

Submission on the Building (Earthquake-prone Buildings) Amendment Bill

February 2026



Taituarā – Local Government Professionals Aotearoa welcomes the opportunity to submit on the Building (Earthquake-prone Buildings) Amendment Bill.

Taituarā would like to speak to the submission before the Select Committee.

1.0 Who is Taituarā?

Taituarā (Local Government Professionals Aotearoa) is Aotearoa New Zealand's leading membership network for professionals working in, and for, local government.

We represent just over 1,020 members across all 78 local authorities, including Chief Executives, managers, and staff. What unites Taituarā members is a shared commitment to professional excellence, collaboration, and care for the wellbeing of our communities.

Taituarā strengthens the local government sector by using our members insights and experience to contribute to public policy debate. We submit on legislation and regulations to provide perspectives on what works in practice and how policy can be implemented effectively.

Our focus is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of local authority management from advice and regulatory delivery to services, infrastructure, urban development and placemaking, community wellbeing, and climate resilience and mitigation.

Territorial authorities have statutory responsibilities under the Building Act, which includes identifying, managing, and monitoring earthquake-prone buildings (EPBs).

2.0 Our submission

Taituarā acknowledges the significant work undertaken by the Government to address longstanding concerns with the current framework that regulates earthquake-prone buildings. The proposed shift toward a more risk-based, proportionate, and operationally workable framework responds to issues repeatedly raised by councils, engineers, and building owners over a period. We welcome these changes and recognise them as a genuine effort to reduce regulatory overreach, improve national consistency, and ease unnecessary burdens on both owners and councils. Our feedback is offered in the same constructive spirit to help ensure the reforms can be implemented evenly across New Zealand.

3.0 Executive Summary

Taituarā supports the intent of the Building (Earthquake-prone Buildings) Amendment Bill and welcomes the shift toward a clearer, more risk-based, and proportionate regulatory framework. The reforms respond to challenges with the current system that have been well-recognised, including complexity, cost, and inconsistent implementation.

However, the Bill introduces substantial transitional and ongoing responsibilities for territorial authorities. These requirements are not fully costed in MBIE's Regulatory Impact Statement (RIS) and will require councils to undertake significant work to realign registers, notices, processes, and public-facing communications. Councils will also need to manage increased owner enquiries and to communicate to support consistent understanding across insurers, lenders, engineers, and the wider public of the changes. Taituarā would be pleased to assist the Committee in identifying practical solutions to these issues and in shaping guidance to support nationally consistent implementation.

MBIE's RIS indicates that transition activity will include delisting approximately 2,800 buildings, notifying around 2,400 owners of new obligations, and reviewing and updating records for about 5,200 buildings. The actual workload and cost will vary widely across the sector. Medium seismic areas and smaller authorities with limited capability will face the greatest pressures with resourcing challenges, leading to the associated risks of uneven implementation. Clear definitions, guidance, and transitional support will all help the Bill to achieve its intention.

To ensure the reforms are workable, nationally coherent, and aligned with the Bill's objectives, Taituarā seeks:

- clear statutory definitions for critical terms, and technical criteria within an updated EPB methodology.
- a practical, staged transition plan, including guidance on managing existing EPB notices and communicating changes to owners, insurers, and lenders.
- transitional funding or cost recovery mechanisms to avoid unfunded mandates and recognise the significant transition workload for councils.
- the ability for territorial authorities to continue to identify earthquake-prone buildings when new evidence arises (including pre-1976 stock).
- a national, risk-based approach to fire and accessibility upgrades alongside seismic work to ensure life safety is maintained, while keeping remediation practical and affordable for community facilities.

- national tools and templates to support consistent assessments, notices, and decision-making across all councils.
- MBIE-led training and technical support to build capability and ensure national consistency.

With these supports in place, local government will be well positioned to implement the new EQPB framework. Taituarā recommends legislative changes and the development of guidance to ensure the Building (Earthquake-prone Buildings) Amendment Bill is workable and implemented consistently. We hope the Select Committee will recommend our suggestions for guidance are progressed. We have identified these through the body of the submission.

5.0 Issues

The following sections set out key issues identified by local government, the sector position, and recommended actions to support consistent and workable implementation.

