

# EMPOWERED

# CHRISTCHURCH

## FOUR YEARS HAVE PASSED

What is happening with the recovery

4 September 2014

KNOWLEDGE IS POWER & TOGETHER WE ARE STRONGER

[www.empoweredchristchurch.co.nz](http://www.empoweredchristchurch.co.nz)

### Our first issue

Welcome to the first issue of the Empowered Christchurch newsletter. As residents of the city, we feel that there is a great need for a newsletter of this sort to bring together all the useful information that is presently available. This newsletter is intended to help people to work through the maze of processes and information that has been generated for the recovery. We sincerely hope that it will prove a helpful guide and reference in the challenging times we face ahead. The newsletter has been compiled by members of the community in their free time, people whose lives have been affected by the earthquakes and insurance settlements. Any contributions to offsetting the cost of this publication would be greatly appreciated. The Empowered Christchurch account is Wespac account number 03 0814 0485 107-00

2.2 to between 3.4 and 3.9. Instead, MBIE chose to select a value of 3.0. It is estimated that the seismic risk will not reduce to this level for around 20 years. The Z-factor is specified in a New Zealand Standard (NZS 1170.5) and relates to the load bearing for foundations and ground bearing capacity for Canterbury.

**The fact that this standard has not been changed since the earthquakes could have dire consequences for Christchurch residents, in particular for those with rebuilds or repairs on the worst affected TC3 land.**

After the earthquakes, the PGA for a one-in-25-year earthquake was initially set at 0.20.

This figure is used to evaluate the performance of land with regard to subsidence. Based on the subsidence figure, land was categorised into TC1 = < 50 mm, TC2 = > 50 mm and TC3 = > 100 mm. MBIE had foundations designed and tested for these specific ground conditions.

In April 2012, MBIE lowered the PGA to 0.11.

This decision is currently being discussed with MBIE and the geotechnical industry.

An immediate consequence of this change was that the calculated level of subsidence of properties was reduced by about 70% in one of the eastern suburbs. Based on these calculations, TC3 land now (theoretically) only subsides by around 50 mm – the level suitable for TC2 foundations.

Another serious factor is that MBIE determined that subsidence should only be measured down to a depth of 10 metres. While this is fine in the west of the city, where there is commonly less than 10 m down to gravel, the depth of sand and water in the

## We have questioned why these practices are deemed acceptable.

### 1. Have the government and MBIE underestimated risks?

GNS Science recommended an increase in the seismic risk factor following the earthquakes. This is referred to as the “Z-factor” and is used to calculate the estimated peak ground acceleration (PGA). Among other things, the Z-factor is required to calculate the durability of buildings and the condition of land. The GNS recommendations were to increase the risk factor from



The Perfect Storm

Artwork by [www.demart.co.nz](http://www.demart.co.nz)

east is frequently 30-40 metres before the first layer of gravel, and according to some drilling reports, more than 50% of subsidence can occur at depths greater than 10 metres. This approach is unacceptable because it does not reflect what is actually expected to happen.

The best approach to predict what is likely to happen in the future is to learn from the past. If your property has subsided by a metre in the earthquakes, and you are told that it is only likely to subside by 50 mm or so in the next large earthquake, you should have a long hard think about these issues.

## 2. Government – ICNZ

The Insurance Council was due to update its Fair Insurance Code of Conduct in June 2014. Given the current situation, this update is of the utmost importance. ICNZ is a self-regulated authority and normally updates its Code of Conduct every 3 years. The last update was in 2010. The latest update was initially delayed until June 2014. The insurance council now states that “it is expected that the new Code will be introduced in 2015”. As with many other insurance-related issues, the Government has raised no objections to this further delay.

## 3. Government - NZGS geotechnical and liquefaction assessments.

The New Zealand Geotechnical Society published a code of practice for geotechnical and liquefaction assessment in July 2010. Given that we have had the largest liquefaction event in New Zealand history, it is of vital importance that this code is updated. For the past year, the following statement has been displayed on the society’s website: “Document currently being reviewed”. When asked about dates, NZGS stated that “our intention is that it will be finalised and available through the website by the end of this year”. This code of practice refers to an outdated document that defines seismic risk in Canterbury.

