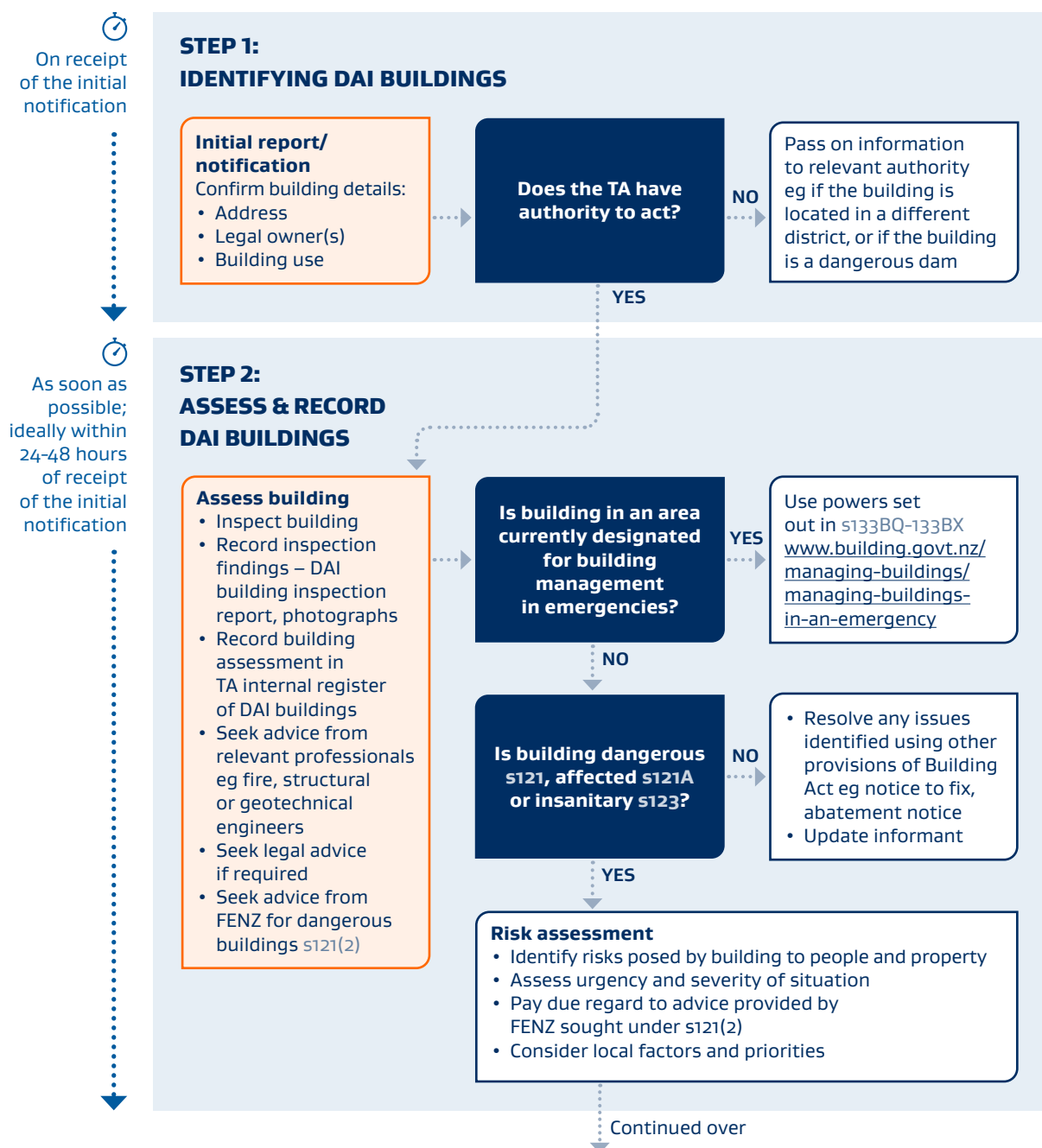


Steps for identifying and managing dangerous, affected and insanitary buildings

This flowchart outlines the steps that councils will take when performing functions for managing a dangerous, affected or insanitary building from initial identification through to resolution.



