territorial authority determines or is satisfied, in accordance with **section 1330, 133S, 133T, or 133ZB**, that the building is not, or is no longer, earthquake-prone, or that **section 133AD**, that there is no required remediation measure; for the building; and 30
 - (j) if the building has no required remediation measure because it is a 1- or 2-storey-high unreinforced masonry building that is outside an urban centre (*see **section 133AD***), state that the building may be removed from the EPB register if it undergoes facade risk mitigation (*see **section 133AZAA***). 35
- (3) The territorial authority must give a copy of the notice to—
 - (a) the owner; and

(b)	every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 2017; and	
(c)	every person claiming an interest in the land that is protected by a caveat lodged and in force under section 138 of the Land Transfer Act 2017; and	5
(d)	every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and	
(e)	Heritage New Zealand Pouhere Taonga if the building is a heritage building.	10
(4)	However, the notice is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (3) . Compare: 2004 No 72 s 133AL	
	133AV Deadline for completing seismic work	15
(1)	The deadline for the completion of the required seismic work is the expiry of whichever of the following periods is applicable, as measured from the date of the first EPB notice issued for the earthquake-prone building (rather than any replacement EPB notice):	
(a)	in a medium seismic zone, 12 years and 6 months for a priority building and 25 years for any other earthquake-prone building; and	20
(b)	in a high seismic zone, 7 years and 6 months for a priority building and 15 years for any other earthquake-prone building.	
(2)	However,—	
(a)	if clause 2 of Schedule 1AA applies to the building or the part of the building , the deadline is the deadline determined in accordance with that clause; and	25
(b)	if the building is an earthquake-prone building for which 1 or more extensions are granted under section 133AX , the deadline is the expiry of the period of the extension or extensions, as measured from the date the extension or extensions are approved.	30
(3)	<u>If a building's deadline for completion of seismic work was automatically extended by section 133AMA or 133AMB(5) (as those sections read before the commencement of this section), the period of that automatic extension must be added to the deadline that would otherwise apply under subsection (1) or (2).</u> Compare: 2004 No 72 s 133AM	35

133AW ~~Owner may apply for exemption~~ Exemptions from requirement to carry out seismic work

- (1) The owner of an earthquake-prone building ~~that is subject to an EPB notice~~ may apply to a territorial authority for an exemption from the requirement to carry out seismic work on the building. 5
- (2) An application must be in writing and must be accompanied by any fee imposed by the territorial authority under section 219.
- (3) The relevant territorial authority must deal with the application promptly by doing one of the following:
- (a) if the territorial authority is satisfied that the building has the prescribed characteristics (*see* section 401C(1)(b)),— 10
 - (i) granting the exemption and issuing an EPB exemption notice; and
 - (ii) recording the details of the exemption in the EPB register and updating other information in the EPB register as necessary; or
 - (b) if not so satisfied, declining the exemption and notifying the owner in writing that the exemption has not been granted. 15
- (4) An EPB exemption notice must—
- (a) identify the earthquake-prone building ~~that is subject to an EPB notice~~; and
 - (b) state that the owner is exempt from the requirement to carry out seismic work on the building ~~or part of the building~~; and 20
 - (c) give the territorial authority's reasons for granting the exemption.
- (5) The territorial authority may review an exemption at any time, and may revoke it if satisfied that the particular building no longer has the prescribed characteristics. 25
- (6) An exemption stays in force until the territorial authority revokes it.
- (7) As soon as practicable after revoking an exemption, a territorial authority must—
- (a) reissue an EPB notice under **section 133AU** for the building; and
 - (b) record the details of the revocation in the EPB register and update other information in the EPB register as necessary. 30

Compare: 2004 No 72 s 133AN

133AX ~~Owners of certain buildings may apply for extension~~ Extensions of time to complete seismic work

- (1) This section applies to a building ~~that is earthquake-prone if the building is subject to an EPB notice~~ that is an earthquake-prone building. 35
- (2) ~~The owner of the building may apply to the relevant territorial authority for an extension of time to complete seismic work on the building.~~

Extensions may be granted on application or when exemption is revoked

- (2) The relevant territorial authority must consider whether to grant an extension of time to complete seismic work on the building if—
- (a) the owner of the building applies to the territorial authority for an extension of time; or
 - (b) the territorial authority revokes an exemption under **section 133AW** that applies to the building.

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Requirements for extension applications

- (3) An application referred to in **subsection (2)(a)** must be in writing and must be accompanied by any fee imposed by the territorial authority under section 219.

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Extension decisions

- (4) The territorial authority may, by notice in writing to the owner, extend by up to 15 years the deadline for completing seismic work that applies under **section 133AV**.

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(4A) If the territorial authority grants an extension, the owner of the building must comply with any conditions imposed by the territorial authority for the purpose of managing or reducing the risks associated with the building.

(4B) If the owner fails to comply with **subsection (4A)**, the territorial authority may revoke the extension.

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(4C) As soon as practicable after granting or revoking an extension, a territorial authority must—

- (a) reissue an EPB notice under **section 133AU** for the building; and
- (b) record the grant or revocation of the extension in the EPB register and update other information in the EPB register, as necessary.

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Extensions must not cumulatively exceed 15 years

- (5) If the extension is for a period of less than 15 years, the owner may apply under this section for 1 or more further extensions, but no more than a maximum total period of 15 years in extensions under this section may be granted in respect of a particular building.