5.1 Transitional Costs, Resourcing, and Cost Recovery (Relevant clauses: new sections (133E-133H,133p-133S, 133X–133Y), Schedule 1AA Part 6 (cls 18-24)

The Bill creates substantial transitional and ongoing administrative responsibilities for councils, without providing funding or cost-recovery mechanisms. These arise not only from the formal transitional provisions (133X–133Y), but also from the revised identification and assessment framework (133E), changes to priority building settings (133F), engagement and notification requirements (133G), and the introduction of new seismic zone classifications and timeframes (133H). Together, these provisions create a substantial workload that councils must absorb as part of the shift to the revised risk-based system.

Territorial authorities will be required to reissue EPB notices, update the Register, administer extensions under new statutory criteria, and communicate changes. Councils must also reassess buildings affected by seismic zone changes and apply new definitions, criteria, and timeframes. These obligations create significant transitional and ongoing costs, which will not be evenly distributed across the sector.

Councils with established EPB functions and specialist capability will be better positioned to absorb the shift. Many territorial authorities, particularly those with older assessment records or without in-house engineering expertise, will face implementation challenges. Any transition plan should account for variability in readiness and provide support where it is required.

Several South Island councils have identified additional reassessment tasks triggered by the zone changes. Councils also cautioned that the Bill introduces new statutory functions which will lead to an expanded administration workload, including reissuing notices without clear cost-recovery mechanisms. Some larger centres will face scale-driven workloads. This is an unfunded mandate at a time when local government budgets are already under acute strain.

MBIE's RIS indicates territorial authorities will need to process approximately 5,200 buildings during transition. Without transitional funding, many councils will need to allocate additional resourcing through Long-Term Plan processes, despite severe fiscal constraints and rates-capping pressures.

Council responsibilities under the Bill (operational requirements)

Based on the policy settings and RIS, territorial authorities must complete at minimum the following tasks during transition:

- remove EPB status from approximately 2,800 buildings, including updates to registers and notification of owners.
- notify approximately 2,400 building owners of new remediation obligations under revised mitigation categories.
- reissue or update EPB notices for buildings remaining in scope, reflecting removal of %NBS and introduction of tiered mitigation pathways.
- update EPB Register records for affected buildings, including status, mitigation pathways, deadlines, notices, and extensions.
- administer an expanded extension regime, including assessment of evidence, statutory decision-making, recordkeeping, notification, and monitoring.
- manage owner enquiries and transition communications, including interactions with insurers, lenders, engineers, and property managers.
- apply new criteria and revised timeframes for seismic zone changes, particularly where areas are reclassified from LOW to MEDIUM.
- update internal systems, templates, and digital workflows to reflect new definitions, methodologies, and notice categories.
- train compliance, building, and customer-facing staff on new statutory requirements, assessment criteria, and public-facing messaging.

Sector-wide, these reforms represent a direct administrative cost, excluding system upgrades, staff training, communications, and legal review. Costs will fall unevenly across councils and are not currently recoverable. For many medium and high-seismic-risk authorities, this will equate to additional staff over a 2–3-year period, requiring resourcing through Long-Term Plan processes unless transitional support is provided.

Recommendations

- recognise transitional and ongoing resourcing impacts, including uneven regional effects and the additional administrative workload councils will face.
- establish clear cost-recovery provisions in the Bill (or provide funding support) for reissued notices, extension administration, and other transitional functions to avoid unfunded mandates.
- issue practical guidance covering communications, cost-recovery processes, and administrative expectations to support consistent implementation.

5.2 Priority Buildings – Removal of Hospitals and Emergency Facilities (Relevant clause: new section 133F)

Taituarā opposes the proposal to remove hospitals, emergency services, and emergency shelters from the priority building category. These facilities play a critical role in emergency response and recovery, and Taituarā is concerned that lowering their prioritisation would significantly weaken community resilience during seismic events.

If the Government intends to remove these facilities from the priority category, public-sector owners should be required to actively manage seismic risk to maintain emergency functionality.

Recommendations

- retain hospitals and emergency facilities within the priority building category.
- issue clear implementation guidance outlining expectations for maintaining emergency functionality, continuity of service, and minimum mitigation actions for these facilities.

