



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Focusing the earthquake-prone building system	Date to be published	23 February 2026

List of documents that have been proactively released

Date	Title	Author
December 2025	Building (Earthquake-prone Buildings) Amendment Bill: Approval for Introduction	Office of the Minister for Building and Construction
11 December 2025	Building (Earthquake-prone Buildings) Amendment Bill: Approval for Introduction LEG-25-MIN-0259 Minute	Cabinet Office

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of Confidential advice to Government.

In Confidence

Office of the Minister for Building and Construction
Cabinet Legislation Committee

Building (Earthquake-prone Buildings) Amendment Bill: Approval for Introduction

Proposal

- 1 This paper seeks approval for introduction of the Building (Earthquake-prone Buildings) Amendment Bill (the Bill) into the House.

Policy

- 2 The Bill aims to ensure that the earthquake-prone building (EPB) system better targets the most vulnerable buildings in higher risk areas, and that requirements on EPB owners are more proportionate and workable.

Background

- 3 In September 2025, following a review of seismic risk management in existing buildings, Cabinet agreed to changes that will create a more proportionate and risk-based EPB system [ECO-25-MIN-0139 refers].

Targeting highly vulnerable buildings in medium and high seismic zones only

- 4 The Bill establishes a more proportionate and risk-based regulatory system for managing EPBs. It will regulate only buildings built of unreinforced masonry, or concrete (and other heavy material) buildings that are at least three stories high.
- 5 EPBs that are in low seismic zones (Auckland, Northland and the Chatham Islands) or are not of the above building types will no longer be designated as earthquake-prone and cannot be designated earthquake-prone in future. Coastal Otago (including Dunedin) and part of Stewart Island will move from a low to a medium seismic zone, to reflect the greater understanding of seismic hazard in that area.
- 6 To be designated as EPBs through the usual (time-limited) process, buildings built of concrete or other heavy material must have been designed before 1 January 1976. Buildings of that type, but designed on or after 1 January 1976, could be identified as EPBs at any time, but only with authorisation from the MBIE Chief Executive. Current EPBs that are built of concrete or other heavy material and are three or more storeys high will remain EPBs regardless of the design date (ie pre- or post-1976).

Introducing a range of mitigation requirements for EPBs

- 7 The current EPB system requires owners to strengthen the building to at least 34% of the New Building Standard (%NBS), or demolish it, within set timeframes. %NBS will not be used in the new system. Instead, the mitigation requirements will be tiered, so they are more proportionate to each building's risk (with demolition remaining an option). These are shown below.

Table 1: Future EPB risk mitigation requirements, by building type and location

		BUILDING TYPE		
		3+ storey high risk heavy construction (eg concrete) buildings	Unreinforced masonry buildings	
			1-2 storey	3+ storey
LOCATION	Outside an urban centre	Targeted retrofit ¹	Risk register ² only	Façade securing ³
	Urban centre ⁴		Façade securing	Full retrofit ⁵

8 The Bill will also remove the requirement for EPB notices to be attached to EPBs that do not require remediation ('risk register' in the table above).

Enabling remediation deadline extensions

9 Cabinet agreed that EPB owners can apply to the relevant territorial authority for seismic work deadline extensions up to a cumulative total of 15 years, with conditions able to be set. Cabinet also agreed that this amendment would not affect the current heritage EPB extension provision, but this was on the premise of a five rather than fifteen-year extension, as I originally proposed.

10 To avoid creating an inconsistency with the current up-to-10-year deadline extension already available to heritage EPBs, I am seeking Cabinet's agreement to remove the 10-year heritage extension. Owners of heritage EPBs could apply for the same 15-year extension as all other EPBs.

11 The period of an extension will run from the date it is approved. The extension could be granted to EPBs that passed their remediation deadline before commencement. This provides their owners with time to remediate, rather than immediately facing enforcement action.

Miscellaneous

12 The Bill will replace subpart 6A of the Building Act 2004 entirely. Accordingly, some provisions in the draft subpart simply incorporate existing provisions while also giving effect to Cabinet policy decisions.

13 The Bill will include a provision that stops territorial authorities from redesignating a building as an EPB if it was previously designated as one but then had that status removed (for example, due to being strengthened) and the territorial authority has not received new information that would justify a reassessment of its earthquake-prone status.

¹ A retrofit for multi-storey concrete buildings that addresses the worst vulnerabilities.

² The EPB will be recorded on the EPB Register, as currently (along with all other EPBs).

³ A retrofit that secures façades and walls facing onto public spaces or above adjacent properties.

⁴ Outside medium or large regional centres and metropolitan areas (Stats NZ 2018 classifications).

⁵ A retrofit that addresses all identified significant building vulnerabilities (in addition to façade securing) to a level comparable to the current mandatory minimum.

- 14 EPB designation will apply in respect of an entire building, and not “part” of a building, compared to the current system where a building or part of a building can be earthquake-prone.

Impact analysis

- 15 A regulatory impact statement for the focusing of the earthquake-prone building system was submitted at the time that Cabinet approval of the policy relating to the Bill was sought [ECO-25-MIN-0139 refers]. MBIE’s Regulatory Assessment Review Panel considered that it partially met the quality assurance criteria.