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133AY Considerations ~~to be taken into account~~ territorial authority must have regard to when deciding to grant extensions to deadlines

- (1) ~~In~~ When considering whether to grant any extension under **section 133AX**, and the length of any extension, the relevant territorial authority must have regard to—
- (a) the ownership structure of the building;
 - (b) the applicable required remediation measure;
 - (c) any steps already taken to plan for or carry out the required seismic work:

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- (d) whether the building is a priority building:
- (da) the heritage status of the building (if any):
- (e) the deadline for the completion of the required remediation measure.
- (2) ~~If the territorial authority grants an extension, the owner of the building must comply with any conditions imposed by the territorial authority for the purposes of managing or reducing the risks associated with the building.~~ 5
- (3) ~~If the owner fails to comply with **subsection (2)**, the territorial authority may revoke the extension.~~
- (4) ~~As soon as practicable after granting or revoking an extension, a territorial authority must—~~ 10
- (a) ~~reissue an EPB notice under **section 133U** for the building; and~~
- (b) ~~record the grant or revocation of the extension in the EPB register and update other information in the EPB register, as necessary.~~
- 133AZ Applications under section 133AX may be made after deadline expiry in some circumstances** 15
- (1) The owner of a building may apply for an extension under ~~**section 133X**~~ **133AX(2)(a)** if the deadline for completing the seismic work expires before the commencement of this section.
- (2) However, if the deadline expires on or after the commencement of this section, no application under ~~**section 133X**~~ **133AX(2)(a)** for an extension may be made after the expiry of that deadline. 20
- (3) If an extension is granted in the circumstances described in **subsection (1)**, the period during which the seismic work must be completed runs from the date the extension is granted.
- 133AZAA Voluntary remediation of earthquake-prone building with no required remediation measure** 25
- (1) This section applies to a building if—
- (a) the building is an earthquake-prone building that has no required remediation measure because it is a 1- or 2-storey-high unreinforced masonry building that is outside an urban centre (see **section 133AD**); and 30
- (b) the building undergoes facade risk mitigation; and
- (c) the relevant territorial authority is satisfied that all the building work required for that voluntary remediation measure is complete.
- (2) If this section applies,—
- (a) the building ceases to be an earthquake-prone building; and 35
- (b) the relevant territorial authority must—
- (i) notify the owner of the building that it has ceased to be an earthquake-prone building; and

- (ii) remove the details of the building from the EPB register; and
- (iii) remove, or authorise the owner to remove, any EPB warning sign that is attached on or adjacent to the building.
- 133AZA ~~EPB notices and EPB exemption notices~~ EPB warning signs to be attached to earthquake-prone buildings** 5
- (1AA) This section applies if—
- (a) a territorial authority issues an EPB notice or EPB exemption notice for an earthquake-prone building; and
- (b) one of the following applies:
- (i) the building does not have an EPB warning sign: 10
- (ii) the building’s EPB warning sign needs to be updated to reflect the contents of the EPB notice or EPB exemption notice.
- (1) ~~As soon as practicable after issuing an the EPB notice or an EPB exemption notice for an earthquake-prone building, the territorial authority must—~~
- (aa) issue an EPB warning sign to the owner of the building; and 15
- (a) ~~attach, or require the owner of the building to attach, the notice~~ EPB warning sign in a prominent place on or adjacent to the building; and
- (b) ~~remove, or authorise the owner of the building to remove, any superseded EPB notice or EPB exemption notice~~ EPB warning sign that is attached on or adjacent to the building. 20
- (2) ~~**Subsection (1)** does not apply if there is no required remediation measure for the building, and the territorial authority must remove, or authorise the owner of the building to remove, any EPB notice or EPB exemption notice that is attached or adjacent to the building.~~
- (3) ~~If an EPB notice or an EPB exemption notice~~ EPB warning sign ceases to be attached in a prominent place on or adjacent to an earthquake-prone building, or becomes illegible,— 25
- (a) ~~the owner of the building or the part of the building to which the notice~~ EPB warning sign relates must notify the territorial authority of that fact; and 30
- (b) ~~the territorial authority must issue a replacement notice~~ EPB warning sign; and
- (e) ~~**subsection (1)** applies to the replacement notice.~~
- (c) ~~**subsection (1)(a) and (b)** applies to the replacement notice.~~ EPB warning sign. 35
- (4) ~~**Subsection (3)** does not apply if the removal of the notice~~ EPB warning sign is authorised by or under this subpart.
- (5) An EPB warning sign issued under this section must—

- (a) be in the form specified by the chief executive; and
- (b) contain the information specified by the chief executive.

Compare: 2004 No 72 s 133AP

133AZB Territorial authority may assess information relating to earthquake-prone building status at any time

5

(1) This section applies if, at any time, the owner of ~~a building that is subject to an EPB notice or an EPB exemption notice~~ an earthquake-prone building sends to the relevant territorial authority ~~either or both of the following—:~~

- (a) evidence about the earthquake-prone status of the building together with a request that the territorial authority review the building’s status; or
- (b) a request for a decision on whether the territorial authority to review whether a required remediation measure is required needed for the building or which required remediation measure is required should apply to the building.

10

(2) As soon as practicable after receiving ~~evidence about the earthquake-prone status of the building or whether a remediation measure is required for the building under this section~~ a request referred to in **subsection (1)(a) or (b)**, the territorial authority must ~~determine, in accordance with the EPB methodology,—~~

15

- (a) whether the building is earthquake-prone; and
- (b) if the building is earthquake-prone, whether a required remediation measure should be imposed or confirmed and continued.

20

(a) for a request referred to in **subsection (1)(a)**, determine, in accordance with the EPB methodology, whether the building is earthquake prone; and

25

(b) for a request referred to in **subsection (1)(b)**, determine, in accordance with **section 133AD** and the EPB methodology,—

- (i) whether a required remediation measure should be imposed or confirmed and continued; and
- (ii) if a new remediation measure is imposed, the details of that measure; and
- (iii) if an existing remediation measure is confirmed and continued, whether any of the details of the measure should change.