5.3 Local vs National Decision-Making Roles (MBIE Determinations for Multi-Storey Buildings)

Decisions about whether buildings of three or more storeys are earthquake-prone should remain close to the communities they affect, rather than referred to a third party. Territorial authorities hold detailed local knowledge, for example councils often understand the specific construction history of buildings in their district, including where past alterations, undocumented structural weaknesses, or nearby ground condition issues that may influence seismic performance. This level of contextual insight supports efficient and well-informed assessments that could be harder to achieve through a centralised process. National consistency should instead be achieved through tools, guidance, and strengthened methodology developed tools, guidance, and strengthened methodology, rather than through MBIE making determinations on individual buildings. -condition issues may influence seismic performance. This level of contextual insight -developed tools, guidance, and strengthened methodology,

Recommendation

- retain territorial authorities as the primary decision-makers for determining whether buildings are earthquake-prone and amend sections 133I, 133ZI-133ZJ to ensure MBIE's role is limited to providing national tools, guidance, and strengthened methodology rather than making determinations on individual buildings.

5.4 Mapping, Zoning, and Timeframes (Relevant clauses: new sections (133E, 133H), schedule 2A and Schedule 1AA (cl 20)

The Bill does not clearly define how seismic risk zones should be mapped or updated over time. In practice, different mapping scales and vague terminology requires councils to interpret boundaries, transition points, and zone changes without consistent national criteria. This creates confusion, especially in areas that have recently moved from LOW to MEDIUM seismic risk but still appear to be operating under outdated timeframes or legacy zoning assumptions.

Because the Bill does not prescribe a standard mapping methodology or scale, councils often rely on institutional memory, local judgement, or ad hoc interpretation to determine a building's correct zone. This increases legal risk, contributes to inconsistent national practice, and makes it harder for councils to administer responsibilities with confidence. Councils also highlighted the absence of a fit-for-purpose mapping tool that can manage cases that sit across boundaries.

Recommendations

The Bill should require development of the following tools:

- a nationally standardised mapping methodology and clear zone definitions, including a clear, operational mapping scale that councils can apply consistently.
- clear transitional arrangements for zone changes, especially where areas shift from LOW to MEDIUM seismic risk, to avoid legacy timeframes remaining in use.
- a national mapping tool/platform that gives effect to the mapping methodology. Supporting consistent zoning decisions and handling complex cases (e.g. sites crossing zone boundaries, partial zone transitions) and reconciling outdated historic assessments.

5.5 Exemptions from Section 112 Upgrades (Relevant clauses: new sections 133ZF–133ZG)

Taituarā opposes the Bill’s proposal to allow broad exemptions from fire, access, and other Building Code upgrade requirements when seismic work is being carried out. These exemptions would allow buildings to undergo structural seismic remediation without addressing known fire safety or accessibility shortcomings creating gaps in building safety.

Councils are concerned that this approach would result in uneven levels of protection for building users particularly disabled people, older persons, and other vulnerable groups. Some buildings would improve only in seismic performance while remaining unsafe or inaccessible in other critical respects.

This runs counter to the Building Act’s long-standing progressive improvement framework, which helps ensure buildings become safer and more accessible over time.

The proposed exemptions may create practical challenges for councils, particularly where they lack the necessary engineering and fire safety reports. While councils would be operating within the legislation, these situations can give rise to uncertainty or disputes about the extent of outstanding safety issues that fall outside the seismic work, creating gaps in building safety.

While councils support pathways that enable urgent seismic risk reduction, they emphasised this should not come at the expense of essential life-safety provisions or transfer additional specialist responsibilities to councils without clear statutory limits on the scope of those responsibilities and adequate resourcing to carry them out.

Recommendations

- retain the Building Act’s progressive improvement framework and ensure that any exemption does not shift additional technical or administrative responsibilities to councils.

5.6 Definitions and National Tools (relevant clauses, new sections 133A, 133ZI)

Territorial authorities emphasised the need for clearer statutory definitions and stronger national tools to support consistent implementation of the Bill. Some definitions, such as “storey” are undefined or open to interpretation, creating uncertainty about how buildings should be categorised, particularly where basements are partially or fully below ground.

Several councils highlighted risks arising from the proposed narrowing of the EPB methodology for unreinforced masonry (URM) and façade elements. They noted that buildings containing partially unreinforced masonry may not be adequately captured under a binary URM definition, and that clearer, more precise definitions for façade elements are needed to ensure consistent national application. These issues reinforce the sector’s view that the Bill requires more detailed and usable definitions if it is to deliver nationally consistent outcomes.

