

**BUILDING
PERFORMANCE**

EARTHQUAKE-PRONE BUILDING LEGISLATION AND METHODOLOGY GUIDANCE: DRAFT



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government
Te Kāwanatanga o Aotearoa



Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

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Contents

Introduction	6
Relationship between the Building Act, EPB Methodology and this guidance	6
How to use this document	7
Limitations of this guidance	7
Defined terms	8
How this guidance is structured	10
Section 1: Summary of changes to the EPB system	11
Section 2: Buildings that can be EPBs	12
2.1 To be an EPB, a building must be within scope	12
2.2 Certain buildings are excluded from the EPB system and cannot be EPBs	12
2.3 Buildings in scope must be in medium or high <i>seismic zones</i>	12
2.4 Buildings in scope must correspond to <i>Category A</i> or <i>B</i>	12
Section 3: <i>Category A</i> buildings	13
3.1 Is the building in an <i>urban centre</i> ?	13
3.2 Does the building have a URM wall? (called <i>façade</i> here)	14
3.3 What are <i>façade elements</i> ?	15
3.4 How to decide whether a <i>façade</i> requires risk mitigation	16
3.5 Examples of <i>public space</i> and <i>façades requiring risk mitigation</i>	18
3.6 How to count <i>Category A</i> building storeys	22
Section 4: <i>Category B</i> buildings	26
4.1 The difference between <i>Category B1</i> and <i>B2</i> buildings	27
4.2 How to count <i>Category B</i> building storeys	28
Section 5: Remediation requirements	30
5.1 Retrofit of <i>Category A</i> buildings	30
5.1.1 Register and EPB sign	30
5.1.2 Façade risk mitigation	30
5.1.3 Targeted retrofit - URM	31
5.2 Targeted retrofit - <i>Category B</i> buildings	31
5.3 Demolition (<i>Category A</i> and <i>B</i> buildings)	32
Section 6: Priority status and remediation deadlines	33
6.1 Remediation deadlines	33
6.2 Priority buildings	33
6.3 Remediation deadline extensions	33
6.4 Seismic work exemptions	34
Section 7: The EPB lifecycle	35
7.1 Identify	35
7.2 Validate	36
7.3 Mitigate and Remove	37
Section 8: The Identify and Validate stages for existing EPBs	39
8.1 Assessing <i>whether</i> a building is a <i>Category A</i> building	41
8.2 Assessing <i>whether</i> a building is a <i>Category B</i> building	42

Section 9: The Identify and Validate stages after the identification time frame expires	43
9.1 Seeking MBIE confirmation for the <i>identify after statutory timeframes</i> pathway	43
9.2 <i>Identify after statutory timeframes</i> – Identify and Validate for <i>Category A</i> buildings	44
9.3 <i>Identify after statutory timeframes</i> – Identify and Validate for <i>Category B</i> buildings	44
Section 10: Process and timeframes for coastal Otago	45
10.1 Identify	48
10.2 Validate	48
Glossary	50
Annexes	53

Introduction

This guidance supports application of the Earthquake-prone Building (EPB) system as set out in the *Building Act 2004 and the EPB Methodology 2027* (the *Methodology*). It helps territorial authorities, building owners and engineers apply the legislation and *Methodology* in practice, by providing explanatory material, practical advice and examples.

This guidance is intended primarily for territorial authorities performing functions or exercising powers under Subpart 6A of Part 2 of the Building Act. It may also assist:

- owners of buildings that are, or may be, earthquake-prone buildings (EPBs)
- engineers undertaking *High Risk Deficiency (HRD)* reviews, determining mitigation requirements, or other engineering work for the purposes of the EPB system
- building professionals undertaking remediation work
- other people involved in identifying, managing or remediating EPBs.

Relationship between the Building Act, EPB Methodology and this guidance

This guidance forms part of the wider system for managing EPBs. **Table 1** shows its components.

Building Act 2004	Establishes the statutory framework for identifying, managing and remediating EPBs.
Regulations	Contain criteria for seismic work exemptions. Not referenced in this guidance. Refer separate guidance on MBIE's website.
EPB Methodology	Sets out detailed definitions of the building types within the EPB system, a list of <i>High Risk Deficiencies</i> and the processes to identify these, and performance standards for retrofits.
Technical Annexes to the EPB Methodology	Provide detailed criteria, evaluation procedures and performance standards. Included as Annexes One and Two of this document.
Seismic Assessment Guidelines (SAG) and Retrofit Guidelines	The SAG provide engineering procedures and criteria for assessing the seismic resilience of building components. The Retrofit Guidelines provides case studies illustrating approaches to retrofits.
EPB Register	The national public record of buildings designated as EPBs.
This guidance	Explains how to apply the Subpart 6A of the <i>Building Act</i> and the <i>EPB Methodology</i> in practice.

Table 1: Components of the earthquake-prone building system

Figure 1 below illustrates where this guidance document sits with the building regulatory system.

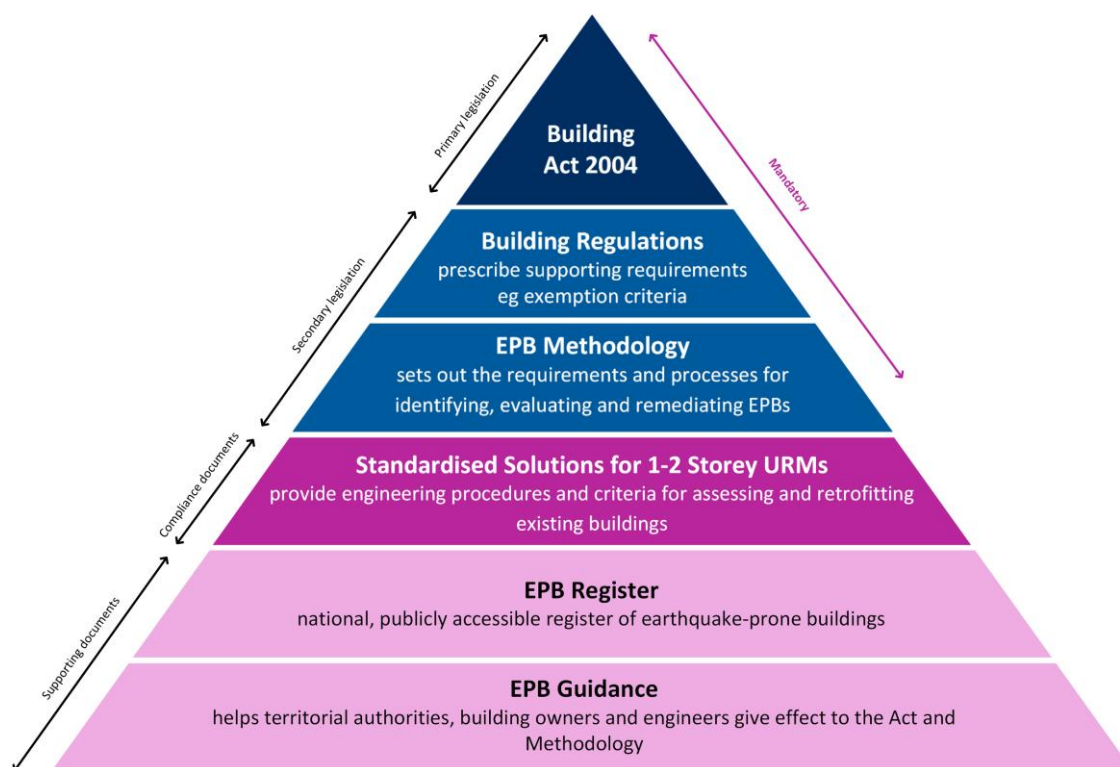


Figure 1: The building regulatory system

How to use this document

This guidance is organised in two parts.

- Part 1 has guidance around determining a building's EPB status and category.
- Part 2 explains the process for identifying, validating, remediating and removing an EPB from the EPB Register.

Hyperlinks are provided to cross-reference within this document and to external websites. These hyperlinks appear with a [blue underline](#).

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Methodology requirements: These boxes reproduce or summarise provisions from the *Methodology* that must be applied by the relevant decision-maker.

Technical criteria and procedures are contained in **Annexes One** and **Two**. Users must apply the full Annex requirements where the *Methodology* requires them to do so.

Limitations of this guidance

This guidance should be read alongside the Building Act 2004 (as amended by the *Building (Earthquake-prone Buildings) Amendment Act 2026* and the *Methodology*. This guidance does not create additional legal obligations or alter the meaning of a *Methodology* provision. If there is any inconsistency between this guidance and either the Building Act or the *Methodology*, the Building Act or *Methodology* prevail. Independent engineering or legal advice may be required where the application of the requirements is uncertain.

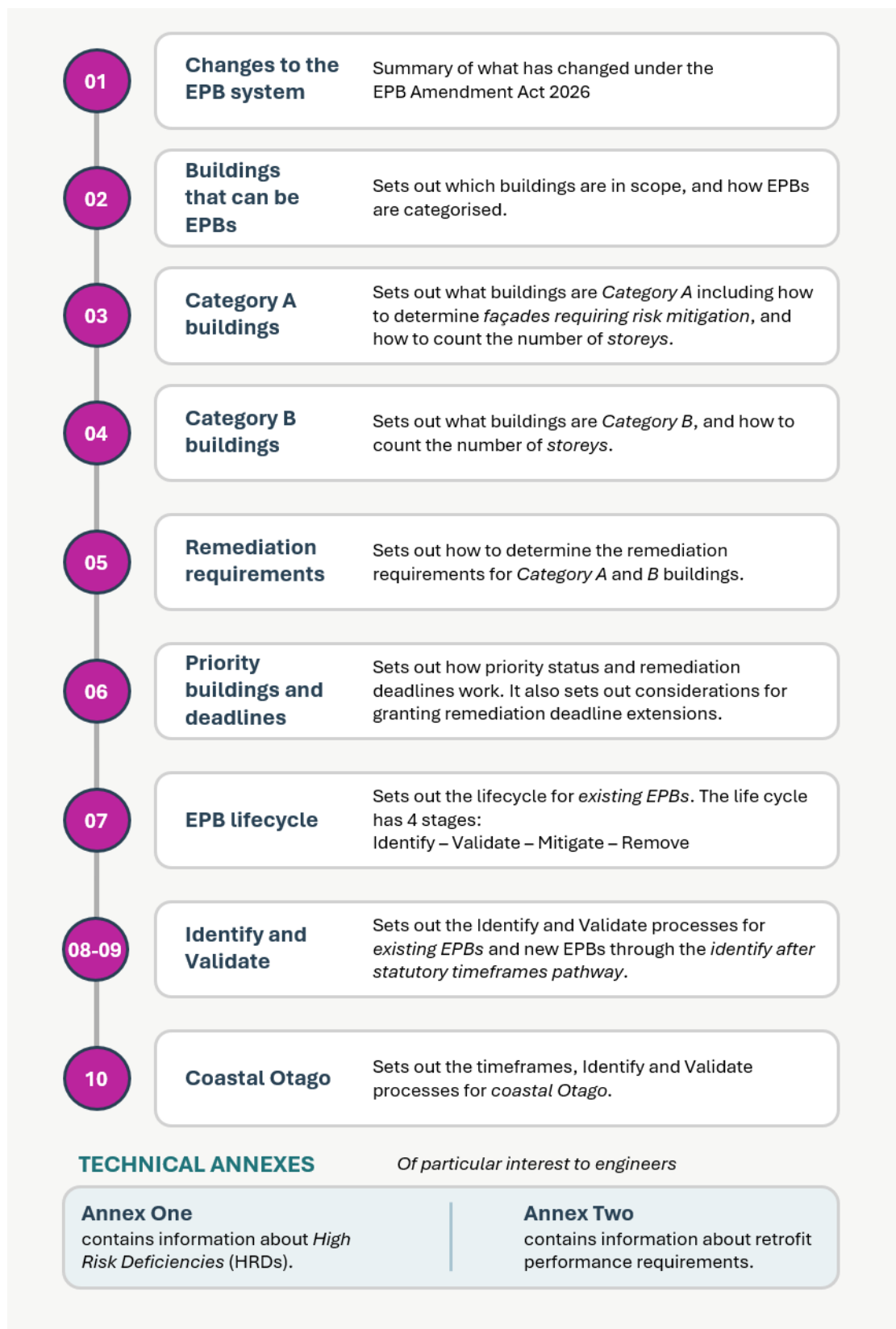
Defined terms

Term	Description
Category A building	A building that either has: • at least one unreinforced masonry (URM) <i>façade</i> facing onto <i>public space</i>, or • is constructed of URM, has three or more storeys, and is in an urban centre. See section 3 of this guidance.
Category B1 building	A pre-1976 (ie designed before 1 January 1976) building built of heavy materials that has three or more storeys or is 12m or more in height, and meets the criteria set out in clause 5 of the <i>Methodology</i> . See section 4 of this guidance.
Category B2 building	A post-1976 (ie designed on or after 1 January 1976 and before completed 1 July 2027) building built of heavy materials that has three or more storeys or is 12m or more in height, and meets the criteria set out in clause 5 of the <i>Methodology</i> . See section 4 of this guidance.
Existing EPB	A building that was on the EPB Register as of 30 June 2027. This excludes any buildings that were removed before 1 July 2027.
Façade requiring risk mitigation	A <i>façade</i> , or an element attached to or forming part of a <i>façade</i> , that must be mitigated via demolition, securing or overhead protection. This term applies to <i>Category A</i> EPBs whose remediation requirement is <i>façade risk mitigation</i> .
Façade risk mitigation	Seismic work 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. The seismic work must meet the performance standard specified in Annex Two .
High Risk Deficiency (HRD)	High-risk deficiency: a specific building feature of a <i>Category B</i> building (or combination of features) that causes elevated risk of partial or full building collapse in earthquake. Annex One contains an exhaustive list of HRDs and engineering methods for identifying HRDs.
Identify after statutory timeframes pathway	The process to identify <i>Category A</i> , <i>B1</i> or <i>B2</i> buildings as EPBs after identification timeframes have passed. Explained in section 9 of this guidance.
Public space	A public road, footpath or other thoroughfare, or a place where people congregate. Explained in sections 3.4-3.5 of this guidance.
Register and sign only EPB	A 1 or 2 storey <i>Category A</i> EPB that is outside of an urban centre. While these buildings will have URM <i>façades</i> facing onto public space, those <i>façades</i> only require risk mitigation as a condition of removing the building's EPB status.
Remediation requirement	The seismic work on an EPB that is required by a certain deadline. Will be one of demolition, <i>façade risk mitigation</i> or <i>targeted retrofit</i> . In the Building Act and <i>Methodology</i> , this is defined as 'required remediation measure'.