30

(3) If the territorial authority ~~determines or is satisfied~~ that the building is not earthquake-prone (whether because of the completion of seismic work or otherwise), the territorial authority must promptly—

35

- (a) notify the owner in writing of its decision; and
- (b) if the building is already subject to an EPB notice or an EPB exemption notice,—

- (i) remove the details of the building from the EPB register; and
- (ii) remove, or authorise the owner to remove, any EPB notice or, EPB exemption notice, or EPB warning sign attached on or adjacent to the building.
- (4) If the territorial authority identifies that the building within scope is earthquake-prone or the building is required to be treated under this subpart as determines the building is, or is required to be treated as, earthquake-prone, the territorial authority must promptly— 5
- (a) notify the owner in writing; and
- (b) if the building is not already subject to an EPB notice, issue an EPB notice for the building under **section 133AU**; and 10
- (c) if the building is already subject to an EPB notice,—
- (i) if the required remediation measure has changed or no remediation measure is required, reissue an EPB notice under **section 133U** for the building; and 15
- (ii) if the required remediation measure for the building has not changed, notify the owner in writing of that fact; and
- (i) determine whether it is necessary to reissue the EPB notice to update any of the details in the notice; and
- (ii) if it is, reissue the EPB notice under **section 133AU**; and 20
- (d) record the details of the decision in the EPB register and update other information in the EPB register as necessary.
- (4A) If the territorial authority makes a determination about the required remediation measure for the building, the territorial authority must promptly—
- (a) notify the owner in writing; and 25
- (b) if the remediation the building requires changes as a result of the determination, reissue the building's EPB notice under **section 133AU** to record those changes.
- (5) Despite **subsections (1) to (4) (4A)**, a territorial authority may not, under this section, identify a building as earthquake-prone a building that if it has not previously been identified as earthquake-prone. 30

Compare: 2004 No 72 s 133AQ

133ZC Certain buildings may not be identified as earthquake-prone

- (1) This section applies to a building that—
- (a) was designated as an earthquake-prone building on or after 1 July 2006; and 35
- (b) was subsequently determined to be no longer an earthquake-prone building (whether because of the completion of seismic work or otherwise) and was removed from the EPB register; and

(e)	has not subsequently been the subject of new information received by the territorial authority that would justify a reassessment of the building's earthquake-prone status.	
(2)	A territorial authority may not designate a building to which this section applies as an earthquake-prone building.	5
	<i>Powers of territorial authorities in respect of earthquake-prone buildings</i>	
	133AZD Territorial authority may impose safety requirements	
(1)	If a territorial authority determines that a building in its district is earthquake-prone and requires a designates a building as an earthquake-prone building and imposes a required remediation measure, the territorial authority may do any or all of the following:	10
(a)	put up a hoarding or fence to prevent people from approaching the building nearer than is safe:	
(b)	attach in a prominent place, on or adjacent to the building, a notice that warns people not to approach the building:	15
(c)	issue a notice that complies with subsection (2) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.	
(2)	A notice issued under subsection (1)(c) —	
(a)	must be in writing; and	20
(b)	must be fixed to the building in question; and	
(c)	must be given in the form of a copy to the persons listed in section 133AU(3) ; and	
(d)	may be issued for a period of up to 30 days; and	
(e)	may be reissued, but not more than once, for a further period of up to 30 days.	25
(3)	However, a notice issued under subsection (1)(c) , if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons listed in section 133AU(3) .	
(4)	If, in relation to a building, a territorial authority has put up a hoarding or fence under subsection (1)(a) or attached a notice under subsection (1)(b) , no person may, other than in accordance with the terms of a notice issued under subsection (1)(c) ,—	30
(a)	use or occupy the building; or	
(b)	permit another person to use or occupy the building.	35
	Compare: 2004 No 72 s 133AR	

133AZE Territorial authority may carry out seismic work

- (1) This section applies if seismic work on a ~~building that is earthquake-prone and subject to an EPB notice~~ an earthquake-prone building is not completed by the deadline that applies under **section 133AV, 133AX, ~~133Y, or 133AZ~~** or is not proceeding with reasonable speed in the light of that deadline. 5
- (2) The relevant territorial authority may apply to the District Court for an order authorising the territorial authority to carry out seismic work on the building.
- (3) Before the territorial authority applies to the District Court under **subsection (2)**, the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so. 10
- (4) If a territorial authority carries out seismic work on a building under the authority of an order made under **subsection (2)**,—
- (a) the owner is liable for the costs of the work; and
 - (b) the territorial authority may recover those costs from the owner; and
 - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out. 15
- (5) Seismic work authorised to be done under this section may include the demolition of an earthquake-prone building.

Compare: 42004 No 72 s 133AS

133AZF ~~General alterations~~ Alterations to earthquake-prone buildings subject to EPB notice 20*Alterations to earthquake-prone buildings*

- (1) This section applies instead of section 112 in relation to an application for a building consent for the alteration of a ~~an earthquake-prone building that is subject to an EPB notice~~. 25
- (2) A building consent authority must not grant a building consent for the alteration of a building unless the building consent authority is satisfied that,—
- (a) after the alteration, the building will comply as nearly as reasonably practicable with the provisions of the building code that relate to—
 - (i) means of escape from fire; and 30
 - (ii) access and facilities for persons with disabilities (if this is a requirement in terms of section 118); and
 - (b) after the alteration, the building will,—
 - (i) if it complied with other provisions of the building code immediately before the building work began, continue to comply with those provisions; or 35
 - (ii) if it did not comply with the other provisions of the building code immediately before the building work began, continue to comply at least to the same extent as it did then comply; and

(c) in the case of a substantial alteration, the alteration includes the necessary seismic work.

(2A) **Subsection (2)** is subject to **subsections (3) and (3A)**.

