

Specified systems and building warrants of fitness

Some types of medium-density housing (MDH) – typically apartment complexes – have controls placed on them to make sure they are safe and healthy for people to enter, occupy or work in.

These controls ensure that critical components within the building such as lifts, emergency lights, heating and ventilation systems and fire protection systems are adequately maintained once the initial building work is complete.

Collectively, these components are known as specified systems and are listed in a special document called a compliance schedule. The compliance schedule must identify each specified system and remain up to date for the life of the building. It must describe the expected standard of performance and how each specified system will be monitored and maintained to ensure it continues to perform correctly.

The building owner or their representative (such as a body corporate) must periodically (usually every 12 months) issue a building warrant of fitness (BWoF). This confirms that all specified systems have been checked and maintained in accordance with the compliance schedule.



Specified systems

Specified systems help ensure people remain safe and healthy when they enter, occupy or work within a building.

Because they have the potential to affect health or life safety if they fail to operate properly, specified systems require ongoing inspection and maintenance to ensure they function as required. It is the responsibility of the building owner to ensure the specified systems continue to perform as was intended when they were installed.

The specified systems are listed in Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. They include any of the following:

1. Automatic fire suppression systems.
2. Integrated or multi-unit emergency warning systems.
3. Electromagnetic or automatic doors or windows.
4. Emergency lighting systems.
5. Escape route pressurisation systems.
6. Riser mains for use by fire services.
7. Automatic backflow preventers connected to a potable water supply.
8. Lifts, escalators, travellers or other systems for moving people or goods.
9. Mechanical ventilation or air-conditioning systems.
10. Maintenance units to provide access to the exterior and interior walls.
11. Laboratory fume cupboards.
12. Audio loops or other assistive listening systems.
13. Smoke control systems.
14. Emergency power systems or signs.
15. Any of the following features, provided they are part of the means of escape from fire and that means also includes automatic fire suppression, riser mains, mechanical ventilation/air-conditioning or smoke control (items 1–6, 9 and 13):
 - Spoken information to facilitate evacuation.
 - Signs intended to facilitate evacuation.
 - Final exits (as defined by the Building Code).
 - Fire separations.
 - Smoke separations.



In addition, all buildings with a cable car, including stand-alone dwellings, require a compliance schedule.

See the Ministry of Business, Innovation and Employment's (MBIE) *Buildings with compliance schedules for specified systems* for more information.

Compliance schedules

A compliance schedule is a document that states the building's specified systems and their performance standards and details the inspection, maintenance and reporting procedures needed to keep them in good working order. (For detailed information on creating and maintaining a compliance schedule, see MBIE's *Compliance Schedule Handbook*.)

If an MDH development contains specified systems, the relevant council will either:

- issue the compliance schedule with the Code Compliance Certificate at the completion of consented building work
- issue the compliance schedule upon application by the building owner where a compliance schedule was not already issued for some reason.

In most cases, the building owner is issued with a compliance schedule at the same time as the Code Compliance Certificate. In rarer cases, a compliance schedule may not be issued with a Code Compliance Certificate. This is likely to occur when a compliance

schedule is required but for some reason one was never obtained.

The council and a building owner can agree to amend a compliance schedule at any time. An amendment may be initiated:

- by the building owner for any reason
- by the building owner's independent qualified person (IQP) to ensure the specified systems will perform to the required performance standards
- by the council to ensure the specified systems will perform to the required performance standards.

A compliance schedule may also need to be amended as a result of building work that affects a specified system. However, this is managed through the building consent process. See MBIE's *Making an amendment to your building's compliance schedule* for detailed information.

The building owner is also responsible for keeping the compliance schedule in the location nominated on the compliance schedule statement and BWoF. This ensures that it and other documents are readily available for inspection by occupants and authorised people, such as council inspectors, service personnel and IQPs.

