



JB

Mr Taylor
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1 November 2011

Ms Sara Jamieson
Legal Analyst
Canterbury Earthquakes Royal Commission
PO Box 14053
CHRISTCHURCH MAIL CENTRE 8544

Dear Ms Jamieson

I am replying to your query about our Council's earthquake prone policy.

The Napier City Council has very recently reviewed our earthquake prone policy which, if adopted, will result in staff taking a different approach with the implementation of statutory requirements. The Council carried out the original assessments of two storey commercial buildings, informed the owners of the results and left it to the owners to decide whether they wanted to get a second opinion. The Council in its review is intending to change the policy and will require the building owners to have their buildings checked by their own consultants and then supply the Council with the report/assessment.

The Council has discussed the earthquake prone policy after the Christchurch earthquake but it was decided not to make further changes relating to the compliance levels until this has been reviewed by central government.

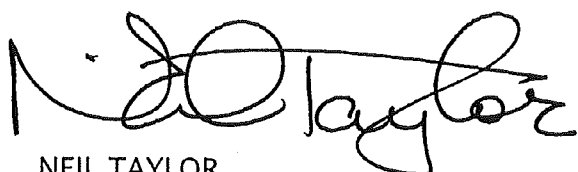
In particular, the Council is not sure at what level earthquake strengthening will be required and are reluctant to make any interim changes to the policy until this is settled nationally. This is relevant for two reasons:

- If the eventual standard was significantly different it would cause confusion to have an interim standard.
- The Council has to follow mandated guidelines on the level of earthquake strengthening compliance. There would be little point in choosing a policy that could not be enforced.

I have attached a copy of the proposed policy changes that the Council has discussed which have just been amended today. These are not publicly available and have not been referred back to the Council for adoption. There has been no public consultation on these changes. I am providing them to you at this early stage because I understand that a Royal Commission has the power of the Court and this information gives a clear indication of the direction that this Council is likely to take.

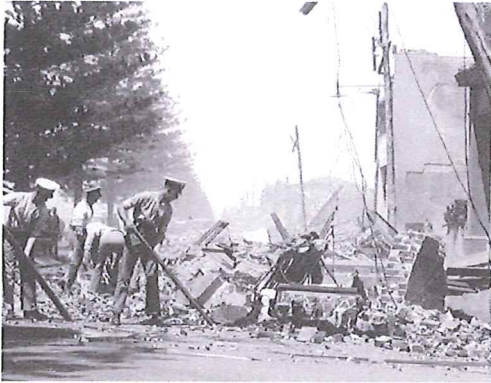
Should you require any further information please contact me directly.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. Taylor', with a large, stylized initial 'N' and a cursive 'Taylor'.

NEIL TAYLOR
Chief Executive

Cc Planning Manager



DRAFT

Napier City Council Policy on Dangerous, Earthquake-Prone and Insanitary Buildings



Napier City Council

Policy

Dangerous, Earthquake Prone and Insanitary Buildings

1 Introduction

This policy is to meet the requirements of sections 131 and 132 of the Building Act 2004 for territorial authorities to adopt a policy on dangerous, earthquake-prone and insanitary buildings.

These and other provisions relating to dangerous, earthquake-prone and insanitary buildings are contained in the following sections of the Building Act 2004.

- *Section 121 defines meaning of dangerous building.*
- *Section 122 defines earthquake-prone buildings; the associated regulations define a moderate earthquake to which section 122 refers.*
- *Section 123 defines meaning of insanitary building.*
- *Section 124 describes powers of territorial authorities in respect of dangerous, earthquake-prone and insanitary buildings.*
- *Sections 125–130 describe procedures to be applied in the exercise of those powers.*
- *Section 131 provides that a territorial authority must adopt policy on dangerous, earthquake-prone and insanitary buildings.*
- *Section 132 describes procedures in relation to the adoption and review of policies on dangerous, earthquake-prone and insanitary buildings.*

These sections of the Act are reproduced in Appendix A for convenience of reference, but the full provisions of the Act should be referred to on matters of law.

Throughout this policy "Council" refers to the Napier City Council.

In this policy "Private Residential" means private dwellings classed as category SH under the Building Act 2004 but excludes those buildings classed under category SR.