Alterations that include necessary seismic work and other building work

(3) ~~Despite **subsection (2)(a)**, If the proposed alteration includes the necessary seismic work and other building work, the relevant territorial authority—~~ 5

(a) may, by written notice to the owner of the building, ~~notify the owner of the specified—specify 1 or more of the provisions of the building code relating to means of escape from fire and access and facilities for persons with disabilities (if this is a requirement in terms of section 118) referred to in **subsection (2)(a)** and allow the alteration of the building without the building complying with those the specified provisions if the territorial authority is satisfied that,—~~ 10

(i) ~~the alteration includes the necessary seismic work; and~~
 (ii) if the building were required to comply with the specified provisions, it would be unduly onerous for the owner in the circumstances; and 15

(iii) the permitted non-compliance with the specified provisions is no more than is reasonably necessary in the light of the objective of ensuring that the building complies with any required remediation measure; and 20

(iv) after the alteration, the building will continue to comply with the specified provisions, and other provisions of the building code, to at least the same extent as it complied with those provisions immediately before the building work began; and 25

(b) when making the decisions required by **paragraph (a)(ii) and (iii)**, must take into account the matters (if any) prescribed under section 401C(1)(d).

Alterations that only include necessary seismic work

(3A) If the proposed alteration includes only the necessary seismic work for the building, the relevant territorial authority may allow the alteration of the building if the territorial authority is satisfied that, after the alteration, the building will continue to comply with the provisions of the building code referred to in **subsection (2)(a) and (b)** to at least the same extent as it complied with those provisions immediately before the building work began. 30 35

(3B) When deciding whether to allow a proposed alteration under **subsection (3A)**, a territorial authority—

(a) must—
 (i) have regard to the provisions of the building code referred to in **subsection (2)(a)**; and 40

- (ii) draw those provisions to the attention of the owner; but
- (b) must not refuse to allow the alteration on the basis of non-compliance with the building code provisions referred to in **subsection (2)(a)** if the territorial authority is satisfied that the building will continue to comply with those provisions to the extent required by **subsection (3A)**. 5
- (4) In this section, **substantial alteration** means an alteration that the territorial building consent authority is satisfied meets the criteria prescribed in regulations made under section 401C(1)(c).
- Compare: 2004 No 72 s 133AT
- ~~133ZG Seismic work alteration to buildings subject to EPB notice~~** 10
- (1) ~~This section applies instead of section 112 or **133ZF** in relation to an application for a building consent for the alteration of a building that is subject to an EPB notice if, and only if, the alteration proposed in the application for the building consent is only in relation to the necessary seismic work for the building that is subject to an EPB notice.~~ 15
- (2) The relevant territorial authority—
- (a) ~~must, by written notice to the owner of the building, notify the owner of the provisions of the building code relating to means of escape from fire and access and facilities for persons with disabilities but must allow the alteration of the building without the building complying with those provisions if the territorial authority is satisfied that—~~ 20
- (i) ~~the alteration includes only the necessary seismic work; and~~
- (ii) ~~after the alteration, the building will,—~~
- (A) ~~if it complied with the other provisions of the building code immediately before the building work began, continue to comply with those provisions; or~~ 25
- (B) ~~if it did not comply with the other provisions of the building code immediately before the building work began, continue to comply at least to the same extent as it did then comply:~~ 30
- (b) ~~must consider the provisions of the building code relating to means of escape from fire and facilities for persons with disabilities, and draw them to the attention of the owner, but must not require the owner to comply with them.~~

Offences

133AZH Offences in relation to earthquake-prone buildings

Failure to complete seismic work

- (1) The owner of an earthquake-prone building ~~that is subject to an EPB notice~~ who fails to complete seismic work on the building by the deadline that applies under **section 133AV, 133AX, ~~133Y,~~ or 133AZ**— 5
- (a) commits an offence; and
 - (b) is liable on conviction,—
 - (i) in the case of an individual, to a fine not exceeding \$300,000;
 - (ii) in the case of a body corporate, to a fine not exceeding \$1,500,000. 10

Failures relating to EPB notices or EPB exemption notices warning signs

- (2) A person commits an offence if— 15
- (a) a territorial authority requires the person to attach an ~~EPB notice or an EPB exemption notice~~ warning sign on or adjacent to a building under **section 133AZA**; and
 - (b) the person—
 - (i) fails to attach the ~~notice~~ sign in accordance with that section; or
 - (ii) attaches the ~~notice~~ sign otherwise than in accordance with that section. 20
- (3) A person commits an offence if— 25
- (a) the person is required under **section 133AZA(3)(a)** to notify the territorial authority when an ~~EPB notice or an EPB exemption notice~~ warning sign ceases to be attached on or adjacent to a building or becomes illegible; and
 - (b) the person fails to notify the territorial authority in accordance with that section.
- (4) A person who commits an offence under **subsection (2) or (3)** is liable on conviction,— 30
- (a) in the case of an individual, to a fine not exceeding \$50,000;
 - (b) in the case of a body corporate, to a fine not exceeding \$150,000.

Failure to comply with safety requirements

- (5) A person who fails to comply with **section 133AZD(4)** commits an offence and is liable on conviction— 35
- (a) to a fine not exceeding \$200,000; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence continues.

Compare: 2004 No 72 s 133AU

Methodology for identifying earthquake-prone buildings (EPB methodology) 5

133AZI Chief executive must set methodology for identifying earthquake-prone buildings (EPB methodology) and appropriate required remediation measure

- (1) The chief executive must set a methodology for identifying earthquake-prone buildings (the **EPB methodology**) that specifies how territorial authorities are to— 10
- (a) identify the buildings within scope or the buildings that should be treated as potentially earthquake-prone; and
- (b) identify whether a building within scope or a potentially earthquake-prone building is earthquake-prone and, if it is, any required remediation measure; and 15
- (c) identify the types of buildings that can or cannot be designated as earthquake-prone buildings; and
- (d) identify building features or characteristics to be used to identify earthquake-prone buildings. 20
- (2) The methodology—
- (a) may specify buildings within scope or classes of buildings within scope that are earthquake-prone; and
- (b) may specify a method of identifying buildings within scope or classes of buildings within scope that are, or are potentially, earthquake-prone buildings; and 25
- (c) must specify the requirements for an engineering evaluation of a building within scope or a building that is, or is potentially, earthquake-prone; and
- (d) must specify how a territorial authority may use engineering or other tests completed before the commencement of this section to determine whether a building within scope is, ~~earthquake-prone or is potentially,~~ earthquake-prone; and 30
- (e) may specify technical information to enable territorial authorities to identify the particular requirements of the appropriate remediation measure for an earthquake-prone building ~~or a priority building~~; and 35
- (f) may specify how a required remediation measure can be met.
- (3) The chief executive must set the methodology no later than 6 months after the commencement of this section.