These other documents must include all annual written reports, log books (records of inspections by owner, tenant, maintenance and inspection personnel) and test certificates and be filed with the compliance

schedule for at least 24 months.

MBIE's *Owners' responsibilities to ensure their buildings are safe to use* provides a useful roadmap to guide the owners of buildings with existing compliance schedules.

Inspections

Most specified systems must be inspected at least every 12 months, but in some cases, they will need to be inspected more frequently, often quarterly or every 6 months.

The building owner must keep records of all inspection, maintenance and repairs undertaken in the previous 24 months. The records must, as a minimum, include:

- details of any inspection, test or preventive maintenance carried out, including dates, work undertaken, faults found, remedies applied and the person who performed the work
- details of any other faults identified or maintenance and repair work undertaken to maintain the specified system in working order, including dates, work undertaken, faults found, remedies applied and the person who performed the work.

If an inspection results in a recommendation to amend the compliance schedule, it must be included with the BWoF and provided to the council. The council will use its discretion to determine if the compliance schedule is amended.

Independent qualified person

Inspections must be conducted by an IQP – a person or organisation approved by the council as qualified to inspect certain specified systems and ensure that necessary maintenance occurs. They are independent because they have no financial interest in the building.

When appointing an IQP, it is important that the building owner thoroughly researches their options, as they are likely to develop a long-term working relationship with the individual or organisation they select.

Councils hold a register of appropriate IQPs to carry out inspection, maintenance and reporting procedures for specified systems. This register identifies the specified systems that each IQP is competent to inspect and maintain.

Building warrant of fitness

A BWoF confirms that the building's specified systems have been inspected and maintained as required in the building's compliance schedule.

To verify to building users that these responsibilities have been met, every 12 months, the building owner must sign, issue and publicly display a BWoF. The BWoF should be displayed in an area of the building where it can be seen by all building users, such as the groundfloor entry foyer, lobby or reception.

The building owner must also lodge a copy of the BWoF with the local council. The council can inspect a building to ensure a BWoF is correct and that any IQP reports submitted are accurate. See MBIE's *Managing your BWoF (for buildings with specified systems)* for more information.

MBIE also provides a downloadable copy of the BWoF template to use.

Consequences of non-compliance

The Building Act makes provision to fine or prosecute building owners who fail to meet their responsibilities. In particular, building owners may face a fine of up to \$20,000 if they:

- fail to obtain a compliance schedule
- fail to supply the council with a BWoF
- fail to display a BWoF when one is required

- display a false or misleading BWoF
- display a BWoF other than in accordance with section 108 of the Building Act.

If a building owner fails to obtain a compliance schedule, an additional fine of \$2,000 per day may be imposed until one is in place. Councils can also issue instant fines ranging from \$250 to \$1,000 for any of the compliance schedule and BWoF breaches listed above.

Notice to fix

A notice to fix is a warning to correct an instance of non-compliance with the Building Code or Building Act. A council may issue a notice to fix where:

- a BWoF is incorrect
- the inspection, maintenance or reporting procedures stated in the compliance schedule are not being or have not been properly complied with
- it identifies any other breach of the Building Act or Building Code.

If the building owner fails to correct the non-compliance, they may be fined up to \$200,000 and a further \$20,000 for each day the offence continues. An instant fine of \$1,000 can also be issued for failing to comply with a notice to fix.

More information on BWoFs is available from MBIE's *Owners' responsibilities to ensure their buildings are safe to use*.

Role of the body corporate

When a homeowner purchases a dwelling in an MDH development, they automatically become a member of the body corporate. All unit owners in a unit title development make up the body corporate.

The body corporate is responsible for a range of management, financial and administrative matters relating to the common property and the unit title development as a whole. This includes maintaining the compliance schedule and BWoF.

A body corporate will usually enter into service contracts with individuals and organisations to fulfil these responsibilities on its behalf.

For more information, see Tenancy Services' guidance on service contracts for body corporates.

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