Footnotes are provided to explain Council's reasons for certain aspects of policy and further expand on the provisions of the policy.

2 *Methods to be used in assessing earthquake-prone buildings*

In assessing if a building is earthquake-prone, Council will accept the methods in the guideline document "The Assessment and Improvement of Performance of Buildings in Earthquakes", developed for the Department of Building and Housing by the New Zealand Society of Earthquake Engineering. Other methods and procedures are not, however, excluded¹. In any event Council may require that a peer review of any assessment be made.

3 *Identification of potential earthquake-prone buildings*

Every owner of a building of 2 or more stories constructed prior to 1976, with the exception of private residential dwellings is required to submit a written assessment of the earthquake proneness of their building to the Napier City Council.

The assessment must be undertaken by a Chartered Professional Engineer (Structural).

This assessment is to be completed within 12 months of this policy becoming operative.

The cost of the assessment of the earthquake proneness of the building will be met in full by the building owner.

If an assessment report is not submitted within this 12 month period the building will be deemed to be earthquake prone and notice will be served under section 121 of the Building Act 2004. The notice will remain in place until such time that an assessment report has been received confirming that the building is not earthquake prone. The legal responsibilities of the property owner issued with a notice are set out in section 6 of this policy. Napier City Council (Council) will form a Panel from professional engineers who are current members the college of structural engineering of the Institution of Professional Engineers New Zealand and who are Chartered Professional Engineers (CPEng).

The Panel will assess buildings of all categories² for earthquake proneness, using an initial evaluation process approved by Council and endorsed by the Panel.

¹ The definition of earthquake proneness includes reference to collapse. The detailed procedures of the NZSEE guidelines, on the other hand, have been written in terms of Ultimate Limit State (ULS), for reasons explained in the guidelines. There can be a marked difference between the attainment of an ULS and a state of collapse. Analysts may therefore prefer to use procedures that assess collapse directly rather than approximate that condition from an ULS. Depending on the detailed nature of such an assessment, Council may require a peer review to corroborate the assessment.

² It is noted that the test for earthquake proneness uses a level of ground shaking that is a specified constant fraction of the level of ground shaking assumed for the design of new buildings. That level of shaking assumed for the design of new buildings is related to the importance of the building, through a risk factor (in NZS 4203, the current loading standard) or, equivalently, a return period factor (in NZS 1170.5, the planned replacement of NZS 4203). The importance of a building is therefore inherent in the test for earthquake proneness. Council believes that no further refinement is necessary, and that, accordingly, no prioritising of buildings for earlier assessment on the basis of importance is necessary.

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For the initial five years of this policy before mandatory review of the policy is undertaken, or until such time as an earlier review is undertaken, buildings included in the assessment are all those of two or more storeys³.

It is expected that this initial assessment process will be completed within 18 months of this policy becoming operative.

The costs of this initial assessment process used in identifying potential earthquake-prone buildings will be borne by Council.

4 Consultation with owners of potential earthquake-prone buildings

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If the assessment report deems a building to be earthquake prone, the Council will discuss with the owners the implications of the findings and provide advice to the owners on organizations who can assist with information on earthquake prone buildings. If the assessment Panel identifies a building as being potentially earthquake-prone, Council will advise the owner of the building and provide to the owner the findings leading to that conclusion.

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An owner of a building identified as potentially earthquake-prone may within one year either agree that their building is earthquake-prone or undertake an assessment and provide the results to Council. The owner's assessment, if undertaken, may use the same assessment procedure used by the Panel or another procedure acceptable to Council.

At the expiry of the one-year period given for making such an assessment or for agreeing to the Council's assessment, Council will either confirm the opinion that the building is earthquake-prone, or remove the building from the list of potentially earthquake-prone buildings, and, in either case, advise the owner.

5 Recording of earthquake proneness

In the event that Council confirms that the building is earthquake-prone, a record to this effect will be placed on the property file⁴, and any Land Information Memorandum or Project Information

³ Although the number of potentially earthquake-prone buildings is expected to be rather few, the initial pool is to reduce the number of assessments to a manageable number. It is anticipated that the initial screening by the Panel will use the initial evaluation procedure of the NZSEE guideline document. It may be that the number of buildings identified by this screening process as potentially earthquake-prone is so few as to allow sufficient time for the Panel to undertake detailed assessments, but this is not planned at this stage. The next review of this policy may include single storey buildings.