- (4) The methodology may incorporate material by reference in accordance with sections 405 to 413.
- (5) The chief executive may amend or replace the methodology at any time.
- (6) If the chief executive amends or replaces the methodology, **section 133AZJ** applies in respect of the amendment or replacement with any necessary modifications. 5
- (7) As soon as practicable after the chief executive has set the EPB methodology, the chief executive must notify territorial authorities that the methodology has been set.
- (8) An instrument setting the EPB methodology under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
- Compare: 2004 No 72 s 133AV
- 133AZJ Consultation requirements for setting EPB methodology**
- (1) Before setting the EPB methodology, the chief executive must do everything reasonably practicable on their part to consult territorial authorities and any other persons or organisations that appear to the chief executive to be representative of the interests of persons likely to be substantially affected by the setting of the methodology. 15
- (2) The process for consultation should, to the extent practicable in the circumstances, include— 20
- (a) giving adequate and appropriate notice of the intention to set the methodology; and
- (b) giving a reasonable opportunity for territorial authorities and other interested persons to make submissions; and 25
- (c) giving adequate and appropriate consideration to submissions.
- (3) A failure to comply with this section does not affect the validity of the methodology.
- Compare: 2004 No 72 s 133AW
- 8 ~~Section 133A renumbered and amended (Dams to which subpart 7 provisions apply)~~** 30
- (1) ~~Renumber section 133A as section 133ZK.~~
- (2) ~~In section 133A(1), replace “133B” with “**133ZL**”.~~
- 8 Section 222 amended (Inspections by territorial authority)**
- In section 222(1)(b)(iii), replace “or a part of the building is earthquake prone or potentially earthquake prone” with “is a building within scope, earthquake prone, or potentially earthquake prone.”. 35

9 Section 133B renumbered (Measurement of dams)

Renumber section 133B as section 133ZL.

9 Section 274 amended (Purpose of registers)

In section 274(a)(iab), replace “buildings or parts of buildings that territorial authorities have determined to be earthquake prone” with “earthquake-prone buildings”. 5

10 Section 275A amended (Content of EPB register)

- (1) In section 275A(1), delete “or part of a building”.
- (1) In section 275A(1), replace “building or part of a building that a territorial authority determines is earthquake prone” with “earthquake-prone building”. 10
- (1A) In section 275A(1)(a), replace “that made the decision” with “whose district the building is in”.
- (2) In section 275A(1)(b), delete “or the part of the building determined to be earthquake prone”.
- (3) In section 275A(1)(d), delete “or part”. 15
- (4) After section 275A(1)(d), insert:
- (da) the basis on which the building is a building within scope (for example, whether it is an unreinforced masonry building):
- (5) Replace section 275A(1)(e) with:
- (e) whether there is a required remediation measure for the building, and, if so, what it is: 20
- (6) In section 275A(1)(f), replace “section 133AM, 133AMA, 133AMB, or 133AMC” with “**section 133AV or 133AX**”.
- (7) In section 275A(1)(f), replace “section 133AN” with “**section 133AW**”.
- (8) In section 275A(1)(g), replace “section 133AN” with “**section 133AW**”. 25
- (9) In section 275A(1)(h), replace “section 133AO” with “**section 133AX**”.
- (10) In section 275A(1)(h), replace “section 133AO(5)(b)” with “**section 133Y(2) 133AX(4A)**”.
- (11) Repeal section 275A(2).
- (11) Replace section 275A(2) with: 30
- (2) If the territorial authority is proceeding under **section 133AO(4)** as if it had determined the building to be earthquake prone and designated it as an earthquake-prone building, the register must contain a statement to the effect that the territorial authority has not determined whether the building is earthquake prone, but is proceeding as if it were an earthquake-prone building because the owner has not provided an engineering assessment or evidence or information (as applicable). 35

- 10A Section 381 amended (District Court may grant injunctions for certain continuing breaches)**
- In section 381(1)(ba), delete “or a part of a building”.
- 11 Section 401C amended (Regulations: earthquake-prone buildings)**
- (1) In section 401C(1)(a), replace “section 133AL” with “**section 133AU**”. 5
- (2) Repeal section 401C(1)(a)(i).
- (3) ~~In section 401C(1)(a)(ii), delete “or parts of buildings in each earthquake ratings category”.~~
- (3) Repeal section 401C(1)(a)(ii).
- (4) In section 401(C)(1)(a)(iii), delete “or a part of a building”. 10
- (5) Replace 401C(1)(b) with:
- (b) prescribe the age, construction type, use, level of occupancy, location in relation to other buildings or building types, and any other characteristics that a building must have for a territorial authority to grant an exemption under **section 133AW** from the requirement to carry out seismic work on the building: 15
- (6) In section 401C(1)(c), replace “purpose of section 133AT(2)(c)” with “purposes of **section 133AZF(4)**”.
- (7) Replace 401C(1)(d) with:
- (d) prescribe the matters that a territorial authority must take into account when making the evaluations required by ~~**section 133ZF(3)(b)**~~ **133AZF(3)(a)(ii) and (iii)** (for the purpose of deciding whether to allow the alteration of a building that is subject to an EPB notice ~~an earthquake-prone building~~ without complying with specified provisions of the building code): 20
- 12 Schedule 1AA amended**
- In Schedule 1AA,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- 13 New Schedule 2A inserted** 30
- After Schedule 2, insert the **Schedule 2A** set out in **Schedule 2** of this Act.