## 4. Government - MBIE

The Building Act has undergone some drastic changes in recent times and, as it presently stands, the level of consumer protection it offers has been seriously reduced. For legislation to serve its purpose, all aspects have to be looked at and if liability is decreased in one part, consumer protection needs to be added in another.

The government has decided that the consumer protection section of the Act will be the last part of the legislation to be enacted and has delayed the introduction of this change until January 2015.

## 5. Government - EQC

Land information has been published as current that is actually outdated.

High, tidal groundwater and crust thinning have not been considered as land damage caused by subsidence. The EQC published the Stage 3 land reports in July 2012. Its website states that the data is up to date at the time of publishing. Yet all the maps published in this report exclude over 100 earthquakes in excess of magnitude 4. The maps are dated June 2011. All the statistical data in these reports exclude 10% of the worst affected land damage, whether from subsidence or high groundwater. As a result, in one area (South Brighton), where groundwater is less than a metre from the surface, the groundwater is reported to be 1.3 m from the surface on average. The same applies for subsidence: although the average subsidence is reported as 50 mm, verifiable information shows that 10% of the properties that were excluded from the statistics suffered subsidence in excess of 250 mm.

## 5. Government – ECan - CCC

Properties in the Coastal Marine Area (CMA) are subject to stricter building regulations and conditions. Some adjacent areas have subsided below the level of elevation that defines the coastal marine area. Instead of adjusting the border of the CMA, the border has been left as it was before the earthquakes. Pursuant to the Marine and Coastal Act 2011, and the Local Government (Rating) Act, land that sinks into the coastal marine is divested of ownership and is no longer subject to rate payments to the local authority. The coastal marine area has not been revised since the earthquakes. As with many other matters, it is astonishing that this crucial matter has not been addressed in the last four years.



## 6. EQC and land issues

EQC, with participation from the Insurance Council of New Zealand and Christchurch City Council, is seeking a declaratory judgement to clarify some “complex legal questions”, including whether it can settle claims on the basis of the long-term loss in land value.

EQC has insured land for a long time and New Zealand has had its fair share of disasters. Throughout that time, there have been many different disasters, for example the Edgecombe Earthquake in 1987. Many properties lost their flood protection after that event, and some properties were relocated. EQC has a specific “imminent loss” category for such claims.

EQC is asking for a declaratory judgment on whether it is liable for subsidence. Landslides have several categories, one of which is earth slide or lateral spreading. Lateral spreading causes subsidence.

## 7. Where will the risk end up?

We may ask ourselves what outcome is being sought from the court judgment. It appears that no-one is prepared to assume this risk. If EQC can rid itself of the risk, it will pass to the insurance industry. Insurers are experts on risks and, needless to say, they would rather pass it on to the Council. This would be problematical for the Council since it needs to issue consents for building on damaged, flood-prone land. Under the provisions of the new legislation, the Building Consent Authority could issue an exemption for building consent, and transfer the risk to the residents. This would solve the problem for the authorities at a stroke. All of the risk would then be borne by the people who suffered the worst damage.

## 8. Information obtained under the Official Information Act

*"Earthquake Commission briefing: 12 November 2012  
Estimated financial impact of recent Board decisions on land.*

*Category 8 and 9 settlement is assessed on the basis of the risk of flood damage or liquefaction damage in a 1-in-100 year event (which, through the Building Act 2004, is what the community has generally accepted as being the acceptable level of risk in terms of natural hazards).<sup>1</sup> To qualify for EQC insurance, therefore, a property must have a significant increase in the risk of flooding or of liquefaction, causing damage to a property in a 1-in-100 year event from the risk posed before the Canterbury earthquakes.*

*Adoption of the Liquefaction Severity Number (LSN) indexation method to determine the increased liquefaction risk. This work has been subject to peer review. The engineering peer reviews were undertaken by J D Bray consultants LLC and (BLANKED OUT) (both based at Cornell University).*

*The thresholds for categories 8-9 damage will be applied incrementally, i.e. for each earthquake event rather than cumulatively across all earthquakes that affected a property.*