Targeted retrofit	Seismic work for certain three or more storey <i>Category A</i> EPBs, and for <i>Category B1</i> and <i>Category B2</i> EPBs that mitigates the risk of full or partial collapse in an earthquake. It must meet the performance standard in Annex Two .
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A full **Glossary** can be found at the end of this guidance.

How this guidance is structured



Section 1: Summary of changes to the EPB system

The *Building (Earthquake-prone Buildings) Amendment Act 2026* and the *EPB Methodology 2027* change the EPB system that was in effect between 2017 and 2026. The key changes are:

From 26 September 2026:

- Dunedin, coastal Otago and Stewart Island are reclassified from a low to medium seismic zone.
- EPBs in low seismic zones (Auckland, Northland, and the Chatham Islands) cease to be EPBs. Within three months of Royal Assent, territorial authorities must notify the building owners, remove the building from the EPB Register and remove, or authorise the owner to remove, the EPB notice. No new EPBs can be designated in those areas.
- Territorial authorities can review and remove their existing priority routes. The review must be carried out using the special consultative procedure and must be completed before 1 July 2027. The review cannot extend or identify new priority routes.

From 1 July 2027:

- Only buildings in medium and high seismic risk zones can be designated EPBs.
- Building categories replace profile categories. The categories are A, B1 and B2 (refer to **Key terms** above).
- Buildings that are not *Category A, B1 or B2* are no longer within scope of the EPB system and may not be made, or remain, EPBs. Consequently, territorial authorities in medium and high seismic zones must remove EPB status from all these buildings within three months of commencement.
- The definition of a priority building is narrowed. Territorial authorities must remove priority status from any EPBs that no longer qualify for priority status within three months of commencement.
- After statutory identification timeframes have passed, the *identify after statutory timeframes pathway* can be used to designate *Category A, B1 and B2* buildings as EPBs. Territorial authorities wanting to designate any building as an EPB via this pathway must follow the process set out in section 133AJ of the Building Act.
- *Category B2* buildings that exhibit *High Risk Deficiencies* (HRDs) identified using **Annex One** can only be designated as an EPB via the *identify after statutory timeframes pathway*.
- New Building Standard (%NBS) ratings will no longer be used to identify EPBs.
- Building owners can apply to a territorial authority for seismic work deadline extensions of up to a cumulative total of fifteen years. Territorial authorities may impose conditions on extensions.
- An EPB's remediation requirement depends on its type and location and will be either *façade risk mitigation* or *targeted retrofit* (full or partial demolition can also satisfy the requirement).
- All EPBs must still display EPB signs, but these are set by MBIE rather than prescribed in regulations and will look different from those that were displayed under the 2017 legislation.
- 1 or 2 storey *Category A* EPBs outside of urban centres have no seismic work deadline but must undergo *façade risk mitigation* for their EPB status to be removed.
- New rules apply in respect of alterations to EPBs, and changes to their use.

For more information on the EPB system, visit: www.building.govt.nz

Section 2: Buildings that can be EPBs

This section explains which buildings are in scope of the EPB system.

2.1 To be an EPB, a building must be within scope

From 1 July 2027, many *existing EPBs* will no longer be within scope. Use this section to help determine which buildings remain within scope.

Methodology requirements

Building in scope means a building, within the meaning of section 133AB of the Act, that—

- (a) is not excluded from the earthquake-prone building provisions by section 133AB or any other provision of the Act
- (b) is in a medium or high seismic zone as shown in the map in Schedule 2A of the Building Act, and
- (c) meets the criteria for a Category A building or a Category B building.

2.2 Certain buildings are excluded from the EPB system and cannot be EPBs

A territorial authority must not identify or determine a building to be an EPB if the building is not within scope. Section 133AB of the *Building Act* lists buildings that cannot be EPBs. These include:

- farm buildings, fences and retaining walls, certain monuments, wharves, bridges, tunnels, storage tanks, and dams.
- residential housing unless the building is two or more storeys and is either a hostel, boarding house, or other specialised accommodation, or contains three or more household units.

2.3 Buildings in scope must be in medium or high seismic zones

No building in a low *seismic zone* can be an EPB.

TIP: An online version of the seismic map is available at: www.building.govt.nz

2.4 Buildings in scope must correspond to *Category A* or *B*

Requirements for *Category A* and *B* buildings are summarised in **Table 2** below:

Category A	One or more exterior URM walls, 1 or 2 storeys, with at least one <i>façade requiring risk mitigation</i>
	One or more exterior URM walls, 3 or more storeys, outside an urban centre, with at least one <i>façade requiring risk mitigation</i>
	One or more exterior URM walls, 3 or more storeys, within an urban centre
Category B	Is built using <i>heavy materials</i> Has 3 or more storeys, or is 12m or more in height Designed before 1 January 1976 (<i>Category B1</i>) Designed after 1 January 1976 (<i>Category B2</i>)

Table 2: Category requirements for EPBs

Section 3: *Category A* buildings

A building is a *Category A* building if it has at least one exterior unreinforced masonry (URM) wall and either has a *façade requiring risk mitigation* or has 3 or more storeys and is in an *urban centre*.

3.1 Is the building in an *urban centre*?

An *urban centre* includes:

- the urban core and secondary urban cores of a metropolitan area
- the urban core and secondary urban cores of a large regional centre
- the urban core of a medium regional centre.

These areas are defined in Statistics New Zealand's [Functional urban areas—methodology and classification \(2021\)](#)

TIP:

An online map that shows New Zealand's urban cores in New Zealand is available at: www.building.govt.nz

Category A buildings often have parapets, canopies, ornaments and chimneys. **Figure 2** provides an illustrative example.



Figure 2: A typical *Category A* type building

Methodology requirements

Part 1(5): A building is a Category A building if—

(a) at least one of its exterior walls contains URM, and

(b) either—

- (i) at least one of its façades is a *façade requiring risk mitigation*, or
- (ii) the building has 3 or more storeys and is in an *urban centre*.

For the purposes of this clause, URM includes clay brick masonry, stone masonry, unreinforced concrete block masonry, and unreinforced concrete brick masonry. It does not include—

- (a) URM veneer, namely a single wythe of bricks on the exterior of a building fixed to reinforced concrete, reinforced masonry, timber, or steel framing, unless the veneer is fixed to other URM or supports an URM parapet, or
- (b) URM bounded on all 4 sides by and contained within a reinforced concrete, structural steel, concrete-encased structural steel, or combined structural frame, including an infill panel with openings that occupy not more than 40 per cent of the combined area of the panel and openings.

An internal wall that extends to an exterior elevation, and an isolated internal chimney or masonry element, is not by that fact alone an exterior wall containing unreinforced masonry. If plaster conceals the masonry and reliable records do not establish its construction, it may be treated as URM for initial identification, subject to validation by further investigation.

3.2 Does the building have a URM wall? (called *façade* here)

For clarity, the following materials qualify as URM:

- clay brick masonry, including single and double skin (solid and cavity) masonry
- stone masonry, including square-cut (ashlar) stone, rubble, or cobble masonry;
- concrete block masonry (hollow or solid, grout-filled or ungrouted) which contains no reinforcement
- concrete brick masonry, where solid or hollow concrete bricks are unreinforced and laid with mortar in the same way as clay bricks.

The following are also considered URM materials:

- masonry veneer on a façade that is fixed to other URM materials
- URM parapets supported on top of masonry veneer
- masonry contained within a frame of mass (unreinforced) concrete or timber
- URM outside the frame, such as a parapet on top of a frame.

The following are not considered URM materials:

- URM veneers fixed to reinforced concrete, reinforced masonry, timber, or steel framing
- masonry contained within a structural frame of reinforced concrete, structural steel, concrete-encased structural steel or a combination of these.

The following clarifications also apply:

- **concrete block masonry:** most concrete block masonry in New Zealand buildings is expected to contain some reinforcement. Concrete block masonry should not be treated as URM unless there is evidence that it contains no reinforcement.
- **plastered masonry:** where plaster conceals the type of masonry and no drawings are available, the masonry should be treated as URM. The building owner can conduct further investigation if they consider this warranted.

Most **Category A** buildings have one or more URM exterior façades facing onto **public space**

For 1 or 2 storey building, or a 3 or more storey building outside of an urban centre, at least one URM façade must face onto **public space**.

Public space is a public road, footpath, other thoroughfare, or a place where people congregate. A **façade** is considered to face onto public space where the distance (measured perpendicular to the façade) between the base of the façade and the public space is less than the height of the façade.

For buildings that are three or more storeys and within an urban centre, however, the **public space** requirement does not apply. The building only needs to have at least one URM exterior wall.

Table 3 below summarises these criteria. More detail follows the table.

Category A Criteria	
1 or 2 storeys	One or more URM exterior walls, with at least one being a <i>façade requiring risk mitigation</i>
3 or more storeys, outside an urban centre	One or more URM exterior walls, with at least one being a <i>façade requiring risk mitigation</i>
3 or more storey, within an urban centre	One or more URM exterior walls

Table 3: Criteria for *Category A* buildings

TIP

A *Category A* building can also be a *Category B* building if it meets the criteria for both categories (see **section 4** for the *Category B* definitions). If mitigation requirements apply under both categories, the building must meet both sets of requirements to comply with the Building Act and the *Methodology*.

3.3 What are **façade elements**?

Methodology requirements

A façade is a URM wall, and all its elements from ground level to the top. Façade elements include parapets, pediments, gables, piers, spandrels, cornices, ornaments, chimneys, towers, and turrets constructed of URM. Balconies, canopies, signage, plant, equipment, and other elements of any material fixed to, hung from, or supported by a URM wall are also façade elements. An element set back from the façade is not, however, a façade element merely because it is visible above or behind the façade.

Figure 3 below provides examples of *façade elements* (the *façade* in question is facing the street):

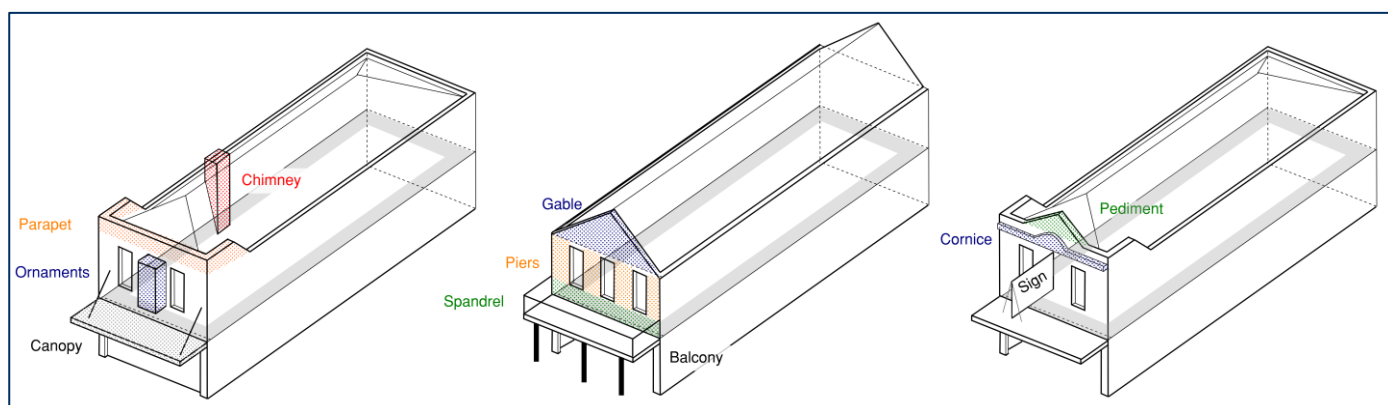


Figure 3: Examples of *façade* elements

What is not part of a *façade*?