Part 2 Amendments to other legislation

Amendment to Building (Dam Safety) Regulations 2022

14 **Principal regulations**

Section 15 amends the Building (Dam Safety) Regulations 2022. 5

15 **Regulation 6 amended (Height of dam)**

In regulation 6, replace “section 133B” with “**section 133ZL**”.

Amendments to Building (Infringement Offences, Fees, and Forms) Regulations 2007

16 **Principal regulations**

Section 17 amends the Building (Infringement Offences, Fees, and Forms) Regulations 2007. 10

17 **Schedule 1 amended**

(1) In Schedule 1, item relating to s 133AU(1), replace “s 133AU(1)” with “**s 133AZH(1)**”. 15

(2) In Schedule 1, item relating to s 133AU(2), replace “s 133AU(2)” with “**s 133AZH(2)**”.

(3) ~~In Schedule 1, item relating to s 133AU(2) of the Building Act 2004, delete “or EPB exemption notice”.~~

(3) In Schedule 1, item relating to s 133AU(2), replace “EPB notice or EPB exemption notice” with “EPB warning sign”. 20

(4) In Schedule 1, item relating to s 133AU(3), replace “s 133AU(3)” with “**s 133AZH(3)**”.

(4A) In Schedule 1, item relating to s 133AU(3), replace “EPB notice or EPB exemption notice” with “EPB warning sign”. 25

(5) In Schedule 1, item relating to s 133AU(5), replace “s 133AU(4)(5)” with “**s 133AZH(5)**”.

Amendments to Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

18 **Principal regulations**

Sections 19 18A to 24 amend the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. 30

18A Regulation 5 amended (Change the use: what it means)

In regulation 5, after “sections 114”, insert “, **114A**,”.

19	Regulation 7 revoked (Moderate earthquake and ultimate capacity defined) Revoke regulation 7.	
20	Regulation 8 revoked (Categories of earthquake ratings) Revoke regulation 8.	5
21	Regulation 9 amended (Form of EPB Notice) Replace regulation 9(2) with: (2) For each earthquake-prone building, the notice must be in the form of Schedule 3 (black text on white) and be international standard size A4.	
21	Regulation 9 revoked (Forms of EPB notice) Revoke regulation 9.	10
22	Regulation 10 amended (Exemption from requirement to carry out seismic work: required building characteristics) (1) In regulation 10(1), delete “or a part of a building”. (2) In regulation 10(1), replace “section 133AN” with “ section 133AW ”. (3) In regulation 10(1), delete “or part”. (4) In regulation 10(2), delete “or the part of the building”. (5) In regulation 10(2), delete “or part” in each place. (5A) In regulation 10(2)(e)(ii), delete “or part’s”. (6) In regulation 10(3), definition of strategic transport routes , replace “section 133AE(1)(f)” with “ section 133AG(3)(b) ”.	15
23	Regulation 11 amended (Alteration of building: what amounts to substantial alteration) (1) In regulation 11(1), replace “section 133AT(2)(c)” with “ section 133AZF(4) ”. (2) In regulation 11(1), delete “or a part of a building”. (3) In regulation 11(3), definition of current application , replace “section 133AT(1)” with “ section 133AZF(1) ”.	25
24	Schedule 3 replaced Replace Schedule 3 with the Schedule 3 set out in Schedule 3 of this Act.	30
24	Schedule 3 revoked Revoke Schedule 3.	

Schedule 1
New Part 6 inserted into Schedule 1AA

s 12

Part 6	
Provisions relating to Building (Earthquake-prone Buildings) Amendment Act 2025	5
18 Interpretation	
In this Part, unless the context otherwise requires,—	
2025–amendment Act means the Building (Earthquake-prone Buildings) Amendment Act 2025	10
commencement date means 1 July 2027 .	
19 Pending applications at commencement date	
(1) If any application is made under subpart 6A of Part 2 of this Act before the commencement date but has not been determined before that date, it must be determined under the corresponding provision or provisions of subpart 6A (as replaced by section 7 of the 2025–amendment Act).	15
(2) Without limiting subclause (1) ,—	
(a) an application for an exemption made under section 133AN before the commencement date but not determined before the commencement date must be determined under section 133AW ; and	20
(b) an application for an extension to a deadline made under section 133AO before the commencement date but not determined before the commencement date must be determined under section 133AX .	
20 Deadlines for previous low seismic risk zones <u>Existing deadlines for seismic work in new medium seismic zone unaffected</u>	25
(1) This clause applies to any area that at any time on or after 1 July 2017 but before the day after Royal assent of the 2025–amendment Act was in a low seismic risk zone but on and after that day is in a medium seismic zone <u>(the new medium seismic zone)</u> .	
(2) The deadlines and applicable time frame for identifying potentially earthquake-prone buildings or completing seismic work in an area to which this clause applies are those that applied under subpart 6A of Part 2 (as it read when inserted by the Building (Earthquake-prone Buildings) Amendment Act 2016) for buildings in an area of low seismic risk, even though the area is now in a medium seismic zone.	30
(2) <u>If a building in the new medium seismic zone was an earthquake-prone building immediately before the commencement date, section 133AV(1)(a)</u>	35

applies to the building as if the specified deadline for completion of required seismic work were 35 years (instead of 25 years).

21 Exemptions and extensions granted before ~~1 July 2027~~ commencement date

If, before ~~1 July 2027~~ the commencement date, an exemption was granted under section 133AN (as it then read) or an extension to a deadline was granted under section 133AO (as it then read),—

- (a) the exemption, if it has not been revoked, is deemed to have been granted under **section 133AW**;
- (b) the extension, if it has not expired, is deemed to have been granted under **section 133AX**, but only for the period for which it was granted under section 133AO.