*The increased vulnerability to flooding caused by off-site changes to the environment (for example, the presumed effects of climate change and sea level rise), will not be recognised as damage.*

*The decisions made by the EQC Board that have the most impact on EQC's liability are:*

- the use of incremental change in thresholds rather than cumulative change. An incremental ~ (or per-event) approach is considered correct in light of the 2011 Declaratory Judgment. As a result, fewer properties are now included for the September 2010 and June 2011 events.*
- use of an index-based LSN approach rather than "Crust-thinning" which had been the basis of actuarial estimates. The LSN methodology for Category 8 land damage shows that many properties are not vulnerable to the liquefaction hazard caused by a 1-in-100 year event."*
- It is also important to note that part of the change in liability is due to the correction of errors in the original LiDAR data sets provided by the Christchurch City Council. The correction results in a significant shift in Category 8 and 9 liabilities between September 2010 and February 2011.*

*One consequence of the above is that fewer properties will qualify for Category 8 and 9 land damage than previously.*

Above are only a few paragraphs from the 90-page document. The full document is available at [www.empoweredchristchurch.co.nz](http://www.empoweredchristchurch.co.nz)

## 9. Transparency?

The number of requests made to authorities under the Official Information Act (OIA) indicates how much important information has been withheld from the worst affected property owners.

The principle of utmost good faith and the duty of care have largely been ignored over the last four years, and the apparent objective now is to see how little can be paid out and how much profit retained. In many cases, homeowners have been left defenceless following unfair and unjustifiable changes in legislation.

All the stakeholders have been included in the decision-making except those who matter most - the home owners who have been left suffering, year after year after year. In fact, it could be said that "never in the history of New Zealand have so many been victimised by so few"! Homeowners are being penalised despite having paid for comprehensive insurance cover. The changes in regulations that have been pushed through have left people more vulnerable than ever before. Insurance companies are now finding it easier (i.e. cheaper) to meet their legal obligations from insurance claims.

Looking at the situation and seeing how the decision-makers are handling the recovery makes one wonder who really has the interests of the residents at heart and what the bigger picture is.

For example, do insurance companies plan to retreat from coastal hazards?

See: [http://issuu.com/brightsidepublishing/docs/icnz\\_nzila](http://issuu.com/brightsidepublishing/docs/icnz_nzila)

It is high time that we faced some hard facts. To simply try to ignore them will have dire consequences for both the residents and the city. Facts have to be faced 50 years sooner than previously thought.

Climate change is a harsh reality. Due to the earthquakes and the subsidence of the eastern suburbs, some informed decisions are urgently needed.

## Do we have any options?

We are ratepayers and before the earthquakes, laws were in place to protect our people and communities. The Building Act provided us with ample protection and ensured that people were not left vulnerable to exploitation. Now, many of the legal safeguards have been removed and, in some cases, building contractors have taken advantage of stressed and overwhelmed residents.

## Where do these practices leave us as ratepayers?

The Building Act is there to protect us.

It is important to remember that we are fully entitled to what is in our insurance policy. We do not have to accept low standards of work for repairs or rebuilds. We can insist on obtaining a professional liability agreement from a reputable company if it intends to carry out any work on our homes. Remember that any professional who is not prepared to sign a warranty for their work is either incapable of performing the work to a professional standard, or may have a hidden agenda on behalf of a third party.

The best policy is to insist on a professional liability agreement signed by the company that is responsible for your repair or rebuild.

## What this boils down to

*From CanCern TC3 meeting with Roger Sutton*

*"Residents need to have their concerns represented when communications are being planned. In the example of the flood zones, **information about the status of your land is not enough.** The implications for ongoing insurance, mortgages, homeowner liability, etc., need to be explained."*



**Geotechnical investigations**

The Building Act states that a home owner is responsible for checking that geotechnical reports are up to standard. While this approach seems far from acceptable in the present circumstances, the best we can do is to point out the issues that it is important to be aware of and explain some of the technical terms used in these reports.

