

Sector position on Building Code issues in Community Group Housing as of 15 August 2014

Overview:

This delegation represents community housing providers who want to take full responsibility for the safety of their homes and recognise their accountability as building owners under the provisions of the Building Act. This sector is greatly concerned about a change to an Acceptable Solution to the NZ Building Code that has been introduced without consultation with the parties most affected and is unjustified, creates unnecessary barriers to provision of housing to people with disabilities and social support needs, and introduces very large costs of compliance. We would like to propose better ways to ensure safe living environments.

Issues:

- A revised fire safety Acceptable Solution C/AS3 came into effect in July. In this, a “care in the community houses and homes” category has been added to the NZ Building Code fire safety requirements that normally apply to hospitals, rest homes and detention facilities (fire risk group SI).
- There appears to have been no prior notification of this specific change in either the draft or the finalised acceptable solution, no apparent consultation with the parties most affected by the change, and no apparent understanding of existing measures taken within the community housing and social support sectors to responsibly manage fire safety. There is a widespread lack of knowledge of this amendment among both the social housing and social support sectors.
- The change to the Acceptable Solution is of major consequence to provision of housing to people who are supported to live in the community. Currently, there are at least 3,000 homes in which this occurs - providing accommodation for over 9,000 people. If this category is applied, normal types of dwellings (typically from one to five bedrooms) would need to have fire resistant construction and fire sprinkler systems that would more normally be applied to larger, commercial buildings. The consequences would be:
 - A total lack of housing stock that would immediately comply – and the Acceptable Solution has immediate effect.
 - Large costs of modification to make existing homes comply (estimated at \$100,000 per dwelling).
 - No funding available for tenants to meet these costs – either through their beneficiary income packages or through government funding contracts for social support.
 - No water services infrastructure in suburban locations that makes it easy to provide commercial fire sprinkler systems.
 - No place to live for many people with disabilities or other social support needs.
 - Associated with the above, breach of human rights over choice of where to live.
- There appears to be no hazard that justifies this change and its consequences. We are only aware of one incident of loss of one life in this type of housing since establishment over the past 40 years. Since that incident (over 15 years ago), the major social housing

providers have all chosen to install reliable fire warning systems to these types of homes – which has proved effective.

- Legal advice (attached) indicates that this new “care in the community houses and homes” category links to “Classified Uses” in the Building Code – resulting in a change of use from “Housing” to “Community Care”. This change of use triggers a need for further compliance requirements normally applying to commercial buildings such as exit signage and emergency lighting. It also results in regulatory compliance being required whenever an existing home is occupied, not just when Building Consent is applied for new work.
- We know that disability support providers and disability advocacy interests are also very concerned about the new Acceptable Solution. We support the work that NZ Disability Support Network has done on behalf of support providers to try and achieve an acceptable outcome, and appreciate that MBIE has recognised that this is a problem, and has proposed guidelines to narrow down definition of where “care in the community houses and homes” applies. However we think this category has no place at all in C/AS3. We have been informed of the latest draft of these guidelines, and it would seem that about 1,000 homes would still be affected, with an unnecessary and unaffordable regulatory compliance cost of about \$100 million.

Proposed Solutions:

1. Withdraw or amend C/AS3 pending further work to understand real risks and find appropriate, practical, and cost-effective solutions with the co-operation and support of the sectors affected.
2. Give consideration to the sectors developing their own standard for fire safety that will meet or exceed the performance requirements of clause C of the NZ Building Code. This would be similar to the high country huts documents recently released. The delegation represents the largest of the housing providers, who are prepared to lead and fund this standard. These providers have already adopted a relatively common approach to ensuring fire safety based on fire engineering advice and previous consultation with NZ Fire Service. Thus it would appear straight-forward to do this. We would expect to involve social support providers and advocacy interests in this work, thereby achieving an outcome that is sound and widely accepted.

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