22 Work already completed by territorial authorities under section 133AG need not be repeated

If a territorial authority has carried out any of its obligations under section 133AG (as it read before ~~1 July 2027~~ the commencement date), the territorial authority—

- (a) is not required to carry out the same obligations again under **section 133AH**; but
- (b) must carry out any obligations it has not completed under section 133AG before ~~1 July 2027~~ the commencement date, to the extent that it is required to do so by **section 133AH**, and must carry out obligations (whether of a continuing nature or otherwise) arising on or after ~~1 July 2027~~ the commencement date under **section 133AH**.

23 Building owners may elect to complete existing seismic improvements

(1) This clause applies if an EPB notice was issued in respect of a building before ~~1 July 2027~~ the commencement date and work has commenced on completing the required seismic work before that date.

(2) The owner may elect to—

- (a) seek an assessment of the building under **section 133AZB**; or
- (b) complete the work required under the existing EPB notice.

(3) If the building owner completes the work required under the EPB notice, the building ~~must be treated for all legal purposes as no longer earthquake-prone~~ ceases to be an earthquake-prone building and must be treated as if the work completed were the seismic work required to comply with the building's required remediation measure.

- 24 Regulations providing for transitional matters**
- (1) ~~The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations —~~
- (a) ~~providing transitional and savings provisions concerning the coming into force of the **2025** amendment Act that may be in addition to, or in place of, the transitional and savings provisions in this Part:~~ 5
 - (b) ~~providing that, subject to any conditions that may be specified in the regulations, during a specified transitional period, —~~
 - (i) ~~specified provisions of this Act (including definitions) do not apply:~~ 10
 - (ii) ~~specified terms have the meanings given to them by the regulations:~~
 - (iii) ~~specified provisions repealed, amended, or revoked by the **2025** amendment Act continue to apply:~~
 - (c) ~~providing for any other matters necessary for facilitating or ensuring an orderly transition from the provisions of any enactments replaced by the **2025** amendment Act.~~ 15
- (2) ~~No regulations made under this clause may be made, or continue in force, later than 2 years after the date of commencement of this clause.~~
- (3) ~~Regulations made under this clause are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).~~ 20

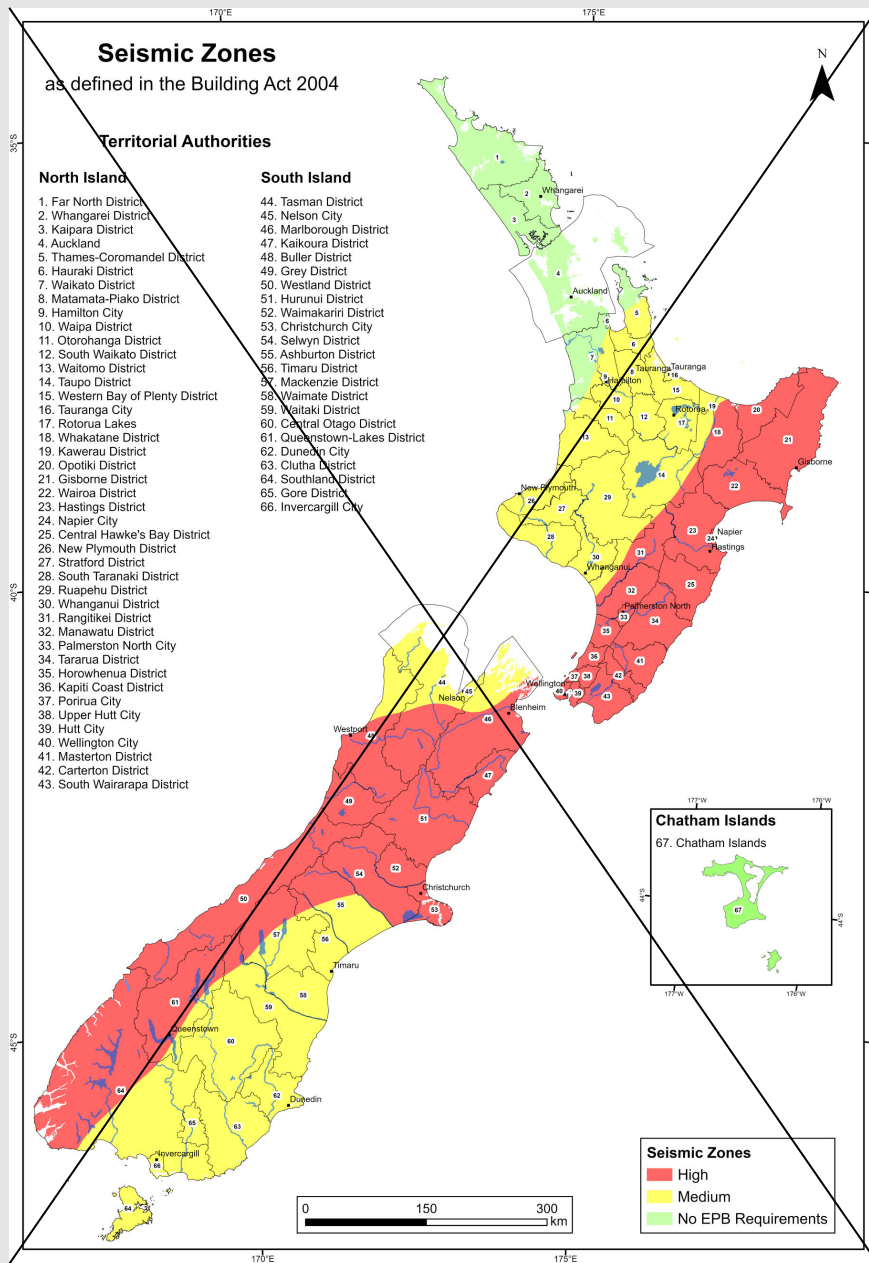
Schedule 2 New Schedule 2A inserted

s 13

Schedule 2A Map of low seismic zones, medium seismic zones, and high seismic zones in New Zealand