Explanation of some frequently used technical terms:

- PGA = Peak Ground Acceleration (the amount of shaking)
- SLS = Serviceability Limit State (the building should suffer little or no structural damage when it is subjected to an SLS shaking – a one-in-25-year seismic event)
- ULS = Ultimate Limit Status (foundation behaviour must not cause the building to collapse when it is subjected to an ULS shaking – a one-in-500-year seismic event)

The SLS used immediately after the earthquakes was 0.20 PGA. In April 2012, MBIE lowered the SLS to 0.13 for liquefaction assessments only. Other SLS references are still to be announced.

No explanation was included for this change. We have questioned MBIE and the ministers responsible about this. Answers are still outstanding...

Below are some examples of subsidence calculations for several sites in TC3 areas. (Ref: Orbit Geotechnical Database) For the purposes of this explanation, vulnerable land has been selected.

PGA	AVONSIDE	BRIGHTON	FLOCKTON
SLS 0.10	0-60 MM	0-60 MM	0-60 MM
SLS 0.13	120-180 MM	60-120 MM	240-300 MM
SLS 0.22	240-300 MM	120-180 MM	300-360 MM
ULS 0.35	300-360 MM	180-240 MM	300-360 MM

**Survival guide.  
- Be aware of the traps.**

Your claim assessment will be subject to many technical reports. The following points are of critical importance.

Read all disclaimers carefully, paying special attention to exclusions, limitations and exemptions.

“Make sure the reports are for construction purposes” Reports to establish an amount may not suffice for construction.

Check the qualifications of the professionals who sign reports. Verify their qualifications.

Pay special attention to liquefaction. Liquefaction does not happen on the surface. Liquefaction happens under the surface and causes foundations to fail, and houses to sink. The most severe form of liquefaction is lateral spreading. Ejecta/silt on the surface is a by-product of liquefaction.

Land that has liquefied once is more likely to liquefy again. Be aware of your groundwater, dig a hole in the ground and monitor changes.

Groundwater is tidal and saline in coastal areas. You can safely assume 1 cm rise in groundwater per year in coastal areas.

**Floor area  
of your insured property**

The term floor area has a legal definition as per the New Zealand building code.

“Floor area, in relation to a building, means the floor area (expressed in square metres) of all interior spaces used for activities normally associated with domestic living.”

This is in harmony with how calculations of “floor area” are carried out on architectural drawings for building work. Information from building plans is commonly used when insurance is arranged. Floor area is the term used in insurance contracts.

If you have the legal plans for your property (available from the Council) you can rely on those figures.

Houses are insured on the basis of floor area, not to be confused with area of house. Check your policy. Having a 100m<sup>2</sup> groundfloor and a 10m<sup>2</sup> room in the roof cavity does not require insurance for a floor area of 230m<sup>2</sup>, but for 110m<sup>2</sup>, as per the building plans. The term “house area” is one that appeared after the earthquakes. Check out the ANZ site here. The second reference to the building plans is the correct one. Measuring the inside rather than the outside of a building can have a significant impact on your insurance claim. <https://comms.anz.co.nz/insurance/detail/article/15033/0/0/how-to-measure-the-floor-area-of-your-house.html>

*The information presented in this publication is for general informational purposes, and should not be taken as legal advice. If you have a specific legal issue or problem, we recommend that you consult a lawyer. Opinions presented in this newsletter are provided for general information purposes only.*



<http://www.uphelp.org>

United Policy Holders USA have a website that is very useful for survivors of natural disasters. They have compiled information about how to efficiently correspond with your insurance company.

While there are subtle differences between the NZ and US markets, most of the letter templates can be helpful.

You can use a few of the letters and combine them into one e-mail that covers the issues that are of most concern.

There is a lot of useful information on this site and it is worth exploring thoroughly.

[http://www.uphelp.org/library/guide/resolving\\_claim\\_disputes](http://www.uphelp.org/library/guide/resolving_claim_disputes)

### Asbestos in your Home

Asbestos is a toxic mineral that was used in construction materials in the past.

The majority of NZ homes built between the 1950s and the late 1970s were built using materials containing asbestos. It continued to be used in household building products up until the mid-1980s.