Some URM elements may be part of a building without being part of its *façade*. For example:

- interior walls are not part of a *façade*, even if they extend through it
- the chimney shown in **Figure 3** above is set back from the front and is therefore not an element of this *façade*.

3.4 How to decide whether a *façade* requires risk mitigation

A *façade* requiring risk mitigation must face onto *public space*.

Methodology requirements

A *façade* is a *façade* requiring risk mitigation if—

- it contains unreinforced masonry
- it faces a public road, footpath, other thoroughfare, or place where people congregate, and
- the shortest horizontal distance from any *façade* element to that area, measured perpendicular to the *façade*, is less than the height of that element above adjacent ground level.

A section of exterior wall set back from the building perimeter, including an upper storey, tower, or rooftop structure, must be assessed separately.

Step 1: Assess whether the *façade* faces onto *public space*

Apart from three or more storey URM buildings in *urban centres*, to qualify as a *Category A* building, at least one of the building's *façades* must face onto *public space* – hence becoming a *façade requiring risk mitigation*. **Table 4** suggests definitions of *public space*:

Public road	A road for vehicle traffic (including cycles) that is maintained by a public authority (eg the territorial authority or the Transport Agency).
Footpath	A pedestrian path that is adjacent to a public road and/or to storefronts.
Thoroughfare	A passageway or street that opens to roads, footpaths or places where people congregate at both ends and is intended to provide the public with a way to get from one location to another.
Place where people congregate	See discussion below.

Table 4: Definitions of *public space*

Places where people congregate

Methodology requirements

For the purposes of determining whether a façade faces a place where people congregate, a territorial authority must determine whether the place—

- (a) is intended for people to gather; or
- (b) although not intended for that purpose, is otherwise likely to be used by people to gather on a regular basis.

If a place is not intended for people to gather, the territorial authority must determine whether people are otherwise likely to gather there on a regular basis. In making that determination, the territorial authority must have regard to the place's accessibility, nature, purpose and usual use.

Places that may qualify as public space include outdoor café seating, public squares, and bus stops. Car parks, yards and grassed areas are unlikely to qualify unless they have particular features that make people likely to congregate there (eg a carpark is also used as a night market). A place that people usually pass through without stopping is unlikely to qualify as a place where people congregate, but might qualify as a footpath or thoroughfare.

Step 2: If necessary, compare the setback distance from the *public space* against the *façade's* height

If one or more *façades* appear to face onto *public space*, the territorial authority should be satisfied that it is within the setback distance. A façade does **not** require risk mitigation if it is set back from the public space (measured perpendicular to the façade) by more than its height. To determine this:

1. Measure the height of the *façade*

- measure vertically from the *adjacent ground level* to the highest point of the *façade*
- include any parapets, or heavy ornaments directly attached to the façade, but not elements set back from the façade

2. Measure the setback distance

- measure the shortest horizontal distance (perpendicular to the face of the façade) to the *public space*.

3. Compare the two measurements

- if the *façade* height is **greater than or equal to** the setback distance, it requires risk mitigation
- if the *façade* height is **less than** the setback distance, it does not.

<i>Façade</i> setback	Result
Façade height is greater than or equal to the setback distance	Building is <i>Category A</i> building and the <i>façade</i> requires risk mitigation
Façade height is less than the setback distance	Façade does not require risk mitigation
No <i>façades</i> require risk mitigation	Building is not a <i>Category A</i> building and cannot be designated an EPB

Table 5: Façade setback and risk mitigation requirements for 1 or 2 storey *Category A* buildings, and 3 or more storey *Category A* buildings outside of urban centres

3.5 Examples of *public space* and *façades requiring risk mitigation*

The example pictures below show *public space* in blue, and *façades requiring risk mitigation* in yellow. They are for illustrative purposes only and may not have the appearance of *Category A* buildings.

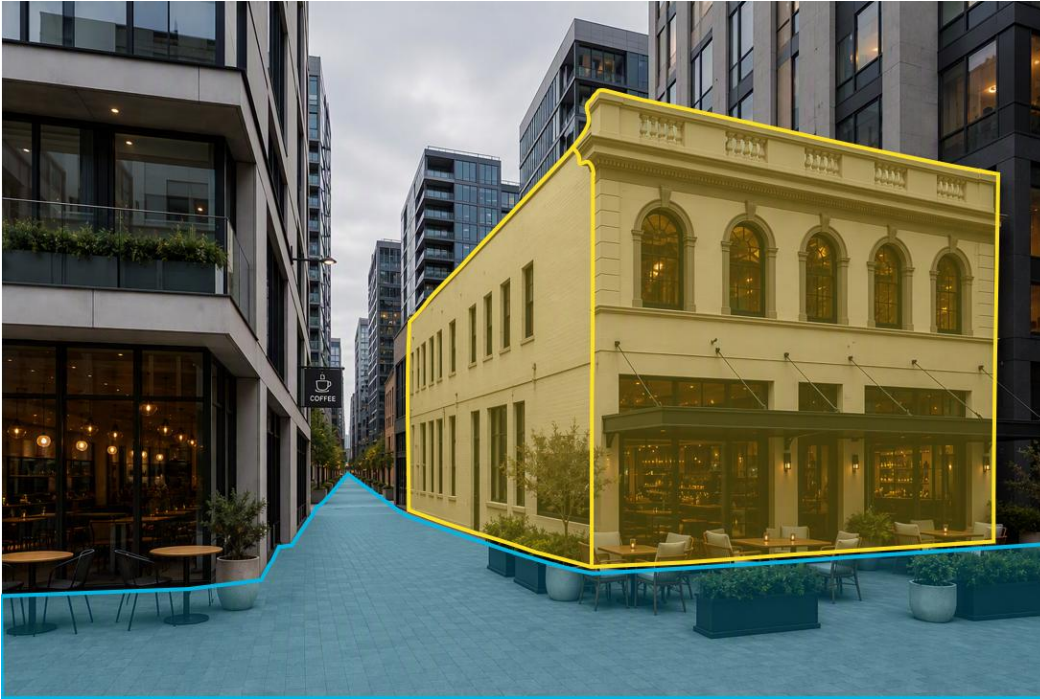


Figure 4: The outdoor seating is a place where people congregate, and the laneway is a thoroughfare.



Figure 5: No façades require mitigation. The set back from road and footpath is greater than the height of façades, and entrance faces onto a carpark, not a footpath or thoroughfare.



Figure 6: The footpath extends from the road along the carpark because it is next to a store front



Figure 7: The footpath extends along the carpark because it is next to store fronts. The footpath along the road is within the setback distance.



Figure 8: The footpath is next to store fronts, but the driveway is not a thoroughfare



Figure 9: An alleyway to a private yard is not a thoroughfare

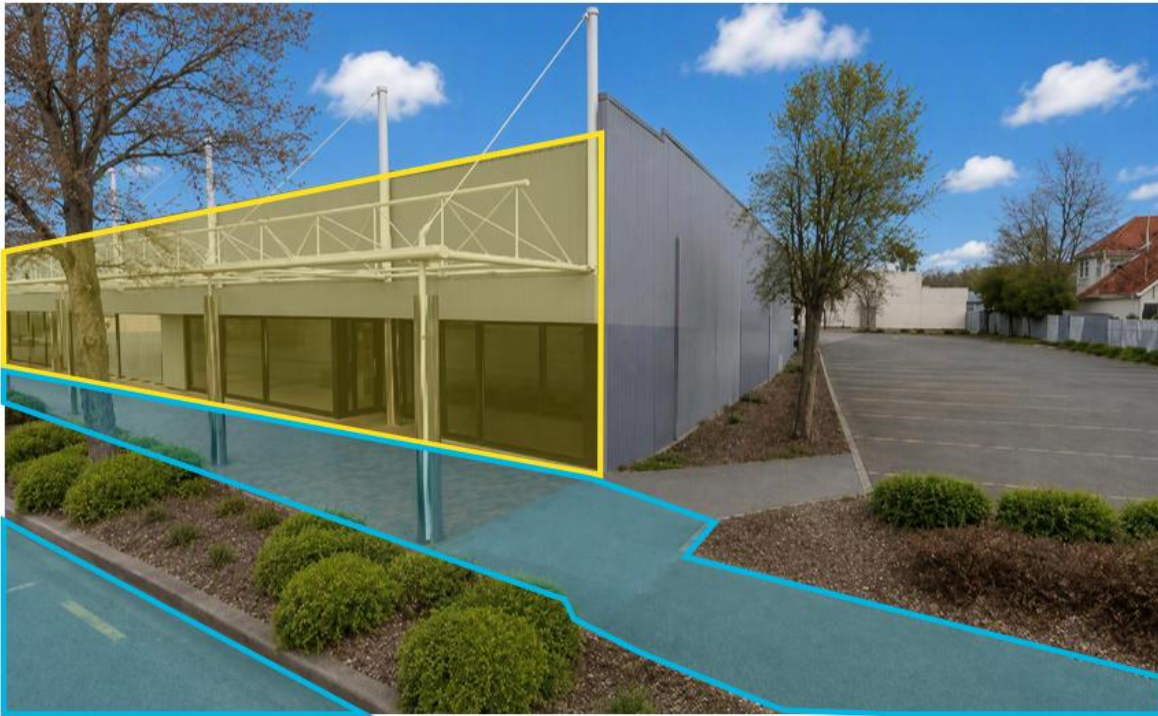


Figure 10: Footpath does not extend around building, and the carpark is not a place where people congregate



Figure 11: Footpath detaches from the road but remains adjacent to storefronts

3.6 How to count **Category A** building storeys

The number of *storeys* a *Category A* building has affects what EPB requirements apply. Use the guidance below to determine how many storeys count for this purpose.

Methodology requirements

For a Category A building, a storey is the space between a floor and the floor or roof directly above it. The number of storeys is the greatest number in any part of the building, subject to the following:

- (a) a storey fully below ground level need not be counted
- (b) a partially embedded storey must be counted if the top of the suspended floor above it is more than 2 metres above adjacent ground level at any part of the building perimeter
- (c) a lightweight storey above an unreinforced masonry structure must be counted unless it is a minor rooftop structure, being an enclosed or roofed area on a roof that, alone or together with any other enclosed or roofed rooftop area, totals less than the smaller of 100m² or 20 per cent of the area of the floor that supports it
- (d) a partial internal floor covering less than 20 per cent of the plan area at its level need not be counted, and
- (e) a roof pitched at more than 45 degrees with a pitched ceiling below it, or with no ceiling at eaves level, must be counted as a storey unless it covers less than 20% of the roof area.

A URM building is considered three or more *storeys* if it has three or more storeys above *ground level*.

Basements: a *storey* that is fully below *ground level* is not counted as a storey.

Lightweight storeys on URM: a *storey* of lightweight construction on top of a URM structure is counted as a storey, unless it is a minor rooftop structure.

Mezzanines: a partial internal floor covering less than the smaller of 100m² or 20% of the plan area at its level is not counted as a storey.

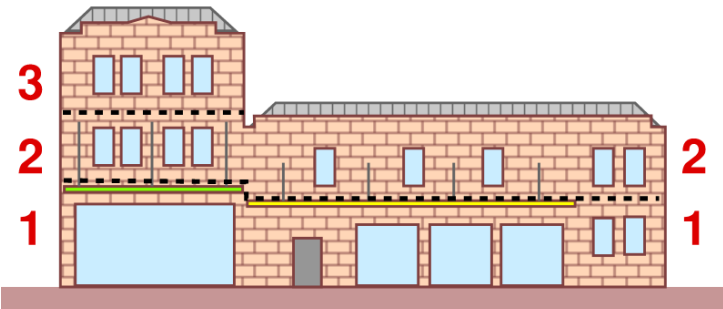
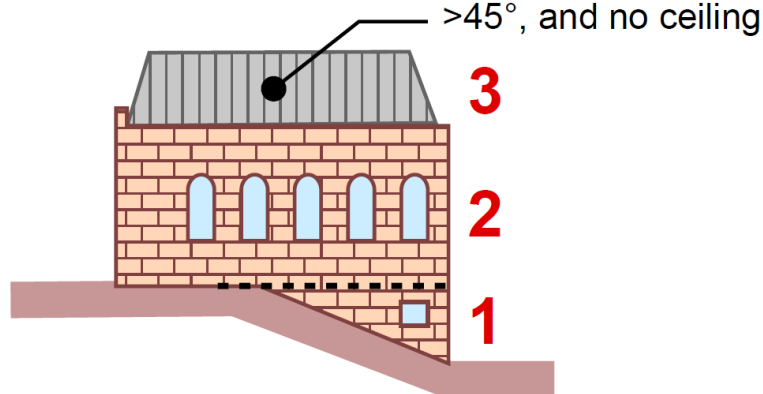
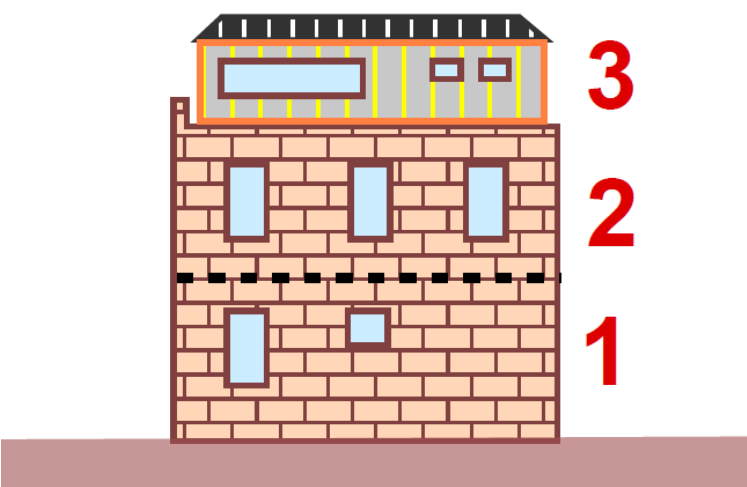
Mixed-height buildings: where parts of a building have different numbers of *storeys*, the number of storeys of the building is the greatest number in any part (unless the towers or minor rooftop structure exception applies).