⁴ No record will be placed on the building file while the building is judged to be just potentially earthquake-prone. The initial evaluation procedures that are likely to be used in initial screening are not reckoned sufficiently refined to warrant a record on the file until earthquake-proneness has been confirmed.

Memorandum requested for a project involving the building will note that the building has been assessed as being earthquake-prone⁵.

6 Notices

In the event that the assessment report provided by the building owner under section 3 of this policy ~~Council~~ confirms that the building is earthquake-prone, Council may issue a notice in accordance with the Act.

~~Council will specify in the notice the improvement of performance of the building in earthquake that Council requires. The required work specified in the notice will be that which would improve the performance in an earthquake sufficiently to satisfy Council that the building would not be earthquake-prone if the test for earthquake proneness were reapplied after the work was completed⁶. The notice will state that the building is to achieve strengthening to a level of 67% or greater in compliance with the Building Code.~~

~~The time within which the work required by the notice is to be carried out will be as in the following Table⁷. Intermediate values may be linearly interpolated, is 10 years from the date of the notice.~~

Intensity of shaking at the site that the building is capable of sustaining, as a percentage of the intensity of shaking assumed for the design of a new building	Time to be specified in the notice within which the work required by the notice is to be carried out.
33%	50 years (No work is required; use for interpolation)
30%	40 years
25%	30 years
20%	20 years
15% or less	10 years

~~Council will in general require that the owner obtain a building consent for work specified in the notice, though concessions on fees may be available for certain buildings.~~

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7 Appeals against notices

~~Owners may appeal against a notice requiring work to a building that Council has assessed as earthquake-prone.~~

~~Owners must provide Council with their grounds for appeal, including detailed assessments of earthquake proneness. Council may require that the assessment uses a detailed procedure (rather than an initial evaluation procedure) and that a peer review of the assessment be undertaken⁸.~~

⁵ The New Zealand Society for Earthquake Engineering recommends that a plaque, stating that the building has been assessed for earthquake proneness and graded accordingly, should be fixed to the building. Council does not intend adopting this recommendation.

⁶ The New Zealand Society for Earthquake Engineering recommends that the building performance be improved to enable the building to sustain two-thirds the level of shaking as would be assumed for the design of a new building on the same site. Council may try to persuade owners to meet or better this recommendation, but will not enforce it.

⁷ The times have been calculated so that the cumulative risk over the specified time is about the same for all intensities of earthquake that a building can sustain (about 65% probability over the specified times). This is based on the inference that the cumulative risk for a building that just passes the test for earthquake proneness (intensity of shaking that is 33% of the intensity assumed for the design of a new building) is acceptable to society.

~~Council will hear the appeal, and will then;~~

- ~~• confirm the notice without modification; or~~
- ~~• confirm the notice subject to modification; or~~
- ~~• withdraw the notice.~~

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87 Application of this policy to heritage buildings

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~~Heritage buildings will be assessed in the same way as other buildings. Council is very much aware of the value of heritage buildings to the City. As a result but~~ Council may ~~waive or~~ vary requirements for improving the performance of a heritage building where improvement would otherwise involve an unacceptable intervention in heritage fabric or unacceptable loss of heritage value. Matters to be considered include:

- more detailed assessments
- extent of the loss of heritage values
- acceptability of lower protection, including lower protection of other property

~~In determining appropriate action, including any waivers or variations, Council will consult with the Historic Places Trust, the Department of Conservation (as appropriate), expert heritage advisors⁹, and owners of immediately adjacent buildings¹⁰. This consultation will take place immediately following receipt of the assessment report identifying a building as earthquake prone.~~

~~In any event, Council may require that, as a condition of any waiver or variation, a heritage inventory is produced and a copy provided to Council.~~

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98 Interaction of this policy with other provisions of the Act

99.1 Alterations to buildings

Section 112 of the Building Act, which relates to alterations to existing buildings, requires that the structure continues to comply with the provisions of the building code (applying to new buildings) to at least the same extent as before the alteration. This will continue to apply, except when the proposed alterations require a building consent and are deemed to be significant alterations, when additional requirements may apply¹¹.