Asbestos can be found outside in cement sheet claddings and soffits.

Inside, it has been used on

- textured (stippled) wall and ceiling finishes:
- roof spaces and
- pre-1985 vinyl, linoleum and floor adhesives.

According to the New Zealand Insurance Council, the "additional costs of dealing with asbestos related to the repair of earthquake damage will be met from the insurance cover."

For more information:

<http://www.ccc.govt.nz/homeliving/rubbish/hazardouswaste/workingwithasbestos.aspx>

[http://earthquakeservices.co.nz/html/asbestos\\_register.html](http://earthquakeservices.co.nz/html/asbestos_register.html)

### Mould

Mould flourishes in damp, unventilated conditions, so the best way to combat mould in your home is to treat any areas you spot with vinegar mixed with borax, hydrogen peroxide, baking soda, or salt (but do not mix vinegar with bleach – this creates a toxic mix). In fine weather, you should also air any rooms that have mould in them for a few hours a day and try to heat them briefly in the damp winter periods.

For more information:

<http://www.dbh.govt.nz/ws-mould-info-sheet>

### Code of compliance certificate

According to the latest information from our building consent authority, a significant number of repairs are taking place without a code of compliance certificate being issued when the work is completed to ensure it is up to standard.

Please bear in mind that you, as an owner, have the responsibility to follow up on these requirements.



A code of compliance certificate is issued by the Council on completion of building work, confirming that the Council has reasonable grounds to believe that the building work complies with the building consent.

The Council must decide whether to issue or refuse to issue a code compliance certificate

Responsibilities under the Building Act Section 93: if an application for a code of compliance certificate has not been made within two years of the date that the building consent was granted, or within any further period agreed between the owner and the Council, the Council must make a decision on whether or not to issue the code of compliance certificate.



### A plea for help sent to Gerry Brownlee

Empowered Christchurch, on behalf of the city's residents, sent a plea to Her Majesty The Queen, including a request for a Royal Commission of Enquiry to investigate the earthquake recovery.

Her Majesty responded quickly and suggested that, while she could not get involved in local politics, she could forward the request to our Governor General. The Governor General confirmed that he had received the letter from the Queen, but stated that he could not act on the letter in any way. After some further discussion with the Office of the Governor General, the plea for help was forwarded to the Minister for the Earthquake Recovery.

His office has so far declined to comment on the letter from Her Majesty.

### Exemptions from a building consent.

*Be aware of your discretionary rights as a building owner.*

Repairs are frequently carried out under exemptions from a building consent. Under Section 14 of the Building Act, you have control over these exemptions, which may transfer liability to the owner of the building. The solution is to refuse to give the insurance company the right to apply for exemptions under the owner/builder section (14) of the Building Act.



## Seismic risk update

GNS Science publishes the probability of seismic events every month. Here are the latest predictions:

<http://info.geonet.org.nz/display/home/Aftershocks>

*Please note: These figures are for the entire aftershock zone, not just for Christchurch City. The zone extends from Arthur's Pass in the northwest to Banks Peninsula, and from Ashburton in the south to Waipara in the north*

Canterbury region long-term probabilities									
	M5.0-5.9			M6.0-6.9			M ≥7.0		
	Average number	Range	Probability of one or more	Average number	Range	Probability of one or more	Average number	Range	Probability of one or more
Within 1 month	0.1	0 - 1	9%	0.008	0 - 1	1%	0.0006	0 - 1	<1%
Within 1 year	1.2	0 - 4	69%	0.09	0 - 1	9%	0.007	0 - 1	1%

Issued on 1 July 2014 for the coming month.

This table shows an updated Canterbury forecast based on a model from international expert elicitation. All forecasts start 1st June 2014 and are for the region from 171-174 degrees east and 43-44 degrees south (see map above). For example, within the next 1 year, there is a 69% probability of one or more earthquakes of magnitude 5.0 to 5.9 occurring in the Canterbury region. It is expected that there will be between 0 and 4 events of this magnitude during the coming year. This forecast uses a new, more complete, version of the earthquake catalogue for the first time, resulting in higher estimates than those calculated in March 2014. The rate of aftershocks is expected to continue to decrease over time.