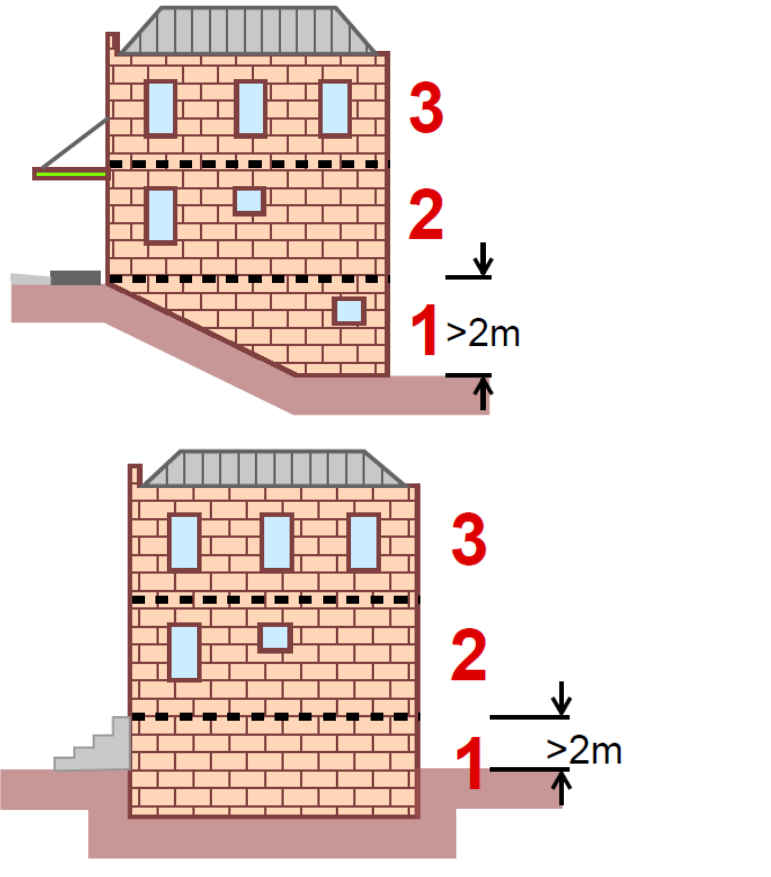
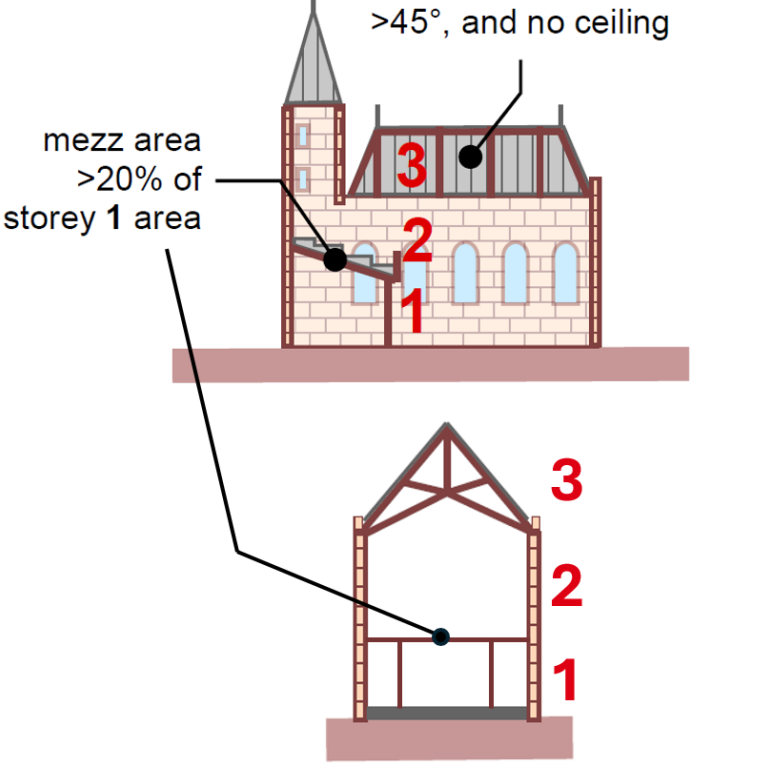
Partially embedded storeys: a *storey* below a suspended floor is counted as a storey where the top of that floor is more than 2 m above *adjacent ground level* over any part of the building's perimeter.

Steeply pitched roofs: a roof pitched steeper than 45° with a pitched ceiling below it or no ceiling at eaves level, as is common in churches, is counted as a *storey*, unless it covers less than 20 per cent of the building's roof area.

Towers or minor rooftop structures: enclosed or roofed areas above a roof, of any construction, with plan area less than the smaller of 100m² or 20 per cent of the area of the floor that supports them, are not counted as a storey.

The examples in **Table 6** below show how these rules apply.

Example	Figure	Outcome
A building which contains both 3+ storey and 1 or 2 storey sections, and where the 3-storey section is greater than the lesser of 100m², or 20% of the storey below.		3 or more storeys
A steeply pitched roof (> 45 degrees) with a pitched ceiling below (eg churches), or without a ceiling, is counted as an additional storey.		3 or more storeys
A storey of lightweight construction on top of a URM structure is counted as a storey, where it is greater than the lesser of 100m² or 20% of the plan area of the storey below.		3 or more storeys

A partially embedded <i>storey</i> (or undercroft) where part or all of the suspended floor is greater than 2m above ground (eg a sloping site or raised suspended ground floor) is counted as a storey.		3 or more storeys
A building with a <i>steeply pitched roof without a ceiling at eaves level</i> must have that roof counted as an additional <i>storey</i>. Mezzanines greater than the lesser of 100m² or 20% of the plan area at that storey are counted as a storey. Enclosed or covered areas (such as towers) totalling less than 20% of the area of the floor on which they are supported, need not be included.		3 or more storeys

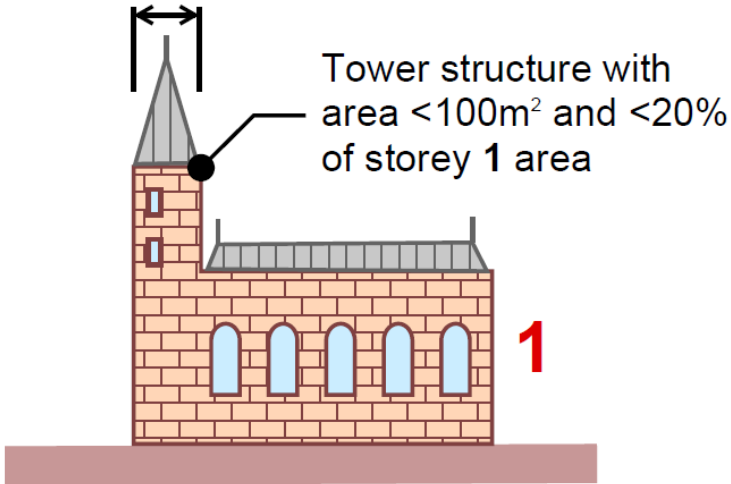
A basement level which is fully below ground is not counted as a <i>storey</i>.		1 or 2 storey
Enclosed or covered areas (such as towers) totalling less than 20% of the area of the floor on which they are supported, need not be counted as a <i>storey</i>.		1 or 2 storey

Table 6: Examples of how to count storeys for Category A buildings

Section 4: *Category B* buildings

Methodology requirements

A building is a Category B building if it—

- (a) has 3 or more storeys or is 12 metres or more in height; and
- (b) is built using heavy materials.

A building is built using heavy materials if it has—

- (c) floors or roofs constructed substantially in reinforced or unreinforced concrete, including composite construction or construction incorporating masonry or
- (d) framing elements that support and brace the building, including walls, columns, beams, or braces, constructed in reinforced concrete, unreinforced concrete, reinforced concrete masonry, or concrete-encased structural steel.

The distinction between Category B1 and Category B2 buildings is based solely on design date. A building is—

- (a) a Category B1 building if it was designed before 1 January 1976, and
- (b) a Category B2 building if it was designed on or after 1 January 1976 and before 1 July 2027.

The design date must be established from drawings, calculations, approvals, permits, building-consent records, or other reliable records. If those records are inconclusive, the date of the earliest design drawings lodged for approval may be used. The relevant date is the date of the earliest designed part of the building, rather than the date of a later alteration or addition. A building may meet both the Category A and Category B criteria, in which case the requirements applying to each category must be met.

Most *Category B* buildings are built of reinforced concrete, while some may be constructed of concrete-encased steel or reinforced concrete masonry. They feature framing, walls, floors or roofs constructed substantially of reinforced or unreinforced concrete (including as part of composite floor construction and floor construction incorporating masonry elements).

Figure 12 below provides an illustrative example of a *Category B* building:



Figure 12: A typical *Category B* type building

TIP

A *Category B* building can also be a *Category A* building if it meets the criteria for both categories (see **section 4** for the *Category A* definitions). If mitigation requirements apply under both categories, the building must meet both sets of requirements to comply with the *Building Act* and the *Methodology*.

4.1 The difference between *Category B1* and *B2* buildings

Category B1 buildings were designed before 1 January 1976. This was the year of release of NZS 4203:1976, which was the first seismic design standard containing modern seismic design provisions. *Category B2* buildings, in contrast, will have been designed in reliance on NZS 4203:1976 or a subsequent building standard.

4.2 How to count *Category B* building storeys

Methodology requirements

For a Category B1 or Category B2 building, a storey is the space between a floor and the floor or roof directly above it. The following apply when determining the number of storeys and the building height:

- (a) a storey fully below ground level is not counted
- (b) a partially embedded storey is counted if the floor above it is above adjacent ground level at any part of the building perimeter, unless paragraph (c) applies
- (c) a partially embedded storey is not counted if every perimeter elevation within and below it is effectively enclosed by reinforced concrete or reinforced masonry walls, and the total length of qualifying wall, excluding openings, perforations, and wall segments whose height-to-length ratio exceeds 1, is at least 70 per cent of the elevation length
- (d) enclosed or roofed rooftop areas totalling less than the smaller of 100 m² or 20 per cent of the supporting floor area are not counted
- (e) a mezzanine constructed solely of lightweight steel or timber is not counted, and
- (f) building height is the greatest vertical distance from any point on the roof to the adjacent ground level below that point, excluding minor rooftop structures under paragraph (d) and minor roof appendages or equipment.

Category B buildings are considered to have three or more storeys if *either* of the following apply:

- they have three or more storeys above *ground level*, or
- the building is 12m or more in height, measured as the vertical distance from any point on the roof above *adjacent ground level*, and irrespective of the number of covered/roofed floors within.

Basements: a storey that is fully below ground level is not counted as a storey.

Enclosed partially embedded storeys: a partially embedded storey is not counted where, within and below it, every perimeter elevation is effectively enclosed by reinforced concrete or reinforced masonry walls. An elevation is effectively enclosed where the total length of wall, excluding openings, perforations and wall segments with an aspect ratio $H_{\text{wall}}/L_{\text{wall}}$ greater than 1, is at least 70 per cent of the length of the elevation, where:

H_{wall} Overall height of a reinforced concrete or reinforced masonry wall segment, from the critical section at its base to the top of the partially embedded storey(s), mm.

L_{wall} Length of a reinforced concrete or reinforced masonry wall segment, mm.

Mezzanines: For buildings with floors of heavy materials, a mezzanine floor constructed solely in lightweight materials (such as structural steelwork, light gauge steel or timber framing) is not counted as a floor. For buildings with lightweight floors, a partial internal floor constructed solely in lightweight materials (such as structural steelwork, light gauge steel or timber framing) covering less than 20 per cent of the plan area at its level is not counted as a floor.

Partially embedded storeys: a storey below a suspended floor is counted where that floor is above *adjacent ground level* over any part of the building's perimeter, unless it is an enclosed partially embedded storey.

Towers or minor rooftop structures: enclosed or roofed areas on a roof, of any construction, are not counted if their floor area totals less than the smaller of 100 m² or 20 per cent of the area of the floor that supports them.

