

#### **What is a CCC?**

A code compliance certificate (CCC) is the final approval that all works undertaken comply with the building consent. You must apply for a code compliance certificate after all work has been completed. This is an important document and should be retained for future reference.

#### **What do I need to have finished before a CCC can be approved?**

All wet areas need to be finished, ground levels need to be finished, all exterior levels need to be finished. Building Control Officers need to be given all relevant Producer Statements, Electrical Certificates and as-laid drainage plans. All exterior areas need to be painted.

A copy of the Building Control Officers inspection checklist is available on the main Building page under the Forms heading. We recommend printing a copy to use to make sure that all work has been completed prior to booking a final inspection.

#### **How long does it take to issue the Code Compliance Certificate after the inspection has passed?**

Council has 20 days after final inspection has been booked to decide whether to issue or to refuse to issue a Code Compliance Certificate.

#### **Why should I get a Code Compliance Certificate?**

CCC's are important. When you sell your property a CCC shows the buyer that the building or renovations were done properly and to Building Code. If you build a house or unit for the purpose of selling it immediately (ie act as a residential property developer) the Building Act prohibits you from selling the property without a Code Compliance Certificate.

#### **Sales by Residential Property Developers section 364**

Section 364 of the Building Act 2004 introduces important consumer protection measures covering the sale of household units by residential property developers or 'spec builders'. It is an offence for a residential property developer to complete the sale, or allow a purchaser to take possession of, a household unit before a code compliance certificate has been issued.

Effectively, this makes it the developer's responsibility to fix any faults before sale. A person who commits an offence under section 364 is liable to a fine of up to \$200,000. This fine applies to each household unit sold without a code compliance certificate. So, if a development included five units and each unit was sold without a code compliance certificate, the developer is liable for a fine of up to \$1 million.

**Note: This legislation does not apply to contracts for sale and purchase entered into before 30 November 2004.**

#### **What is the reason for this?**

People buying a residential property from a developer have a right to expect it to be completed and to comply with the Building Code. The onus for making sure a building complies with the Building Code is on developers — they have the control of the building process.

#### **Can you contract out of this requirement?**

The developer and purchaser may contract out of this provision but only on a form prescribed under the Building (Forms) Regulations 2004. This form (Form 1) makes the consequences of buying a property without a CCC clear to consumers. It also advises consumers to obtain independent legal advice before signing. Copies of Form 1 are available from the Department of Building and Housing's website [www.dbh.govt.nz](http://www.dbh.govt.nz)

#### **What is meant by a 'Household Unit'?**

A household unit is a building or group of buildings intended to be used mainly for residential purposes and by one household (e.g., house, apartment or flat). It does not include a hostel or boarding house.

#### **What does 'Complete the Sale' mean?**

'Complete the sale' means accepting final payment and transferring the title. You can accept progress payments for the job.

#### **How is 'Residential Property Developer' defined?**

A residential property developer includes any person who, in trade, builds or arranges to build a household unit for the purpose of selling it. This could include large developers, or builders or individuals building homes on 'spec'. It also includes a person who, in trade, buys a household unit from a builder or developer with the intention of selling it on.

#### **Who is the Department of Building and Housing?**

The Department of Building and Housing is the government department responsible for administering the Building Act 2004.

#### **Commercial And Industrial Properties**

If your building is open to the public, whether for free or payment of a charge, the building can not be used/occupied until a code compliance certificate is issued. This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user. (These systems are called specified systems). In certain circumstances it may be possible to apply for a certificate for public use, which will allow a building to be used before the code compliance certificate is granted. Each application will be considered on a case-by-case basis.

### **What are Public Premises?**

Any building which is open to the public whether for free or payment of a charge, including:

- shopping malls
- cinemas
- maraes
- camping grounds
- garages and workshops
- funeral homes
- office I retail complexes
- rest homes, etc