### Earthquake-prone buildings, legislation

*Submissions are in. Report due 5. Sept. Elections 20 Sept*

Discussions focus on multi-unit and multi-storey residential dwellings, but it is not clear whether the same law will apply to all dwellings with two or more levels in accordance with the Royal Commission's recommendations and the submissions to the bill.

- Territorial authorities will need to complete a seismic assessment of all non-residential and multi-unit and multi-storey residential buildings in their areas within five years of the new changes to the legislation taking effect. The assessment will include an evaluation of building plans, location and easily observable building characteristics.
- "Building owners will receive the results of assessments and this information will be entered onto a publicly accessible national register of earthquake-prone buildings established by the Ministry of Building, Innovation and Employment."
- Following assessments, earthquake-prone buildings will have to be strengthened or demolished within 15 years (except buildings that may be eligible for exemptions and/or extensions to this timeframe).

As this bill stands, it will apply to residential buildings if they have 2 or more levels or comprise 3 or more units. In other words, all multi-level buildings and multi-unit dwellings will undergo a seismic assessment within 5 years. If properties are found not to comply, they will have to be brought up to standard at the owner's cost or alternatively demolished within 15 years

### If you appreciate this work

*Empowered Christchurch is purely driven by passion for ethical conduct. It was not founded by organisation. This has been hard work for or nearly three years and we cannot see an end to it. The residents are the only stakeholders that have been excluded from the decision-making processes and we are the last to find out about our future.*

*The level of acceptable risk is decided by all stakeholders, but it is the residents who will have to live with the risk. If you have something to spare, a donation would be very much appreciated. All this work has been voluntary and paid for privately, including the printing costs for this news-letter.*

*Please visit [www.EmpoweredChristchurch.co.nz](http://www.EmpoweredChristchurch.co.nz) and, if you like the website, please contribute something under the donation section.*

### What changes are on the horizon

#### **Will our situation improve?**

*MBIE will investigate practices in Christchurch, imminent.*

*ICNZ update of Fair Insurance Code of Conduct 2015.*

*NZGS update of code of ethical practice 2014.*

*Legislation: Mandatory written building contracts and Consumer Protection of the Building Act. Jan 2015.*

*Legislation: Earthquake - Prone Building Act 2014-2015.*

*IPENZ update of code of conduct 2014.*

*CCC District plan review, identification of hazards 2014-16.*

*CCC Correction of Coastal Marine Area, in progress.*

*EQC Land claims settlements 2014.*

*MBIE update of the guidelines, late 2014*

*Elections 2014, will anything change?*

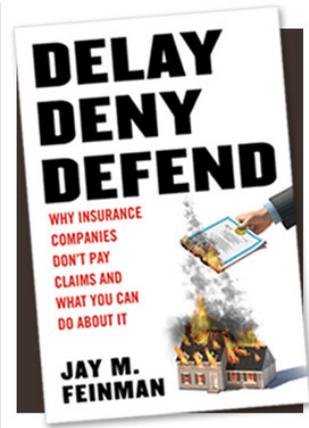
YOU'VE GOT QUESTIONS.  
IT'S TIME FOR ANSWERS.

  #TIMEFORANSWERS

WEEKNIGHTS 7PM **campbell** LIVE

GRATITUDE AND RESPECT TO CAMPBELL LIVE. TRUE REPORTING BENEFITS EVERY NEW ZEALANDER. WITHOUT YOUR INTEGRITY WE WOULD BE INVISIBLE.

# Self Help Books



## **DELAY, DENY, DEFEND -** Insurance tactics to look out for

In his book *From Good Hands to Boxing Gloves: The Dark Side of Insurance*, [1] David Berardinelli describes how American insurance company Allstate turned their claims department into a profit centre through employing a range of tactics designed by consulting firm McKinsey & Co.

