

Code Compliance Certificate

Occasionally property owners discover that building work on their property does not have a Code Compliance Certificate (CCC). This often occurs when owners are contemplating selling the property.

A CCC is issued in cases where this Council approved the building consent and during the project has been able to undertake sufficient thorough inspections to establish that the Building Code requirements have been met. Council as the Building Consent Authority is liable for a period of ten years from the date of issuing a Code Compliance Certificate. If work we have certified fails during this period Council along with the builder and others involved in the project may be found liable. Weathertight Home Claims are an example of such liability.

Where the work was completed sometime in the past, with or without a building consent a variety of factors may prevent this Council from issuing a CCC.

Certificate of Acceptance

There is a common misconception that applying for a Certificate of Acceptance as provided for in sections 96 – 99 of the Building Act 2004 (the Act) will result in an owner being ***issued with a Certificate that has similar status to a Code***

Compliance Certificate issued under Sections 91 – 95 of the Act. **This is not the case.** A certificate of Acceptance if issued is likely to cover only very limited aspects of the building work undertaken.

Certificates of Acceptance may be applied for:

- Where the building work required a building consent but one was not obtained.
- Where a building consent was approved by a Building Consent Authority other than this Council and a CCC has not been issued e.g. Private Certifiers.
- Where urgent building work as defined in section 41 (1) (1) of the act has been completed without a building consent. Urgent work means work that is *“for the purpose of saving or protecting life or health or preventing serious damage to property or ensuring a specified system is made safe”*. In the case of urgent work the owner must apply for a Certificate of Acceptance “as soon as practicable after completion of the building work”.

Where building work has been completed it is unlikely we will be able to undertake the types of inspection necessary to establish if all the building code requirements have been met. Therefore any Certificate of Acceptance issued will be limited and *“qualified to the effect that only parts (if any) of the building work were able to be inspected”*.

Consequently Council's liability extends only to those aspects of the building work we are able to satisfy ourselves comply with the building code.

An application for a Certificate of Acceptance is unlikely to be accepted where:

- The work was completed before 1 January 1993 (effective date, the Building Act 1991).
- This council has issued a building consent for the building work in question but a CCC has not been issued (specifically excluded by the Act).

An application for a Certificate of Acceptance may not always be the best or most economic option when:

- We have declined to issue a Code Compliance Certificate (CCC) where a “private certifier” approved the building consent, undertook inspections but did not issue a CCC. In such cases an application to the DBH for a determination may be a more appropriate process.

Refer to DBH Determination information to assist you to decide on this.

Website: www.dbh.govt.nz/determinations-about-determinations

Fees

It is difficult to assess a projects compliance with the building code after it has been completed where no inspections were undertaken during construction. As a result the time taken to assess and review applications for Certificates of Acceptance is often greater than applications for a building consent.

Council recovers cost based on the work undertaken and fees for these types of applications are calculated on the project value on the same basis as applications for building consents *plus \$300.*

As only very limited aspects of the building work undertaken (if any) are likely to be covered by a Certificate of Acceptance applicants are strongly advised to consider fees before proceeding with these types of applications.



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Applying for a Certificate of Acceptance

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