Alterations will be deemed to be significant if the costs of the alterations requiring building consent exceed 10% of the value of the building, taken as the "quotable value" excluding land. Where there

⁸ Whether or not Council requires it or not, it is recommended that these assessments be based on detailed analytical procedures rather than the initial evaluation procedures.

⁹ Conservation architects, archaeologists, specialist structural engineers, and others

¹⁰ Who have a reasonable expectation that their property will be protected

¹¹ All alterations, not just those relating to the structure, are included, because alterations may extend the use of the building or the number of occupants. However, the intention is not to preclude minor alterations that might well improve the safety of the building in everyday use or aspects of public amenity. Note that repairs and maintenance using the same or similar materials generally do not require a building consent, so are not included in the costs of the alterations as defined here.

are several alterations over a period of time, the percentages will be aggregated for each alteration and the aggregated percentages compared to the 10% threshold¹².

When an alteration that is deemed to be significant is proposed to a building that has been assessed as earthquake-prone and for which a notice has been given, Council will require that the building be upgraded as required by the notice as a condition of consent for the alteration.

When an alteration that is deemed to be significant is proposed to a building that has not been assessed as earthquake-prone, Council will require that the building be assessed for earthquake proneness as a condition of consent for the alteration. Council may require that the assessment uses a detailed procedure (rather than an initial evaluation procedure) and that a peer review of the assessment be undertaken. If the building is assessed as earthquake-prone, Council will serve notice to this effect and require such work as is required to remove the danger as a condition of building consent.

89.2 Extension of life of building

Where the provisions of section 116 of the Building Act apply, Council will apply the provisions of this policy that relate to alterations as if the extension of life were an alteration.

89.3 Subdivision

Where the provisions of section 116A of the Building Act apply, Council will apply the provisions of this policy that relate to alterations as if the subdivision were an alteration.

Council notes that section 116A requires, among other matters, that the building comply as nearly as is reasonably practicable with every provision of the building code that relates to protection of other property. This may be more onerous in some respects than meeting the provisions of this policy on alterations.

89.4 Change of use of a building

Council notes that section 115 requires, among other matters, that where a change of use is intended for a building, the building must comply with every provision of the building code that relates to structural performance. This will, in general, be more onerous than meeting the requirements of this policy on earthquake-prone buildings.

109 Policy Approach for Insanitary Buildings

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109.1 Policy Statement

Once buildings that are insanitary come to the attention of Council it will act promptly to ensure they are made safe.

Buildings may become insanitary due to a number of reasons, such as following a natural disaster, as a result of poor maintenance, or misuse by an occupant. Once buildings that contain insanitary

¹² Aggregation of percentages are used to avoid any necessity to calculate "present-day-value" of the costs of past alterations or of previous building valuations.

conditions come to the attention of Council, Council will follow the process laid down in the Building Act 2004 in dealing with insanitary conditions.

9.10.2 Identification of Insanitary Buildings

In order to identify insanitary buildings, Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. In situations where natural disasters have occurred Council will institute an active approach to assessing the sanitary state of affected buildings.

Where any investigations reveal that a building is in an insanitary state the owner and occupier of the building will be informed and the owner required to address those conditions contributing to the insanitary state.

9.10.3 Taking action on Insanitary Buildings

Where immediate action is required to prevent the building from remaining insanitary, Council will undertake those measures in section 129 of the Act to fix the insanitary conditions. Due to the urgent nature of the risk that insanitary buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building or permits another person to use or occupy the building until such work is undertaken to fix the insanitary conditions.

Where immediate action is not required Council may:

- Advise and liaise with the owner(s) of the building(s);
- If the building is found to be insanitary attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the conditions contributing to the insanitary state. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places trust, if the building is a heritage building;
- Consider enforcement action under the Act if the requirements of the notice are not met with reasonable period of time as well as any other non compliance matters.

All owners have a right to object to Council for a review of its decision or the Department of Building and Housing for a determination under Section 177(e) of the Act (See Appendix 1).