"The process begins when Allstate asks claimants for useless information, or for more information than it really needs. The adjuster "just needs one more document" before he or she can evaluate the claim. Why? Because claimants often get so frustrated by the hassle that they accept less than the full value of their claim. Over the course of thousands of claims, this results in significant savings for the insurance company. Other times, Allstate will make low-ball offers to claimants in dire financial situations, hoping the claimant will accept the offer to avoid the expense and time involved in filing a lawsuit to obtain full and fair compensation. Again, more money to the insurance company." (ref: <http://www.willsfirm.com/blog/item/general/delay-deny-defend>).

Christchurch quake victims are all too familiar with such tactics. Anyone who has experienced similar tactics is invited to share their stories in 300 words.



Here is one recent example of the 'delay' strategy:

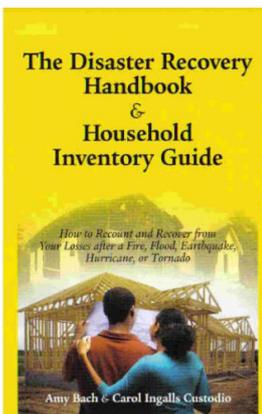
Dear xxxxx

On 6 May we received this 'friendly' sounding e-mail from our insurance company:

"This is to advise that our queue for earthquake damages to hard landscaping is coming to an end. We would like to undergo another assessment of the damages, particularly the shared driveway component, to ensure everything is accounted for in our settlement to you. Our assessors have pulled the certificate of title in order to confirm each owner's respective liability to the shared lane and have discovered that flat 3 appears to be in the name of X and Y. This could very well be an error – but I wanted to check if these names make any sense to you, perhaps they were the previous owners, or I also wondered if you may have recently sold the property? If those names are not ringing any bells just let me know and we will assume it is some sort of error. I will await your response before instructing our assessors to proceed with reassessment."

"Our property has been insured with this company for some 20 years. As MUD/MUB home-owners, we are still waiting for action. I responded the following day, suggesting any reassessment would be premature before the substantial recommended repairs are undertaken – but believe the above email demonstrates total ineptitude on the part of the assessors, or is part of a policy to enable insurers to appear solicitous on behalf of their clients. No reply has been received yet." – Paddy. (name withheld at writer's request).

[1] Berardinelli, David J., 2008. *From Good Hands to Boxing Gloves: The Dark Side of Insurance*. Publisher: Trial Guides LLC.



## **Disaster Recovery Handbook**

The Disaster Recovery Handbook and Household Inventory Guide, affectionately known as "the little yellow book" has guided thousands of disaster survivors through the process of recovering from the loss of their homes. Written by survivors for survivors, along with expert advice from trusted consumer advocates and personal finance professionals.

United Policyholders is pleased to have published the first-ever guide to preparing for and recovering from a natural disaster written by survivors for survivors, along with expert advice from trusted consumer advocates and personal finance professionals.

### **The book includes:**

First steps and sources of help on the road to disaster recovery  
Advice on using tax rules specially designed for loss victims  
Step-by-step guidelines for optimizing insurance claim recovery  
Tips for reconstructing the contents of a destroyed home, including detailed lists of items commonly found in households  
How to find the right professional help

**All books available from Amazon or Scorpio Books.**

## **The Claim Game: A Homeowner's Guide to Avoiding an Insurance Catastrophe.**

The Claim Game: A Homeowner's Guide to Avoiding an Insurance Catastrophe levels the playing field between homeowners and insurers by giving homeowners the knowledge and tools needed to empower themselves so that they can get every penny owed them and claim victory.

Discover the secrets to homeowners insurance settlement with the only step-by-step guide to property insurance claims written by an insurance insider. Exposing little-known methods that enable you to expedite your claim and get every penny owed you, The Claim Game is your comprehensive resource for property damage claims.

The Claim Game will teach you how to:

- Settle claims quickly and fairly.
- Reduce or eliminate your deductible.
- Decipher your insurance policy so it makes sense.
- Discover hidden coverages that protect you and save money.
- Organize claim information to expedite your claim.
- Get a denied claim covered.
- Understand an estimate from a contractor or an insurer.
- Select the right contractor to repair your home or property.

-An in-depth examination of the most common issues and concerns homeowners encounter.