The examples in **Table 7** show how building forms and site conditions affect the number of storeys.

Example	Figure	Outcome
Three storeys, on a level or sloping site, including partially embedded storeys.		Category B
Two storeys, less than 12m in height.		Not Category B
Two storeys above a basement that is fully below ground level, less than 12m in height.		Not Category B
Two storeys above a partially embedded storey that is effectively enclosed, less than 12m in height.		Not Category B
One or two storeys and less than 12m high, excluding towers or rooftop structures that are <20% of the floor area supporting them).		Not Category B

Table 7: Examples of counting storeys for Category B buildings

Section 5: Remediation requirements

An EPB's *remediation requirement* determines the *seismic work* required before its EPB status can be removed. This section explains how *remediation requirements* work, and which requirements apply.

Remediation requirements vary according to the EPB's category, height and location. The *Building Act* defines two remediation requirements: *façade risk mitigation* and *targeted retrofit*. Demolition will also satisfy an EPB's remediation requirement.

The *remediation requirements* that apply to each category of EPB are described in **Figure 13** below. Performance standards for these remediation requirements are detailed in **Annex Two**.

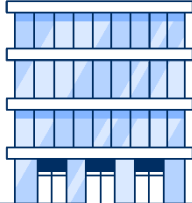
		BUILDING TYPE		
		Category A		Category B1 and B2
		1 or 2 storey	3 or more storey	
				
LOCATION	Not Urban centre	Register and EPB sign	Façade risk mitigation	Targeted retrofit
	Urban centre	Façade risk mitigation	Targeted retrofit	

Figure 13: Remediation requirements by building type and location

5.1 Retrofit of Category A buildings

5.1.1 Register and EPB sign

These EPBs only need to display an *EPB sign* and be put on the EPB Register. To have their EPB status removed, any *façades* facing onto *public space* must undergo *façade risk mitigation*. Territorial authorities should identify those *façades* in the updated *EPB notice*, so the building owner knows which they are.

5.1.2 Façade risk mitigation

Façade risk mitigation addresses the life-safety risk from masonry and other building elements falling onto *public space* during an earthquake. Where an EPB has this *remediation requirement*, only its *façades requiring risk mitigation* must be addressed. Where a *façade requiring risk mitigation* supports other *façade elements*, the risk posed by these elements must also be addressed.

Façade risk mitigation is generally achieved by securing the façade to the building's structure but may in some cases also be met by overhead protection per **Annex Two**.

Scope of work

Façade risk mitigation does not require remediation of:

- the risk arising from full or partial building collapse
- masonry falling from walls that are not *façades requiring risk mitigation*, or
- risks to people within the building.

A building satisfies the *façade risk mitigation* remediation requirement if:

- the *façades* requiring risk mitigation satisfy the Performance Level for Façade Securing specified in **Annex Two**
- all façades and associated elements requiring risk mitigation have URM materials removed, or
- overhead protection is provided in accordance with **Annex Two**.

Standardised façade securing for 1 or 2 storey Category A buildings

Most 1 or 2 storey *Category A* buildings can use the *Standardised Securing Handbook* for *façade risk mitigation* rather than requiring a specific engineering design. **Annex Two** identifies the building characteristics that qualify for this pathway and the *Guidelines* provides standardised detailing solutions that can be used to satisfy the *façade risk mitigation* remediation requirement.

FOR CONSULTATION DRAFT

The *Standardised Securing Handbook* is currently being developed. This will be released for public consultation in 2027.

5.1.3 Targeted retrofit - URM

Unlike *façade risk mitigation*, *targeted retrofit* addresses life-safety risks associated with full or partial collapse of the whole building. This typically involves identifying critical vulnerabilities and how earthquake forces are transferred through the building including an adequate load path to the ground.

Targeted retrofit is not intended to address every building vulnerability. Its purpose is to:

- achieve the objective of *façade risk mitigation*, and
- address the risk arising from full or partial building collapse caused by failure of unreinforced masonry that forms part of the building's primary lateral or vertical load-resisting system.

Scope of work

Targeted retrofit must satisfy the retrofit performance requirements specified in **Annex Two**, including all the work required for *façade risk mitigation*.

In addition, the retrofit must provide a continuous load path to the ground for building elements within the scope of the retrofit. Where necessary, the retrofit must improve the capacity of an existing load path or provide an alternative load path.

5.2 Targeted retrofit - Category B buildings

Traditional seismic strengthening often seeks to improve the performance of all significant structural elements to a specified level. By contrast, *targeted retrofit* for a *Category B* building aims to address the life-safety risks arising from one or more *High Risk Deficiencies* (HRDs). Other vulnerabilities do not need to be remediated unless this is necessary to achieve the required retrofit performance or avoid creating new deficiencies.

A building satisfies this remediation requirement if the *HRDs* are removed, or the retrofitted elements satisfy the retrofit performance requirements specified in **Annex Two**.

Scope of work

Targeted retrofit for a *Category B* building is limited to the remediation of *HRDs* identified through an *HRD review*. The retrofit may include additional work where necessary to satisfy the retrofit performance requirements specified in **Annex Two** or avoid introducing new or worsening existing deficiencies.

Required qualifications for engineers conducting HRD reviews

An *HRD review* must be overseen and signed off by an engineer competent in structural and earthquake engineering, and seismic assessments of existing buildings. At minimum, they must be a structural engineer with experience in seismic assessment and retrofit, with suitable training in the identification of *HRDs*, and be chartered under the Chartered Professional Engineers Act 2002.

5.3 Demolition (*Category A* and *B* buildings)

Demolition is sufficient to meet the required remediation measure if it removes every part of the building giving rise to its EPB status. For a building whose remediation requirement is *façade risk mitigation*, demolishing all the *façades requiring risk mitigation* achieves this, as does removing all URM material from those *façades*.

Section 6: Priority status and remediation deadlines

This section explains how remediation deadlines work, how to decide if an EPB has priority status, and factors that are relevant to seismic work extensions.

6.1 Remediation deadlines

EPBs must meet their *remediation requirement* by the deadline specified in **Table 8** below. The deadline depends on the building's seismic zone, whether the building has priority status, and whether the EPB has been granted a deadline extension.

Seismic zone	Remediation deadline (years from identification as EPB)	
	Priority buildings	Other buildings
Medium	12.5 years	25 years
High	7.5 years	15 years

Table 8: remediation deadlines for medium and high seismic zones

Note that:

- The remediation deadline (not including any extensions) is calculated from the date the original *EPB notice* was issued (most likely under the 2017 system).
- EPBs that had notices issued before 26 November 2024 and had remediation deadlines on or after 2 April 2024 have an automatic four year extension, to be added to the deadlines above.
- Deadlines have not changed for existing EPBs, including any in *coastal Otago*.

6.2 Priority buildings

Prior to 1 July 2027, some EPBs may have priority status because they were likely to be needed for emergency response. That is no longer a qualifying criterion under the new EPB system. From 1 July 2027, an EPB may only have priority status if it is:

- a *Category A* building that part of which could fall onto a public road, footpath, or other thoroughfare, where those places have high pedestrian or vehicle traffic, or
- any EPB that could impede an emergency transport route if it were to collapse in an earthquake.

A building that does not meet either of these criteria must not be designated a priority building. If it had priority status before 1 July 2027, that status must be removed.

6.3 Remediation deadline extensions

EPB owners may also apply for additional extensions of up to 15 years in total. Territorial authorities can decide whether to grant an extension and, if so, how long the extension will be and if any conditions will apply.

In considering deadline extension applications, territorial authorities must have regard to certain factors. These are listed in **Table 9** below, along with suggestions for how territorial authorities might take these factors into account.

Statutory consideration	How it might support an extension application
The EPB's ownership structure	Collective decisions involving many owners are required
Its remediation requirement	The seismic work is complex and costly
Steps already taken to plan for or carry out the required seismic work	The owner(s) can demonstrate tangible steps towards meeting the remediation requirement
Whether the EPB has priority status	The EPB does not have priority status
The EPB's heritage status (if any)	The EPB has heritage status
The remediation deadline	The remediation deadline is not many years away (nor has it passed)

Table 9: Seismic work deadline extensions - factors territorial authorities must consider

6.4 Seismic work exemptions

Building owners can also apply to their territorial authority for an exemption from the requirement to carry out seismic work. Exemptions are available to buildings that are low risk by virtue of having little use, and little traffic around them. While an exemption is in force, the building remains an EPB but there is no remediation deadline (as for *Register and sign only* EPBs). *[Note for consultation draft: MBIE intends to provide updated guidance on seismic work exemptions in 2027].*

Section 7: The EPB lifecycle

This section explains the main stages a building may go through before it is removed from the EPB Register. The next three sections explain how this process applies to:

- *existing EPBs* in areas where the identification timeframe has ended
- new EPBs identified through the *identify after statutory timeframes pathway*
- new EPBs in *coastal Otago*.

Figure 14 below shows how the lifecycle applies to EPBs:

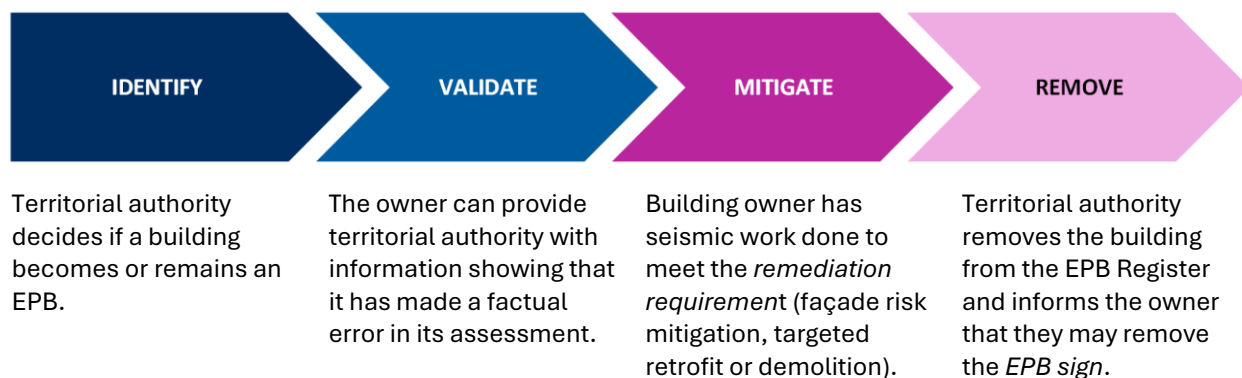


Figure 14: the EPB lifecycle

7.1 Identify

The key information required for the **Identify** stage is in **section 2** of this guidance. The process to follow, however, depends on the context.

Sections 8 to 10 of this guidance set out how the **Identify** stage applies to:

- *existing EPBs*
- new EPBs outside of *coastal Otago*, and
- new EPBs in *coastal Otago*.

The **Identify** stage results in the territorial authority sending the building owner and other parties with an interest in the building an *EPB notice* which sets out its *remediation requirement* and remediation deadline.

The territorial authority must also provide the building owner with an *EPB sign*, which the owner must display in a prominent place on or next to the building.

What the law says

Section 133AU of the Building Act specifies that that the territorial authority must give a copy of the EPB 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
- (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
- (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.

7.2 Validate

Methodology requirements

Part 2(10): An owner may at any time provide information to a territorial authority concerning the building category, number of storeys, height, design date, façade exposure, unreinforced masonry, high risk deficiencies, applicable pathway or required remediation measure, or completed seismic work.

The territorial authority must consider the information and, to the extent relevant, reassess—

- (a) whether the building meets the criteria for a Category A building, a Category B1 building, or a Category B2 building under clauses 5 and 6;
- (b) the evidence and evaluation relevant to the building under clauses 7 and 9;
- (c) whether the building is earthquake-prone; and
- (d) the applicable pathway and any required remediation measure under Schedule 2.

The territorial authority must record the information considered, its findings on each relevant matter, the reasons for its decision, and any consequential amendment or removal of the building's designation, applicable pathway, or required remediation measure.

During the **Validate** stage, a territorial authority may reassess decisions it has made during the **Identify** stage, where the building owner has provided it with new information. This new information can be obtained in two ways:

1. When an *HRD review* conducted by a suitably qualified chartered professional engineer finds that the building has no *HRDs*. *Category B* buildings cannot become or remain EPBs if an HRD review establishes that they do not have any HRDs. **Annex One** provides technical criteria for all HRDs and details on how to conduct an HRD review.

An *HRD review* is optional. If the building owner does not provide a review showing that the *Category B* building has no HRDs during the validate stage, the building is assumed to be an EPB.

2. A building owner seeks a reassessment on some other basis. A building owner may apply to the territorial authority at any time after 1 July 2027 to review its EPB status or *remediation requirement*. This should happen well before the remediation deadline. The territorial authority must review its decision where the information demonstrates that:

Information provided by the building owner	Examples of supporting information
The building does not meet the definition of a <i>Category A, B1 or B2</i> building.	Building plans, photographs, or other information describing the building's characteristics.
The territorial authority has incorrectly determined the building's height or number of storeys.	Building plans, elevations, surveys, or photographs.
For a building with a <i>façade risk mitigation</i> remediation requirement, the building does not contain <i>façades requiring risk mitigation</i> .	Photographs, plans, or other information describing the relevant external walls.
For a <i>Category B1 or B2</i> building, an <i>HRD</i> review demonstrates that the building does not have any HRDs.	An <i>HRD</i> review prepared by a suitably qualified chartered professional engineer.