Compliance

- 16 The bill complies with each of the following:
- 16.1 the principles of the Treaty of Waitangi;
 - 16.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990⁶ and the Human Rights Act 1993;
 - 16.3 the disclosure statement requirements (a disclosure statement has been prepared and is attached to the paper);
 - 16.4 the principles and guidelines set out in the Privacy Act 2020;
 - 16.5 relevant international standards and obligations;
 - 16.6 in part, the [Legislation Guidelines](#) (2021 edition):
 - 16.6.1 These Guidelines provide that legislation should not have retrospective effect, yet the Bill empowers EPBs that have already passed their seismic work deadline to apply for an extension. The number of buildings with remediation deadlines that expire before commencement of the Bill and that remain EPBs under the new system is likely to be very small. Enabling their owners to receive an extension will provide them with time to remediate, rather than immediately facing enforcement action.
 - 16.6.2 There is also a Henry VIII clause for transitional matters (clause 21 of Schedule 1). This clause provides flexibility to vary the transitional arrangements in light of new information or events. This flexibility will help ensure an orderly transition from the current to the new EPB system.

Consultation

- 17 The following agencies were consulted on this paper and the draft Bill:

⁶ A BORA vet is in progress by the Ministry of Justice.

IN CONFIDENCE

Departments of: Corrections, Internal Affairs, Prime Minister and Cabinet; Land Information NZ; Ministries of/for Culture and Heritage, Disabled People – Whaikaha, Education, the Environment, Housing and Urban Development, Justice, Pacific Peoples, Regulation, Social Development (Office for Seniors); and the Parliamentary Counsel Office; Te Puni Kōkiri; the Treasury.

Binding on the Crown

- 18 This Bill amends the Building Act 2004, which is binding on the Crown (subject to the exceptions in that Act). This is not proposed to change.

Associated regulations

- 19 Further amendments to the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 are planned to simplify the form of physical EPB notices and to make the seismic work exemption criteria more accessible. I will seek Cabinet agreement to these in due course.

Other instruments

- 20 The Bill amends the provision in the Building Act that empowers the Chief Executive of MBIE to set the EPB Methodology. These changes will allow the Methodology to be updated with the information needed to implement the Bill within six months of commencement of the amended provision.

Commencement of legislation

- 21 The Bill's provisions that update the seismic zones, remove EPB status from all buildings in low seismic zones and require territorial authorities to identify and remove EPBs in low seismic zones from the EPB Register will come into force on the day the Act receives Royal Assent.
- 22 The remainder of the Bill will come into force on 1 July 2027.

Parliamentary stages

- 23 I intend the Bill be introduced in December 2025 and be passed by September 2026. I propose the Bill be referred to the Transport and Infrastructure Committee.

Proactive Release

- 24 I intend to proactively release this paper, subject to appropriate redactions consistent with the Official Information Act 1982.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** the Building (Earthquake-prone Buildings) Amendment Bill (the Bill) currently holds Confidential advice to Government priority on the 2025 Legislation Programme;
- 2 **note** the Bill will amend the earthquake-prone building (EPB) system to:
 - 2.1 focus mitigation requirements on high-risk building types only;

I N C O N F I D E N C E

- 2.2 remove low seismic zones (Auckland, Northland, and the Chatham Islands) from the system, and move coastal Otago (including Dunedin) from a low to a medium seismic zone;
- 2.3 introduce simpler and more cost-effective mitigation requirements for most remaining EPB owners;
- 2.4 enable territorial authorities to grant cumulative deadline extensions of up to 15 years, which can apply to EPBs that passed their remediation deadline before commencement;
- 2.5 remove the requirement to undertake upgrades to meet Building Code fire and disability requirements when doing seismic work, and limit the extent of seismic work required when undergoing a change of use;
- 2.6 make consequential amendments to regulations;
- 3 **note** Cabinet also agreed the new up-to-15-year deadline extension would not affect the current up-to-10-year heritage EPB extension, but that this recommendation was predicated on my initial five-year deadline extension proposal;
- 4 **note** this decision will create an inconsistency in the Bill, as owners of heritage EPBs will have a shorter extension period than non-heritage EPBs;
- 5 **agree** to remove the up-to-10-year deadline extension for heritage EPBs, and enable these buildings to access the same up-to-15-year deadline extension as all other EPBs;
- 6 **note** that MBIE will provide guidance to territorial authorities on fire and disability access/facilities provisions in the building code, for providing to earthquake-prone building owners who are applying for a building consent for an alteration involving only seismic work;
- 7 **approve** the Building (Earthquake-prone Buildings) Amendment Bill for introduction, subject to final approval of the government caucus and sufficient support in the House of Representatives;
- 8 **agree** that the Bill be introduced in December 2025;
- 9 **agree** that the Government propose the Bill be:
 - 9.1 referred to the Transport and Infrastructure Committee; and
 - 9.2 enacted by September 2026.

Authorised for lodgement

Hon Chris Penk
Minister for Building and Construction