Appropriate timeframe decided based on risk posed by building and action required

STEP 3: TAKE ACTION

From previous page

Is immediate danger likely/immediate action required?

YES

NO

Immediate danger

- CE of TA issues warrant under s129 causing action to:
 - avoid immediate danger s121
 - fix insanitary conditions s123
- Inform building owner(s) and occupants of assessment
- Notify Heritage NZ Pouhere Taonga for heritage buildings
- On completion of the warranted action TA applies to District Court for confirmation of warrant s130
- Determine what follow up action is required

Notify

At this point the TA may:

- Inform building owner(s) and occupants of assessment
- Discuss building status with the owner where appropriate

Take action

The TA can take several actions depending on whether the building is dangerous, affected or insanitary

Dangerous (s121)

- Put up a hoarding or a fence to prevent people approaching the building nearer than is safe s124(2)(a)
- Attach in a prominent place, either on or adjacent to the building, a notice that warns people not to approach the building s124(2)(b)
- Issue a written notice restricting entry to the building, either for particular purposes or to a specific person or groups of people s124(2)(d)

Give written notice requiring work to be carried out on the building to reduce or remove the danger s124(2)(c)(i)

Give written notice requiring work to be carried out on the building to prevent the building from remaining insanitary s124(2)(c)(ii)

Affected (s121A)

Using dangerous, affected or insanitary buildings

Once a TA has done any of the following:

- Put up a hoarding or fence in relation to a building s124(2)(a)
- Attached a notice warning people not to approach a building s124(2)(b)
- Issued a notice restricting entry to a building s124(2)(d)

it is prohibited for anyone to use or occupy a building, or permit another person to use or occupy it s128

Form of s124(2)(c)(i) & (ii) notices specified by s125(1)

- The notice must be in writing and fixed to the building in question
- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2)
- The notice must state if the owner of the building must obtain a building consent for the work required by the notice
- The notice must state the time that the building work must be carried out in
- This timeframe must not be less than ten days from the date the notice is given, or a reasonable time for a building consent to be obtained, whichever is longer

Form of s124(2)(d) notices specified by s125(1A)

- The notice must be in writing and fixed to the building in question
- Copies of notices must be sent to both the owner of the building and those who occupy it, and also to a range of other people as listed in s125(2)
- The notice must be issued for a maximum period of thirty days, and may be re-issued once for a further maximum period of thirty days

Continued over

Appropriate timeframe decided based on risk posed by building and action required

From previous page

STEP 3: TAKE ACTION (continued)

Re-assess (dangerous/insanitary)

At the end of the time period stated in a notice issued under s124(2)(c)(i)&(ii) (or any extension allowed by the TA) the TA may:

- reassess the building to confirm if the work required by the notice has been completed, or is proceeding with reasonable speed

If work required under s124(2)(c) is not completed or proceeding with reasonable speed the TA can under s126:

- give the owner 10 days' notice it intends to seek court approval to enter the building and undertake the work itself
- apply to the District Court for approval
- carry out the work itself
- recover costs for this from the owner
- this can include full or partial demolition of the building s127

Re-assess (affected)

At the end of the time period stated in a notice issued under s124(2)(d) (either the initial period of max 30 days or additional period of max 30 days) the TA may reassess the building to confirm what further action is required

Resolution

- ✓ Uplift s124 notice when any required remedial building work has been completed to the satisfaction of the TA, or when the dangerous, affected or insanitary conditions have been removed
- ✓ Update TA records to confirm issue has been resolved and the building is no longer dangerous, affected or insanitary

Glossary of abbreviations

Term	Explanation
DAI	Dangerous, affected and insanitary
TA	Territorial Authority
FENZ	Fire & Emergency New Zealand
CE	Chief Executive