Table 10: Information that may require the territorial authority to review its determination

In considering information provided by building owners, territorial authorities should not require information that is not reasonably necessary to reach a decision. For example, territorial authorities should not request engineering reports where photographs or building plans would be sufficient. Generally, for *Category B* buildings, the only engineering reports needed during this stage would be an *HRD* review.

If a territorial authority determines that a different remediation requirement applies, it must update the EPB Register and issue a replacement *EPB notice*. This does not reset the remediation deadline.

If the territorial authority determines that the building is not an EPB, it must remove the building from the EPB Register and authorise removal of the *EPB sign*.

7.3 Mitigate and Remove

Methodology requirements

Part 3(12): The territorial authority must be satisfied, on the basis of a code compliance certificate, engineering statement, plans, as-built records, photographs, or equivalent reliable evidence, that—

- (a) if façade risk mitigation or targeted retrofit is the required remediation measure, that measure has been met; or
- (b) if the register and display pathway applies, voluntary façade risk mitigation has been completed and satisfies the requirements for façade risk mitigation in Schedule 2.

Part 3(13): After considering the evidence under clause 12, the territorial authority must determine whether the building is no longer earthquake-prone. The territorial authority may make that determination if—

- (a) the required remediation measure has been met; or
- (b) the register and display pathway applies and voluntary façade risk mitigation has been completed in accordance with Schedule 2 so that the building no longer meets the applicable earthquake-prone building criteria.

If the territorial authority determines that the building is no longer earthquake-prone, it must notify the owner, remove the building from the earthquake-prone buildings register, and remove or authorise removal of the EPB warning sign.

Once the remediation requirement has been met, the building owner must provide evidence of this to the territorial authority. This will usually be when the owner receives a Code Compliance Certificate (CCC) for the seismic work.

The territorial authority can remove the building's EPB status before a CCC is issued if it is satisfied that the *remediation requirement* has been met and any outstanding work is unrelated to that requirement.

Where the territorial authority is satisfied that the *remediation requirement* has been met, the territorial authority must:

- notify the owner in writing that the building is no longer an EPB
- remove the building from the EPB Register, and
- remove, or authorise the owner to remove, the *EPB sign*.

Section 8: The Identify and Validate stages for *existing EPBs*

In medium and high seismic zones outside of *coastal Otago*, the first two stages of the EPB lifecycle work as follows:

1. **Identify** – the territorial authority confirms that the building remains an EPB (and if applicable, a priority building) and what its *remediation requirement* is. The territorial authority must provide that information to the building owner in an updated EPB notice by 1 October 2027.

Territorial authorities may use the information they have to hand for this stage. They are not required to make new enquiries, nor to consult with the building owner or any other parties.

2. **Validate** – This may happen after the building owner receives their updated *EPB notice*. Owners of *Category B* buildings may choose to commission an *HRD review* during this stage. If it finds no *HRDs*, the Mitigate stage below is skipped and the territorial authority must remove the building's EPB status.

Table 11 and **Figure 14** below sets out the steps territorial authorities should take:

1.	Decide whether the <i>existing EPB</i> meets the criteria for a <i>Category A</i> and/or <i>B</i> building (see figures 15 and 16 below).
2.	If the building is currently a priority building, check whether it still meets the requirements for priority status (see section 6).
3.	Issue an updated <i>EPB notice</i> to the owner and other relevant parties. The notice must include the building's new <i>remediation requirement</i> and remediation deadline.
4.	Provide the owner with an <i>EPB sign</i> and ensure it is displayed on the building. See section 133AZC of the Building Act for EPB sign requirements.
5.	If the owner requests, consider new information that they have provided and maintain / update / withdraw the <i>EPB notice</i> as appropriate.

Table 11: Identify process for existing EPBs

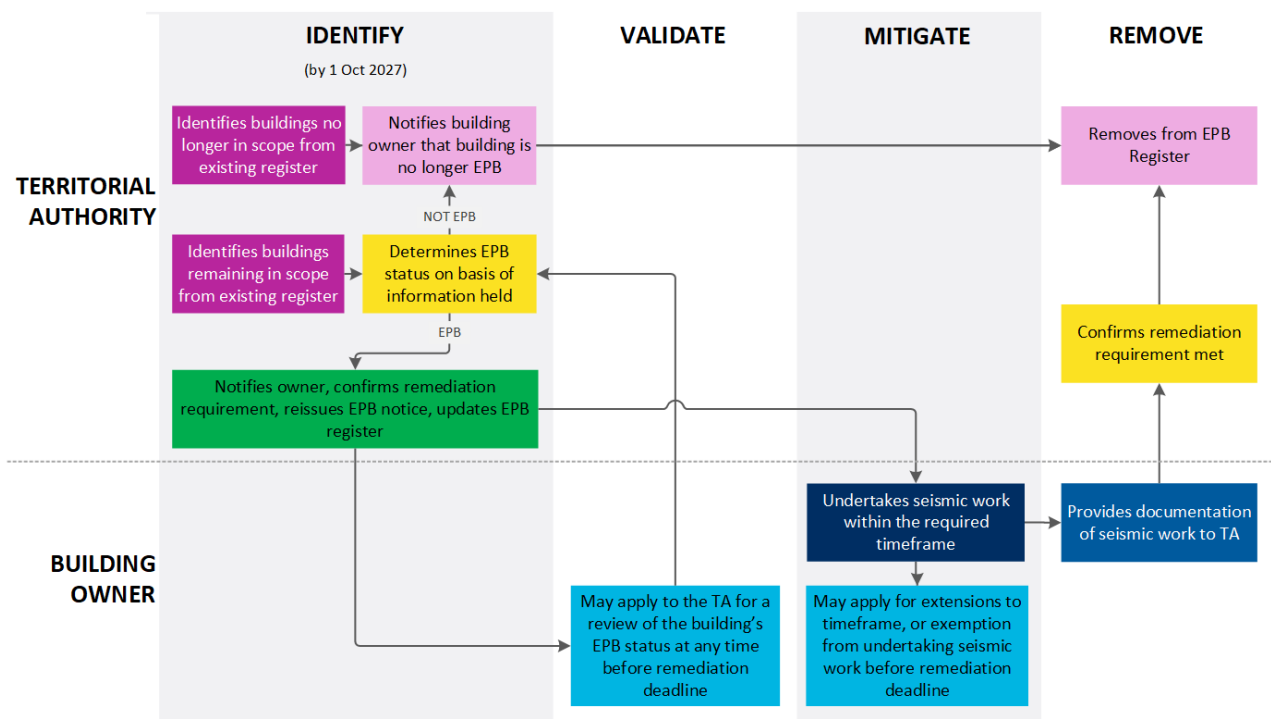


Figure 14: the EPB lifecycle for *existing* EPBs

8.1 Assessing *whether* a building is a **Category A** building

Figures 15 below illustrates the process for assessing an *existing EPB* against the criteria for a *Category A* building, and what its *remediation requirement* is:

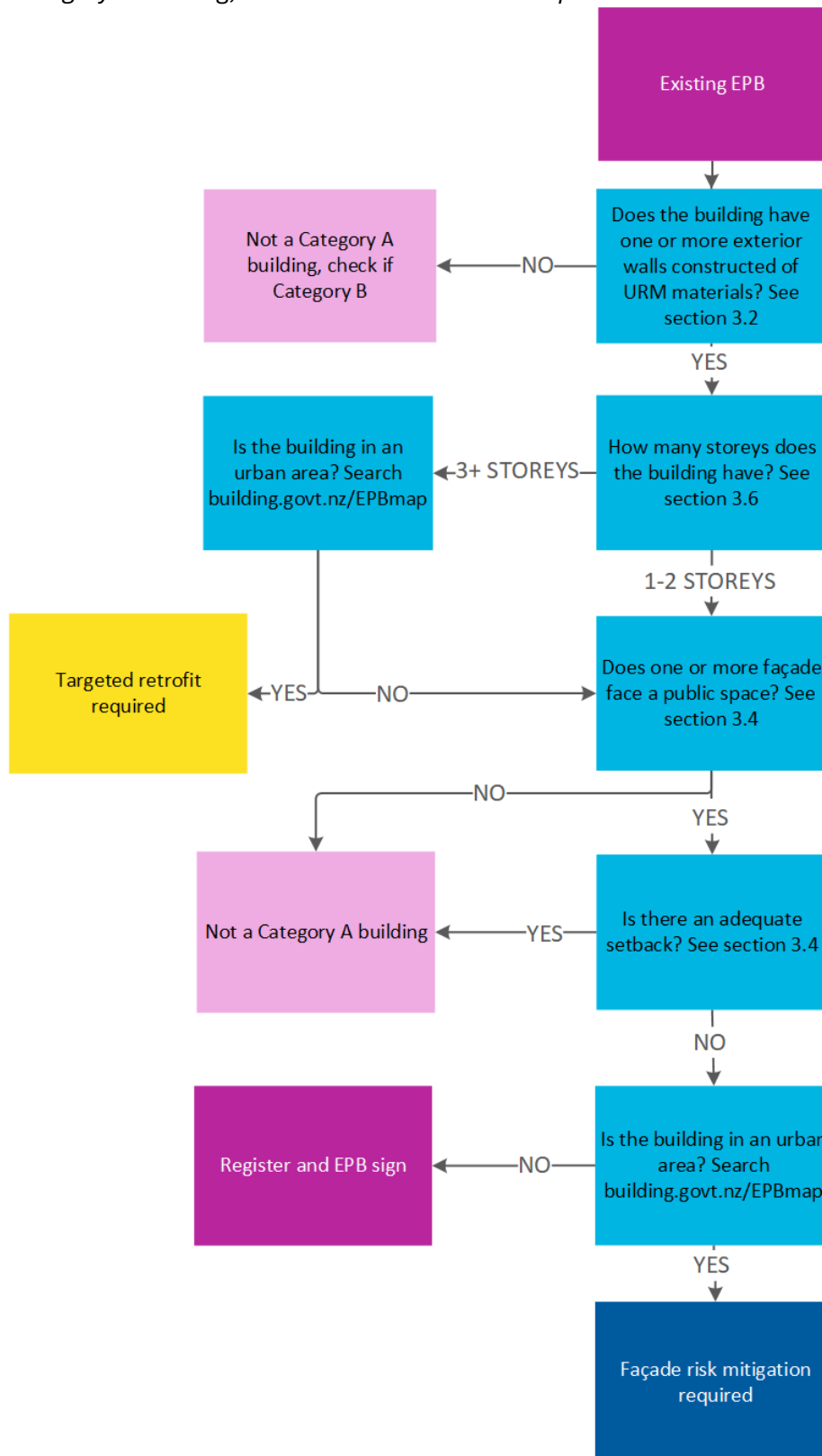


Figure 15: Deciding whether an *existing EPB* is a **Category A building**

8.2 Assessing whether a building is a *Category B* building

Figures 16 below illustrates the process for assessing an *existing EPB* against the criteria for a *Category B* building, and what its *remediation requirement* is:

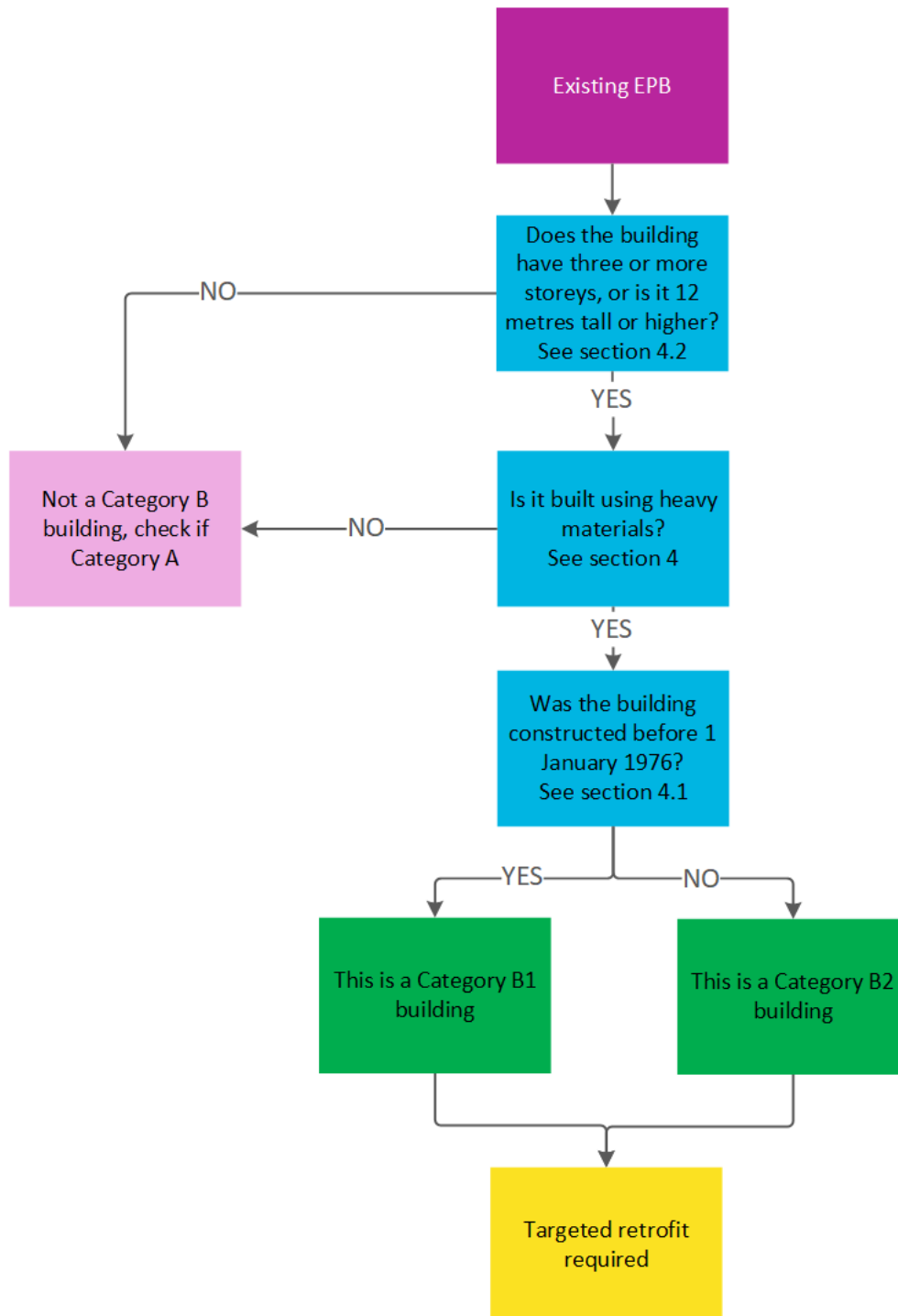


Figure 16: Deciding whether an *existing EPB* is a *Category B* building

Section 9: The Identify and Validate stages after the identification time frame expires

After the statutory identification period has ended, a territorial authority can use the *identify after statutory timeframes pathway* if it receives information that a building meet the criteria to be an EPB. This includes *Category B2* buildings and *Category A* or *B1* buildings that may have been missed earlier.

This pathway is only applicable where the building is within scope (ie *Category A*, *B1* or *B2*), and the territorial authority has not previously designated it as an EPB or found to it to not be an EPB. In other words, the *identify after statutory timeframes pathway* is **not available to relitigate past decisions**.

What the law says

Section 133AJ of the *Building Act* specifies that after the applicable identification timeframe has expired, a territorial authority may use the process in section 133AJ to identify certain *Category A* and *Category B* buildings. The territorial authority must notify the owner, allow at least six months for the owner to provide evidence or information, consider any information received, and obtain MBIE's approval before determining that the building is earthquake-prone.

9.1 Seeking MBIE confirmation for the *identify after statutory timeframes pathway*

This pathway includes additional procedural requirements before an EPB designation can be made. One of these is that MBIE must confirm the territorial authority's intended EPB designation before it can be applied to that building.

In seeking confirmation, the territorial authority must show that the:

- building meets the criteria for this pathway, and
- building owner has been provided an opportunity to supply relevant information and that any information received has been taken into account.

A territorial authority may designate the building as an EPB only after receiving MBIE's confirmation.

MBIE's role is to consider whether the TA has complied with the requirement to notify the owner of the proposed designation, and has considered the matters raised in the owner's response. If there is a dispute between the building owner and the territorial authority as to whether the building qualifies for EPB status (ie over substance rather than process), the building owner can seek a statutory determination from MBIE via the standard process.

The Identify and Validate parts of the process differ between *Category A* and *B* buildings, as set out below.

9.2 *Identify after statutory timeframes* – Identify and Validate for Category A buildings

A *Category A* building can be designated as an EPB through the *identify after statutory timeframes* pathway if the territorial authority considers that the building meets the criteria for a *Category A* building and has not previously been found to not be an EPB.

The territorial authority must notify the building owner that it considers the building to meet the criteria for an EPB on this basis, and that they have six months (or longer at the territorial authority's discretion) to provide relevant information.

After the allocated time period for a response has elapsed or the building owner has responded, the territorial authority must seek MBIE's confirmation that the building may be designated as an EPB. If the building owner has not responded within the allocated period, the territorial authority may apply to MBIE for confirmation of its intended designation without taking the owner's feedback into consideration.

If MBIE confirms that the territorial authority may designate the building as an EPB, it can follow the standard process as outlined in **section 8**.

EXAMPLE: After plaster falls from a one-storey building, a territorial authority discovers that the building has URM walls rather than the timber construction it previously thought it had.

The territorial authority notifies the owner and gives them six months to provide information. The owner does not respond, so the territorial authority seeks MBIE's confirmation. Once MBIE confirms that the building can be designated, the territorial authority designates it as an EPB, issues the required notice, adds it to the EPB register and provides the owner with an *EPB sign*.

9.3 *Identify after statutory timeframes* – Identify and Validate for Category B buildings

A *Category B1* or *B2* building can be identified through the *identify after statutory timeframes* pathway if an *HRD review* finds that the building has one or more *HRDs*. The territorial authority cannot require the building owner to obtain or provide an *HRD review*.

Once the territorial authority receives an *HRD review* showing one or more *HRDs* are present, it must notify the building owner that it considers the building may meet the criteria to be designated as an EPB. The owner then has six months to provide relevant information.

If the process results in the territorial authority designating the building as an EPB, it follows the standard process as outlined in **section 8**.

EXAMPLE: A prospective purchaser commissions an *HRD review*, which finds one or more *HRDs*. The review is voluntarily provided to the territorial authority. It notifies the building owner and gives them six months to provide relevant information. The building owner obtains another *HRD review*, which reaches the same conclusion. The territorial authority considers the information and asks MBIE to confirm that the building can be designated as an EPB. Once MBIE provides confirmation, the territorial authority designates the building as an EPB.

Section 10: Process and timeframes for coastal Otago

Territorial authorities in *coastal Otago* must identify new *Category A* and *B1* EPBs before 1 July 2032. This process involves making a provisional assessment, then seeking information from the building owner to verify that. Taken together, the Identify and Validate stages result in an EPB designation.

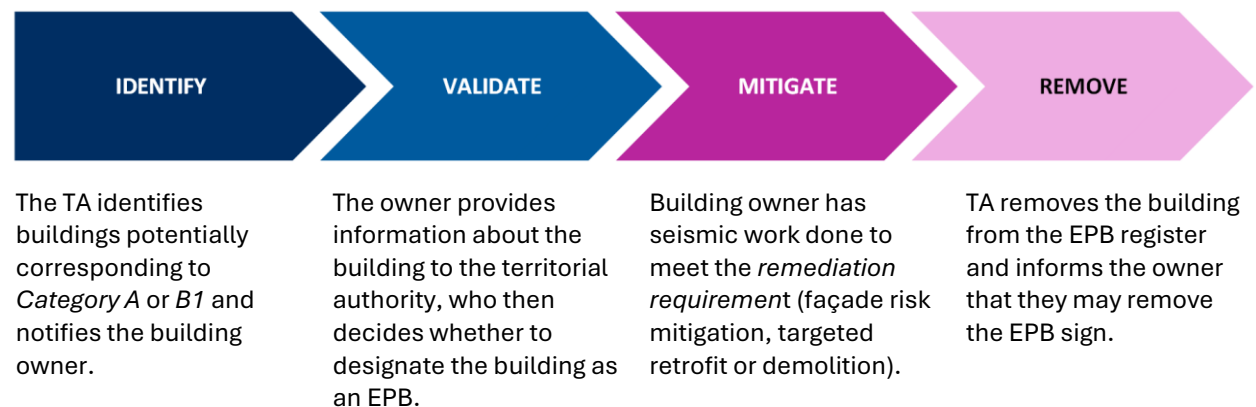


Figure 17: The EPB lifecycle for coastal Otago

Additional variations also apply:

- No EPBs may be classified as priority buildings in *coastal Otago*. Newly designated EPBs in coastal Otago have a remediation deadline of 25 years.
- *Category B2* buildings can only be identified after statutory timeframes have elapsed by using the *identify after statutory timeframes pathway*.

The map below shows *coastal Otago* in green. The area includes Dunedin and the towns of Waimate, Oamaru, Palmerston, Waikouaiti, Mosgiel, Milton, Balclutha, Papatowai and Tokanui.

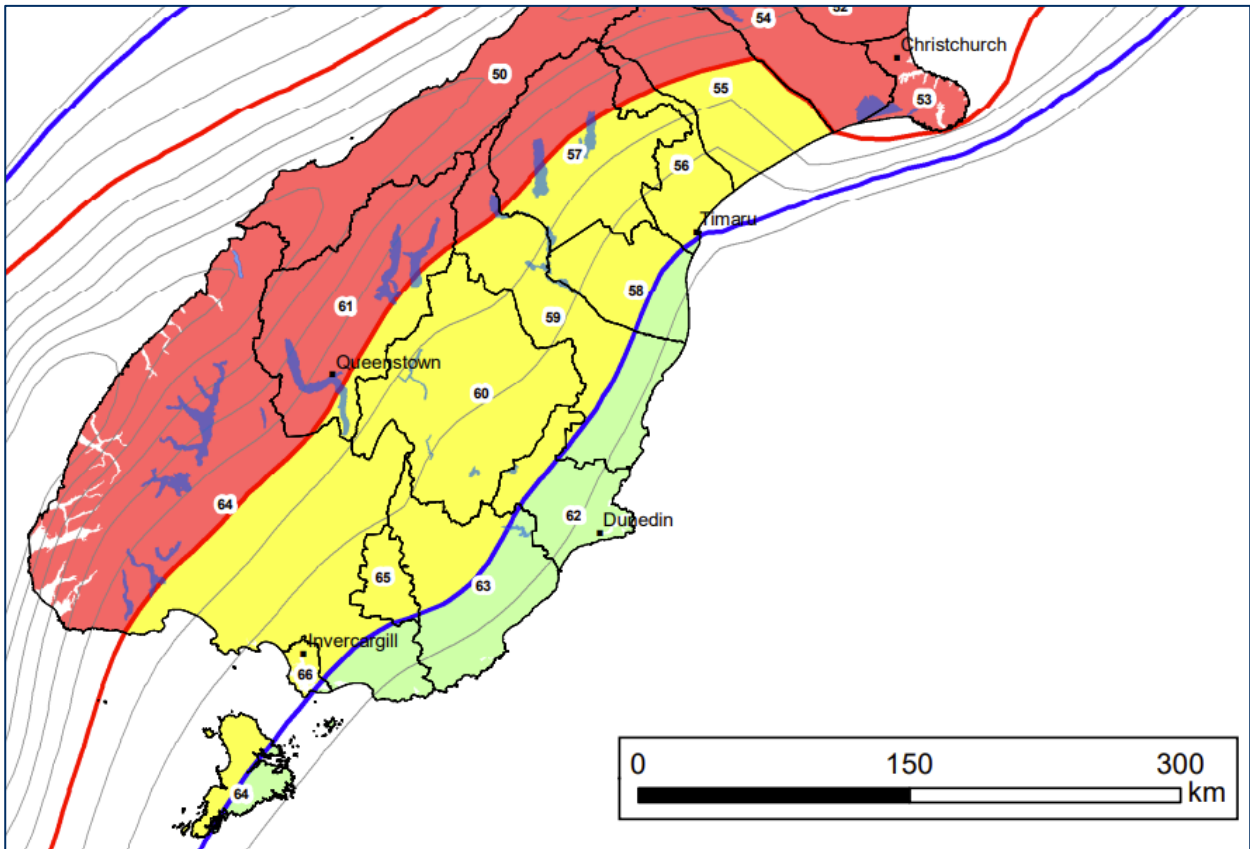


Figure 18: Coastal Otago area covered by the EPB system, shown in green.

The process for designating new *Category A* and *B1* EPBs in coastal Otago is set out in the flowcharts below.