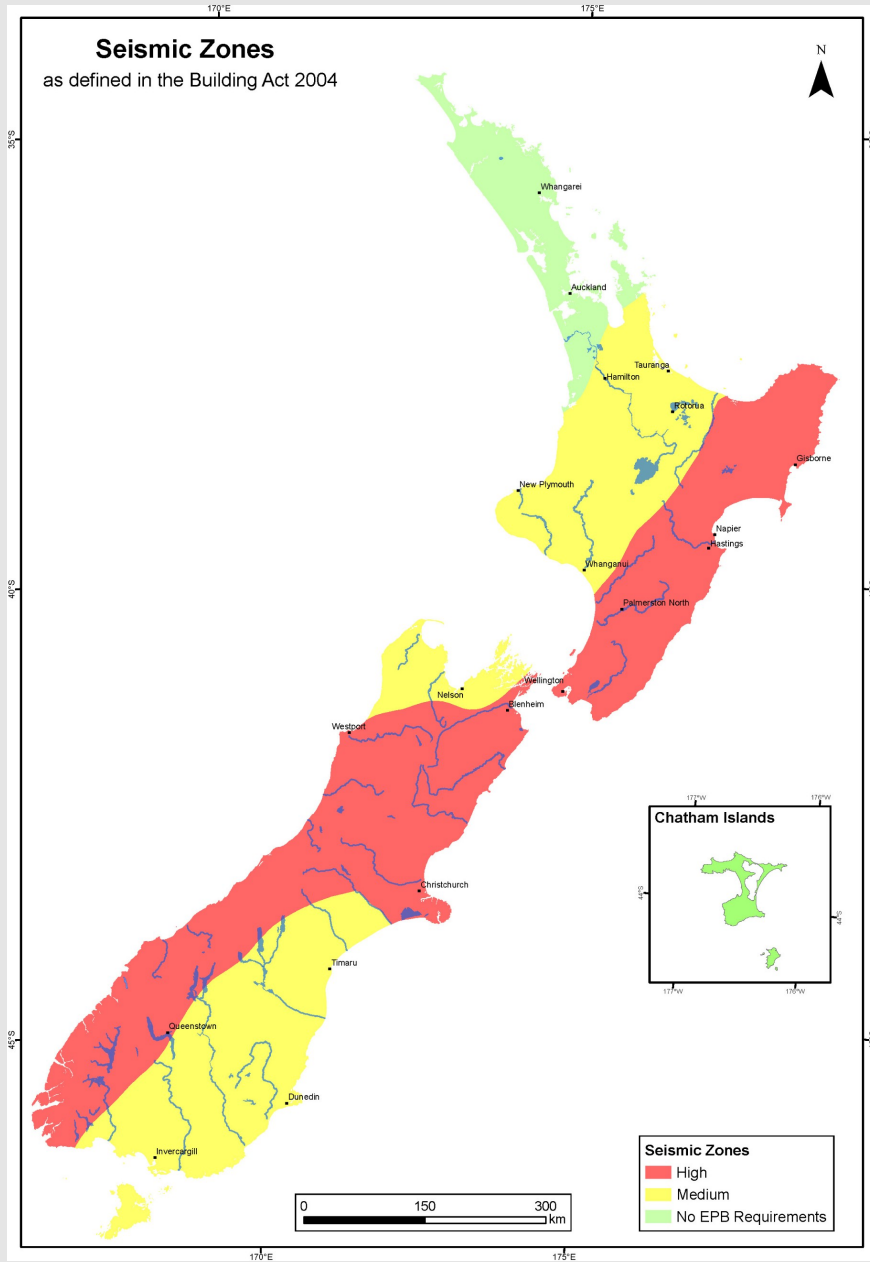
5

s 133E



Schedule 2A
Map of low seismic zones, medium seismic zones, and high seismic zones in New Zealand

s 133AE



Schedule 3
Schedule 3 of Building (Specified Systems, Change the Use, and
Earthquake-prone Buildings) Regulations 2005 replaced

s-24

Schedule 3
Form

5

r-9(2)

EPB notice

*Section 133U, Building Act 2004***Earthquake-prone building**

10

Notice under **section 133U** of the Building Act 2004

†*[Name of territorial authority]* has previously issued a written notice under section 124(2)(e)(i) of the Building Act 2004.

†Delete if inapplicable.

This notice is for the building situated at *[address]*, *[legal description of land where building is located]*.

15

Select the statement that applies.

*The building has been determined by *[name of territorial authority]* as earthquake-prone.

or

**[Name of territorial authority]* has not determined if the building is earthquake-prone (because the owner of the building has not provided an engineering evaluation of information or evidence, as the case requires), but is proceeding as if it had evaluated the building as earthquake-prone.

20

*Select one.

Select the statement that applies.

*The building is a priority building (as defined in **section 133F** of the Building Act 2004).

25

or

*The building is not a priority building (as defined in **section 133F** of the Building Act 2004).

*Select one.

The owner of the building is required to carry out building work to ensure that the building is no longer earthquake-prone (**seismic work**). The owner is required to complete seismic work by *[date]*.

30

The owner may apply to *[name of territorial authority]*, under **section 133W** of the Building Act 2004, for an exemption from the requirement to carry out seismic work. The building must have certain characteristics to be granted an exemption.

Omit the following statement if inapplicable.

The owner may apply to *[name of territorial authority]*, under **section 133X** of the Building Act 2004, for an extension of time to complete seismic work.

In the event that *[name of territorial authority]* determines or is satisfied, in accordance with **section 133T or 133ZB** of the Building Act 2004, that the building is not earthquake-prone, or that there is no required remediation measure, the owner is not required to complete seismic work.

Signature:

Position:

On behalf of: *[name of territorial authority]*

Date:

5

10

Legislative history

9 December 2025
16 December 2025

Introduction (Bill 238–1)
First reading and referral to Transport and Infrastructure
Committee