In addition, councils raised concerns about several clauses in the Bill that rely on subjective or undefined statutory thresholds such as “sufficient,” “no reasonable prospect,” and “as soon as practicable.” These terms do not have established statutory meaning and risk creating legal uncertainty, inconsistent interpretation, and disputes between councils and building owners.

To support nationally consistent decision-making, territorial authorities reiterated the importance of clear statutory definitions, updated EPB methodology, and comprehensive national tools, including templates, worked examples and guidance on complex building types. These tools are essential to minimise interpretation risk and enable councils of all sizes to apply the new framework confidently and consistently.

Recommendations

- strengthen statutory definitions for key terms, including an explicit definition of “storey” and clarity on whether basements wholly or partially below ground are included, and clear definitions for unreinforced masonry (URM) and façade elements.
- develop national templates, guidance, and decision-support tools to support consistent and legally robust council decision-making across all regions.

5.7 Special Consultative Procedure (SCP) (Relevant clause: new section 133G)

The legislation is confusing in its treatment of consultation under the Local Government Act. Section 133G refers to section 83 and the special consultative procedure (SCP). However, the explanatory text refers to special consultative procedures under section 82. In fact, consultation that gives effect to the principles of section 82 is a separate, but quite different, type of

consultative provision. The SCP is designed for major policy decisions such as engagement on a long-term plan. It therefore comes with a minimum consultation period, an obligation to accept written feedback and to provide at least one opportunity for interested/affected parties to interact with representatives of council in a spoken or sign language format.

Consultation under section 82 enables a council to design a process that gives effect to a set of principles of consultation in a manner that is proportionate to the size and scale of the issue at hand, the circumstances in which a decision is taken, information the council may hold about views and preferences. We agree that the financial impacts on building owners can be substantial and that some form of engagement is warranted, but submit that this needs to be proportionate – would we expect a council to go to the cost of an SCP for a change that might impact 1-2 owners, this cannot be what policymakers intend?

We have also identified drafting issues. The clause appears discretionary in one part and mandatory in another, creating uncertainty about when SCP is required and increasing legal and process risk. The SCP should not be the default, where Significance and Engagement Policies (SEPs) provide a more flexible and proportionate approach, particularly for narrow or localised impacts.

Recommendations

- Amend section 133G so that the consultation process should give effect to S82 of the LGA.

5.9 Targeted vs Blanket Approaches and Methodology (new sections 133ZI and 133ZJ)

The Bill enables greater flexibility in how councils identify and assess specific structural vulnerabilities. Councils support a more targeted, risk-based approach in principle, but emphasise that flexibility will only work if supported by clear, nationally consistent technical criteria. The current EPB methodology is outdated and requires a comprehensive refresh to ensure councils apply consistent standards when exercising discretion.

Recommendations

- update the EPB methodology to provide clear, nationally consistent technical criteria, including worked examples and guidance for complex building types, to ensure flexible approaches do not result in inconsistent practice across councils.

5.10 Heritage Building Viability relevant sections (133U (3e), 133W-133Y, 133ZB)

Councils consistently raised concerns that the Bill does not adequately account for the economic realities facing heritage building owners, particularly in small and medium-sized centres.

Many heritage buildings face high seismic upgrade costs, low commercial returns, and limited access to funding, creating a risk that buildings become unusable, remain vacant, or are lost entirely where compliance expectations exceed economic feasibility. The Bill should recognise heritage viability and provide proportionate compliance pathways that enable the continued, safe use of heritage buildings where risks can be managed.

Recommendations

- recognise heritage viability within the remediation framework in sections 133U–133ZC, including explicit acknowledgement of the financial and practical constraints faced by owners and councils in maintaining heritage buildings.
- provide proportionate compliance pathways for heritage buildings under sections 133U–133ZC and within the EPB methodology issued under sections 133ZI–133ZJ, enabling continued safe use where full retrofit is not immediately feasible and ensuring that heritage buildings are not unintentionally driven toward vacancy or demolition.
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5.11 Ongoing Ability to Identify Earthquake-prone Buildings relevant sections (133I, 133ZB, 133ZC).