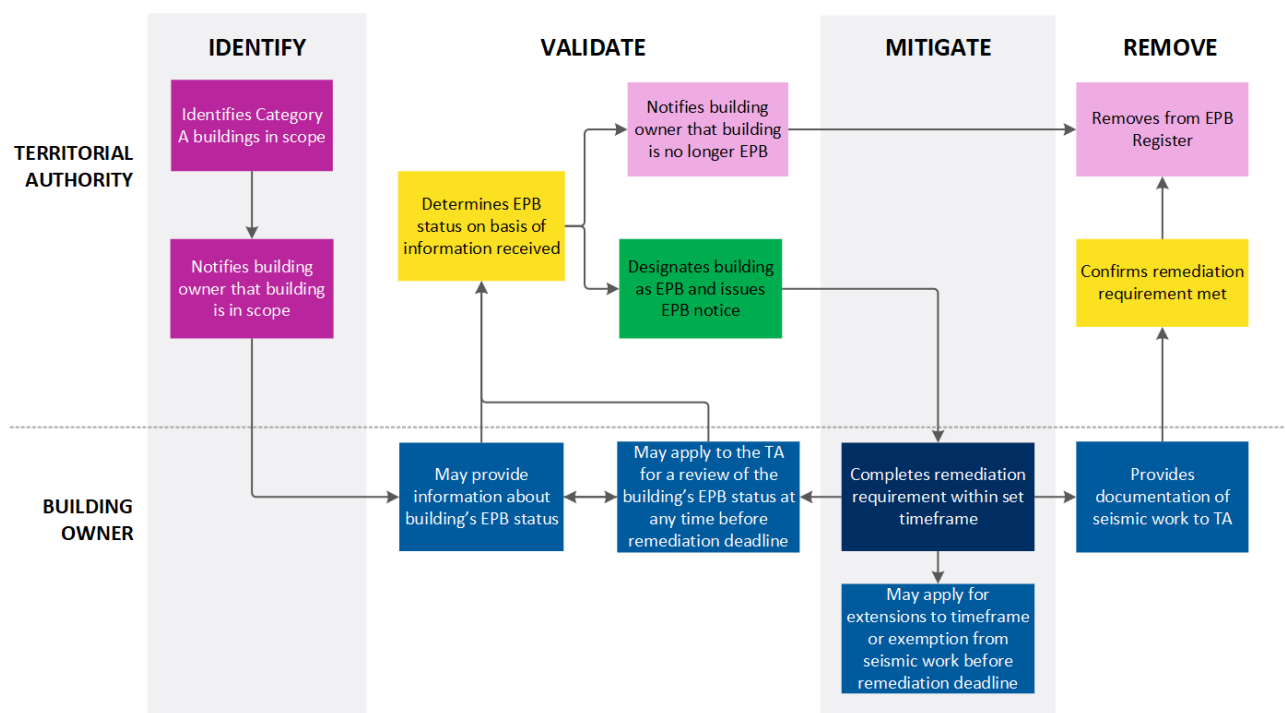


Figure 19: Category A building process from identification through to removal from the EPB Register

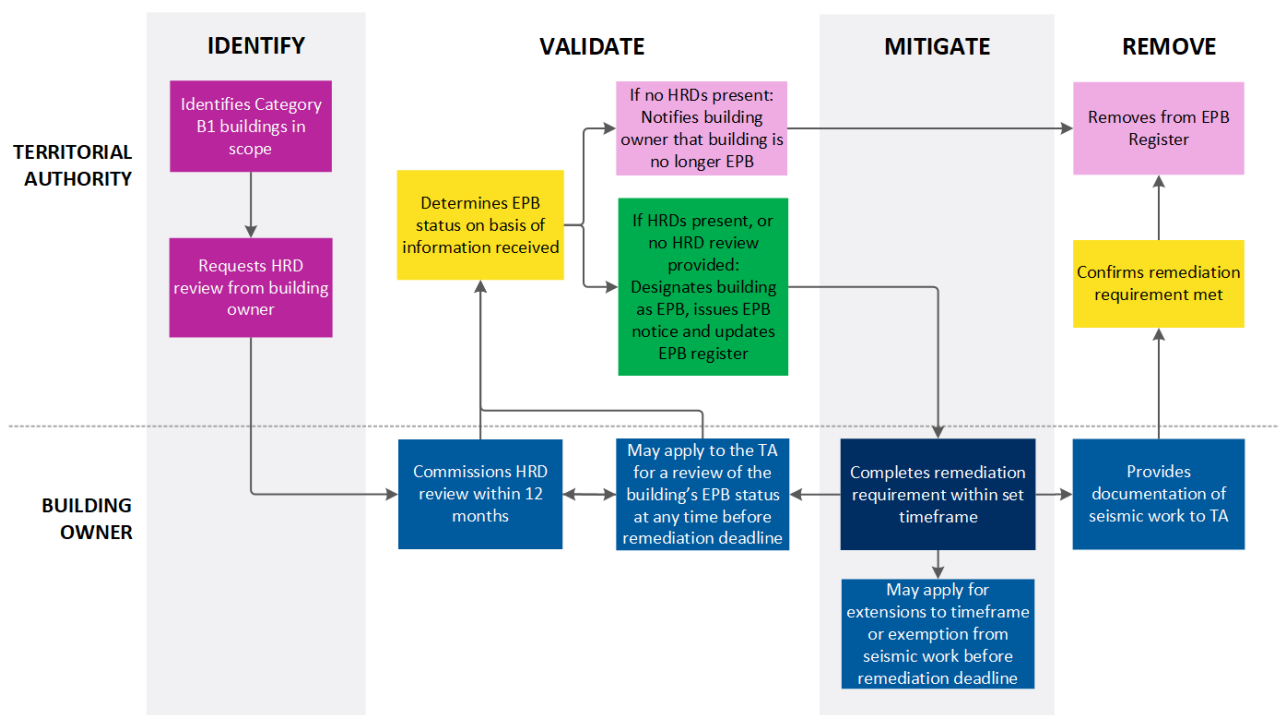


Figure 20: Category B1 building process from identification through to removal from the EPB Register

10.1 Identify

Before 1 July 2032, a territorial authority in *coastal Otago* must identify buildings that potentially correspond with *Category A* or *B1*. Once identified, the territorial authority must notify the building owner in accordance with s133AN (Category A) and/or s133AK (Category B1) of the Building Act.

The notification must be in writing and dated, provide a statement that the building has been identified as potentially corresponding with *Category A* or *B1*, and explain the basis for identification. The remaining requirements differ depending on whether the building is potentially Category A or Category B1. In each case, the notification must:

Category A (s133AN)	- Identify the location and extent of any <i>façades requiring risk mitigation</i> - State the owner may provide information relevant to the identification within six months - Explain that the territorial authority will determine whether the building is an EPB after the six-month period.
Category B1 (s133AK)	- Request the building owner provide an <i>HRD review</i> to the territorial authority within 12 months of the notification - Inform the building owner that they may apply for an extension of time to provide the HRD review - Explain that the territorial authority will designate the building as an EPB after the 12-month period if no HRD review has been provided.

Table 12: Additional requirements for potential EPB notifications

TIP

See **section 3.4** for details of how to determine whether a *Category A* building has *façades requiring risk mitigation*.

10.2 Validate

The validation period is six months for a potential *Category A* building, and 12 months for a potential *Category B1* building. Within this period, the building owner may:

- provide information showing that the building does not meet the criteria for a *Category A* or *B1* building
- provide evidence relevant to whether the applicable *remediation requirement* has already been met
- notify the territorial authority that they do not intend to provide information or an *HRD review*
- apply to the territorial authority for an extension of up to 12 months to provide the HRD review no later than 2 months before the due date
- provide no information.

After the end of the validation period, the territorial authority must determine whether the building is an EPB after considering any information received, and in the case of a potential *Category B1* building, an *HRD review* if provided.

If an *HRD review* identifies one or more *HRDs*, or if the owner does not provide the *HRD review* within the required timeframe, the territorial authority must designate the building as an EPB.

If the *HRD review* demonstrates that the building has no *HRDs*, the building cannot be designated as an EPB.

If the territorial authority determines that the building is an EPB, it must designate the building by:

- issuing an *EPB notice* in accordance with s133AU
- recording the building on the EPB Register, and
- issuing the owner with an *EPB sign* that must be displayed on the building.

If the territorial authority determines that the building is not an EPB, it must promptly notify the owner in writing.

Glossary

Term	Description
Adjacent ground level	The <i>ground level</i> next to the building, closest (horizontally) to the point under consideration.
Building Act	The Building Act 2004, as amended by the <i>Building (Earthquake-prone Buildings) Amendment Act 2026</i> .
Building owner	As defined in section 7 of the Building Act .
Buildings in scope	Buildings that are either constructed of unreinforced masonry or are a 3 or more-storey building of heavy construction in a medium or high seismic zone, and to meet the detailed <i>Category A, B1, or B2</i> criteria, see section 2 of this guidance. Refer to section 133AB(3) of the Building Act.
Category A building	An unreinforced masonry (URM) building that either has: - at least one unreinforced masonry (URM) <i>façade</i> facing onto a public space, or - is constructed of URM, has three or more storeys, and is an urban centre. See section 3 of this guidance.
Category B building	A building that is either <i>Category B1</i> or <i>Category B2</i> .
Category B1 building	A pre-1976 (ie designed before 1 January 1976) building built of heavy materials that has three or more storeys or is 12m or more in height, and meets the criteria set out in clause 5 of the <i>Methodology</i> . See section 4 of this guidance.
Category B2 building	A post-1976 (ie designed on or after 1 January 1976 and before 1 July 2027) building built of heavy materials that has three or more storeys or is 12m or more in height, and meets the criteria set out in clause 5 of the <i>Methodology</i> . See section 4 of this guidance.
Coastal Otago	The parts of coastal Otago and Rakiura/Stewart Island that are shown on the map in Schedule 2A of the Building Act 2004 as being in the medium seismic zone, and that were in the low seismic risk area during the period beginning on 1 July 2017 and ending on 25 September 2026.
Earthquake-prone building (EPB)	A building that a territorial authority determines to be earthquake-prone in accordance with Subpart 6A of the Building Act 2004 and the <i>Methodology</i> .
Existing EPB	An EPB that was entered on the EPB Register before 1 July 2027 and was an EPB on this date.

EPB notice	The information that a territorial authority must provide to the building owner and other interested parties when it designates a building as an EPB. Refer to section 133AU of the Building Act.
EPB sign	The warning sign that must be placed in a prominent place on or next to the building. These signs are not to be confused with EPB notices. Refer to section 133AZC of the Building Act.
EPB methodology	Means the methodology for identifying earthquake-prone buildings that is set by the chief executive of MBIE under section 133AZI of the Building Act.
Façade	An exterior wall of a URM building. See section 3 of this guidance.
Façade element	Any part of a façade, or anything attached to or supported by it, including parapets, pediments, ornaments, chimneys, towers, gables, piers, spandrels and cornices, and elements of any material supported by URM, such as balconies, canopies, verandahs and signage. See section 3.3 of this guidance.
Façade requiring risk mitigation	A façade, or an element attached to or forming part of a <i>façade</i> , that must be mitigated via demolition, securing or overhead protection. This term applies to <i>Category A</i> EPBs whose remediation requirement is <i>façade risk mitigation</i> .
Façade risk mitigation	Seismic work 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. The seismic work must meet the performance standard in Annex Two .
Ground level	The finished level of the ground next to the building, excluding isolated /retained lightwells or entrance structures (such as access stairs or ramps).
Heavy materials	Means floors or roofs constructed substantially in reinforced or unreinforced concrete (including as part of composite floor construction and floor construction incorporating masonry elements of any type); or framing elements supporting and bracing the building (such as walls, columns, beams or braces) constructed in reinforced or unreinforced concrete.
High Risk Deficiency (HRD)	High-risk deficiency: a specific building feature of a <i>Category B building</i> (or combination of features) that causes elevated risk of partial or full building collapse in earthquake. Annex One contains an exhaustive list of HRDs and engineering methods for identifying HRDs.
HRD review	A review of a 3 or more-storey building of heavy construction, per Annex One, by a suitably competent, chartered engineer to identify the presence of any <i>HRDs</i> . This process is referred to in the Building Act and the <i>Methodology</i> as an ‘engineering evaluation’.

Identify after statutory timeframes pathway	The process to identify <i>Category A, B1 or B2</i> buildings as EPBs after identification timeframes have passed. Explained in section 9 of this guidance.
Public space	A public road, footpath or other thoroughfare, or a place where people congregate. Explained in section 3 of this guidance.
Register and sign-only EPB	A 1 or 2 storey <i>Category A</i> EPB that is outside of an <i>urban centre</i> . While these buildings will have URM <i>façade</i> only require risk mitigation as a condition of removing the building's EPB status.
Remediation requirement	The seismic work on an EPB that is required to take place by a certain deadline. This requirement can be either <i>demolition, façade risk mitigation or targeted retrofit</i> . In the Building Act and the <i>Methodology</i> , this is termed 'required remediation measure'.
Seismic work	Building work to decrease life safety risk from a building in an earthquake.
Seismic zone	Used in the Act to determine application of EPB requirements. Refer to the map: www.building.govt.nz
Storey	The space between two logical consecutive horizontal divisions (floor or roof). For URM buildings, a steeply pitched roof without horizontal tying also counts as a storey.
Targeted retrofit	Seismic work for certain 3 or more storey <i>Category A</i> EPBs, and for <i>Category B1</i> and <i>Category B2</i> EPBs, that mitigates the risk of full or partial building collapse in an earthquake. It must meet the performance standard in Annex Two .
Urban centre	Any of the following described in Statistics New Zealand's <i>Functional urban areas—Methodology and classification</i> (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.
URM	Unreinforced masonry. See Section 3 of this guidance.
URM building	A building with URM materials in or on at least one of its <i>façades</i> .

Annexes



**MINISTRY OF BUSINESS,
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