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11.10 Policy Approach for Dangerous Buildings

11.10.1 Policy Statement

Once buildings that are dangerous come to the attention of Council it will act promptly to ensure they are made safe.

Dangerous Buildings may come about due to a change of use (for example a commercial building used for residential purposes, unauthorized alterations being made, from a fire, from a natural disaster or as a result of its use by an occupant). Once buildings that are dangerous come to the attention of Council, Council has a statutory responsibility to act promptly to ensure the safety of persons or property. Napier City Council will use the process set out in the Building Act 2004 in dealing with dangerous buildings.

11.10.2 Identification of Dangerous Buildings

In order to identify dangerous buildings Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. Where those investigations reveal that the building is in a dangerous state the owner and occupier of the building will be informed and required to reduce or remove the danger. Council will seek advice from the New Zealand Fire Service on making an assessment of a dangerous building where appropriate, for example on a complex building or on a building that has suffered damage after an earthquake.

Council will assess dangerous buildings against the provisions of section 121(1) of the Building Act 2004)(see Appendix 1)

101.3 Taking Action on Dangerous Buildings

Where the danger is assessed as immediate, Council may undertake any of those measures outlined in section 129 of the Act to remove the danger. Due to the urgent nature of the risk that dangerous buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building until such work is undertaken to reduce or remove the danger. Council will seek cost recovery for work carried out under this section.

Where the danger is assessed as not being immediate, in accordance with sections 124 and 125 of the Act Council may:

- *Advise and liaise with the owner(s) of the building(s);*
- *Request a written report on the building from the New Zealand Fire Service;*
- *If the building is found to be dangerous attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the danger. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places trust, if the building is a heritage building;*
- *Consider enforcement action under the Act if the requirements of the notice are not met with a reasonable period of time as well as any other non-compliance matters.*

All owners have a right to object to Council for a review of its decision or the Department of Building and Housing for a determination under Section 177 (e) of the Act (See Appendix 1).

Appendix A

Earthquake-Prone Buildings

Extracts from the Building Act 2004 and related Regulations

121 Meaning of dangerous building

- (1) A building is dangerous for the purposes of this Act if,
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
 - (ii) damage to other property; or
 - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1) (b), a territorial authority—
- (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and
 - (b) if the advice is sought, must have due regard to the advice
- Compare: 1991 No 150 s 64 (1), (2), (3)

Synopsis

A building is deemed to be dangerous if, in the ordinary course of events, it is likely to cause injury or damage to other property.

122 Meaning of an earthquake-prone building

- (1) A building is earthquake prone for the purposes of the Act if, having regard to its condition and the ground on which it is built, and because of its construction, the building—
- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
 - (b) would be likely to collapse causing—
 - (i) injury or death to persons in the building or to persons on any other property; or
 - (ii) damage to any other property.
- (2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—
- (a) comprises 2 or more storeys; and
 - (b) contains 3 or more household units.

The regulations referred to in s122 were promulgated in 2005/32 on 21 February 2005. Part 7 defines a moderate earthquake.

7. Earthquake-prone buildings: moderate earthquake defined

For the purposes of section 122 (meaning of earthquake-prone building) of the Act, moderate earthquake means, in relation to a building, an earthquake that would generate shaking at the site of the building that is the same duration as, but is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity, and displacement) that would be used for the design of a new building at that site.

123 Meaning of insanitary building

A building is insanitary for the purposes of this Act if the building—

- (a) is offensive or likely to be injurious to health because —
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
- (c) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or does not have a supply of potable water that is adequate for its intended use; or
- (d) does not have sanitary facilities that are adequate for its intended use.

Compare: 1991 No 150 s 64 (4)

Synopsis

A building is deemed to be insanitary if it is: offensive or injurious to health; damp or causes dampness in an adjoining building; does not have adequate drinking water; or sanitary facilities for its intended use.

Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings

124 Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings

- (1) If a territorial authority is satisfied that a building is dangerous, earthquake-prone, or insanitary, the territorial authority may—
 - (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;
 - (c) give written notice requiring work to be carried out on the building, within a time stated in the notice (which must not be less than ten days) after the notice is given under section 125), to—
 - (i) reduce or remove the danger; or
 - (ii) prevent the building from remaining insanitary.
- (2) This section does not limit the powers of the territorial authority under this Part.
- (3) A person commits an offence if the person fails to comply with a notice given under subsection (1)(c).
- (4) A person who commits an offence under this section is liable to a fine not exceeding \$200,000.

125 Requirements for notice given under section 124

- (1) A notice given under section 124(1)(c) must—
- (a) be fixed to the building concerned; and
 - (b) state whether the owner of the building must contain a building consent in order to carry out the work required by the notice.
- (2) A copy of the notice must be given to—
- (a) the owner of the building; and
 - (b) an occupier of the building; and
 - (c) 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 1952; and
 - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and
 - (e) any statutory authority, if the land or building has been classified; and
 - (f) the New Zealand Historic Places Trust, if the building is a heritage building.
- (3) However, the notice, if fixed on the building, is not invalid because a copy has not been given to any or all of the persons referred to in subsection (2).

126 Territorial authority may carry out work

- (1) A territorial authority may apply to a District Court for an order authorising the territorial authority to carry out building work if any work required under a notice given by the territorial authority under section 124(1)(c) is not completed, or not proceeding with reasonable speed, within—
- (a) the time stated in the notice; or
 - (b) any further time that the territorial authority may allow.
- (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.
- (3) If the territorial authority carries out building work under the authority of an order made under subsection (1) —
- (a) the owner of the building 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.

127 Building work includes demolition of building

Any work required or authorised to be done under section 124(1)(c) or section 126 may include the demolition of all or part of a building.

128 Prohibition on using dangerous, earthquake-prone, or insanitary building

- (1) If a territorial authority has put up a hoarding or fence in relation to a building or attached a notice warning people not to approach a building under section 124(1), no person may—
- (a) use or occupy the building; or
 - (b) permit another person to use or occupy the building.
- (2) A person commits an offence if the person fails to comply with this section.
- (3) A person who commits an offence under this section is liable to a fine not exceeding \$200,000 and, 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 has continued.

129 Measures to avoid immediate danger or to fix insanitary conditions

- (1) *This Section applies if, because of the state of a building—*
 - (a) *immediate danger to the safety of people is likely in terms of Section 121 or Section 122 or Section 123; or*
 - (b) *immediate action is necessary to fix insanitary conditions.*
- (2) *The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgement to—*
 - (a) *remove that danger; or*
 - (b) *fix those insanitary conditions.*
- (3) *If the territorial authority takes action under subsection (2)—*
 - (a) *the owner of the building is liable for the costs of the action; 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 building is situated.*
- (4) *The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).*

130 Territorial authority must apply to District Court for confirmation or warrant

- (1) *If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to a District Court for confirmation of the warrant.*
- (2) *On hearing the application, the District Court may—*
 - (a) *confirm the warrant without modification; or*
 - (b) *confirm the warrant subject to modification; or*
 - (c) *set the warrant aside.*
- (3) *Subsection (1) does not apply if—*
 - (a) *the owner of the building concerned notifies the territorial authority that—*
 - (i) *the owner does not dispute the entry into the owner's land; and*
 - (ii) *confirmation of the warrant by a District Court is not required; and*
 - (b) *the owner pays the costs referred to in section 129(3)(a).*

131 Territorial authority must adopt policy on dangerous, earthquake-prone, and insanitary buildings—

- (1) *A territorial authority must, within 18 months after the commencement of this Section, adopt a policy on dangerous, earthquake-prone, and insanitary buildings within its district.*
- (2) *The policy must state—*
 - (a) *the approach that the territorial authority will take in performing its functions under this Part; and*
 - (b) *the territorial authority's priorities in performing those functions; and*
 - (c) *how the policy will apply to heritage buildings.*

132 Adoption and review of policy

- (1) *A policy under section 131 must be adopted in accordance with the special consultative procedure of section 83 of the Local Government Act 2002.*
- (2) *A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.*
- (3) *A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.*
- (4) *A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at interval of 5 years.*
- (5) *A policy does not cease to have effect because it is due for review or being reviewed.*