Taituara supports changes to the path for identifying new earthquake-prone buildings after the initial identification period. The Bill provides an important pathway for buildings designed after 1976 to be identified as earthquake prone. However, the Bill does not provide territorial authorities with any pathway to identify buildings built before 1976, where new information has subsequently identified them as earthquake prone.

Some councils will have high-risk buildings designed before 1976 that may not have been captured in the initial identification period. As the Bill is currently drafted, this means that if a council becomes aware of seismic safety concerns with a pre-1976 building, they have no tools to ensure the issues are resolved.

The Bill must ensure territorial authorities retain the ability to identify new earthquake-prone buildings where new information becomes available, even after statutory identification windows close. A provision enabling ongoing identification, where supported by new evidence, is essential.

Recommendations

- amend sections 133G–133O to ensure territorial authorities retain the ability to identify new earthquake-prone buildings whenever new information becomes available, including after statutory identification windows close.
- ensure the remediation and transition provisions in sections 133U–133ZC do not prevent councils from updating earlier assessments made under outdated engineering practice or limited information.
- require that the EPB methodology issued under sections 133ZI–133ZJ supports ongoing identification where new evidence arises and provides clear criteria for reassessing buildings previously screened out.

5.12 National Seismic Rating System

Taituara supports the removal of %NBS from the regulatory framework, however the Bill does not provide an alternative mechanism for communicating seismic performance. As the Bill's Explanatory Note confirms, the Bill removes the existing NBS rating system without establishing a replacement measure.

Without a new national rating system, there is a significant risk that insurers, lenders, engineers, and the wider property sector are likely to continue referencing %NBS until a replacement is provided, undermining clarity for owners and users and creating inconsistent communication of seismic risk.

A nationally developed seismic rating system is therefore required to maintain coherence across regulatory, commercial, and insurance settings.

Recommendation

- that the Bill require MBIE to notify a nationally consistent seismic rating system to replace %NBS within six months of enactment.

6.0 Implementation Impacts for Local Government

The proposed shift to a risk-based framework will require territorial authorities to adapt their existing practices, systems, and public-facing processes to a new set of statutory criteria. Successful implementation depends on updated, clear definitions and assessment methodologies and on national guidance, modernised templates, and consistent messaging to support public understanding of the changes. These should be developed with local government.

A staged transition plan is critical to avoid confusion for building owners, insurers, lenders, and engineers—particularly where existing notices must be

updated or reissued, or where buildings have already been assessed under earlier iterations of the framework. Nationally consistent processes for extensions, decision-making, and record keeping are critical to minimise interpretation risk and ensure equitable and consistent application across regions.

Technical training, operational guidance, and coordinated national communication materials are needed to ensure that sector capability is sufficient to deliver the new framework efficiently and consistently. These supports will be essential to help councils implement the reforms, maintain public confidence, and achieve the Bill's intent of a clearer and more proportionate earthquake prone buildings system.

Taituarā therefore encourages MBIE to collaborate closely with territorial authorities to co-design the guidance, transition arrangements, templates, and cost recovery settings required to deliver the new framework safely, consistently, and sustainably. With the right support, the reforms can achieve their intent: a more proportionate, risk-focused system that maintains public safety while reducing unnecessary burden. Taituarā looks forward to continuing to work with MBIE, including councils with high seismic responsibilities, to ensure the new regime is workable and nationally coherent.

Recommendations

Taituarā encourages the Select Committee to recommend that MBIE address these implementation issues before the Bill becomes law, to ensure the new regime is workable and nationally consistent.

- provide a staged transition plan for shifting from %NBS-based assessments to the new risk-based approach, including clear prioritisation for re-identifying priority buildings during the transition period.
- issue detailed guidance on managing existing EPB notices, including when notices need to be reissued under the new regime and how associated administrative costs can be recovered.
- establish a nationally consistent extension process, with clear application requirements, decision criteria, and recordkeeping expectations to ensure consistent practice across territorial authorities.
- provide direction on communicating regulatory changes to owners, insurers, and lenders, supported by coordinated national communication materials and messaging.
- deliver training, technical support, and national tools to assist councils to implement the new framework effectively and consistently.
- develop a simple national mobile/web app to improve public understanding of EPB status, especially for dispersed or rural settings where signage is difficult to monitor.



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