# Information and Assistance Sources

## **Building work that does not require a building consent**

The existing exemptions are currently listed in Schedule 1 of the 2004 Building Act. A document setting these out and explaining what they mean is available on MBIE's website: <http://www.dbh.govt.nz/bc-no-consent>.

## **What are implied warranties**

<http://www.dbh.govt.nz/btd-implied-warranties>

## **CCC information.**

<http://resources.ccc.govt.nz/files/Homeliving/buildingplanning/forms/B390ExemptionInformationSheet.pdf>

## **Information for Homeowners**

<http://resources.ccc.govt.nz/files/CDEM/InfoForHomeownersOrBuildingPractitioners.pdf>

## **Where to lodge a Complaint**

### *Fletchers Complaints*

Fletchers EQR has a formal complaints process. More information is available at: [www.eqr.co.nz/repairs](http://www.eqr.co.nz/repairs);

### **EQC Complaints**

EQC also has its own complaints process [www.eqc.govt.nz/about-eqc/makecomplaint](http://www.eqc.govt.nz/about-eqc/makecomplaint)

## **Insurance Companies**

Most insurance companies have established complaints processes. Some disputes can also be referred to the Insurance and Savings Ombudsman if people are not satisfied with their direct dealings with their insurance company [www.iombudsman.org.nz](http://www.iombudsman.org.nz)

## **Building Consent Authority**

If the complaint is about how a local council is undertaking its Building Act functions, you can lodge a complaint directly with MBIE. MBIE has an established process for following up with the council concerned and investigating such complaints. [www.dbh.govt.nz/consumer-complaints](http://www.dbh.govt.nz/consumer-complaints)

## **Service Providers**

If people think that a service provider has misled consumers about their rights under the Consumer Guarantees Act they can complain to the Commerce Commission [www.comcom.govt.nz/making-a-complaint](http://www.comcom.govt.nz/making-a-complaint)

## **Licensed Building Practitioners**

Complaints about the performance of licensed building practitioners - [www.business.govt.nz/lbp](http://www.business.govt.nz/lbp)

## **Chartered Professional Engineers and Architects**

Complaints about chartered professional engineers and registered architects can also be made via existing processes set out on the websites for the professional bodies for these professions. [www.ipenz.org.nz](http://www.ipenz.org.nz) and [www.nzrab.org.nz](http://www.nzrab.org.nz)

## **Consumer Guarantees Act and the Fair Trading Act**

The Consumer Guarantees Act sets minimum guarantees about goods and services bought for personal use. While the Commerce Commission does not enforce the Consumer Guarantees Act, it has a role to play when businesses breach the Fair Trading Act by misleading consumers about their rights under the Consumer Guarantees Act. More information is available at: [www.comcom.govt.nz/buying-goods-and-services-in-new-zealand-knowyour-rights/](http://www.comcom.govt.nz/buying-goods-and-services-in-new-zealand-knowyour-rights/)

## **Courts**

Utilising the Disputes Tribunal <http://www.justice.govt.nz/tribunals/disputes Tribunal>

## **Official Information Act requests**

Section 2(1) of the OIA defines "official information" as "any information held" by an agency that is subject to the Act. [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

## **Free legal assistance**

Community Law Centres [www.communitylaw.org.nz](http://www.communitylaw.org.nz)

## **Determinations MBIE, Fixed cost \$285**

What a determination can be about: whether a building or building work complies with the Building Code, a council's decision on a building consent, a notice to fix from the council, a code compliance certificate or a compliance schedule (including time extensions to building consents and code compliance certificates), a council's decision to make a waiver to or modify the Building Code a council's decision on a certificate of acceptance, a compliance schedule, a notice to fix, or a certificate for public use, a council's decision on building alterations, a change of building use, subdivision of buildings, and dangerous, earthquake-prone and insanitary buildings. A determination will not consider your insurance policy. <http://www.dbh.govt.nz/determinations-about-determinations>

## **View past determinations**

<http://www.dbh.govt.nz/determinations-view-past-determinations>

## **Information Booklets**

### **MBIE's Rebuild with Confidence guidance**

<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/canterbury-rebuild-guide-for-homeowners.pdf>

### **Canterbury Residential Rebuild - Information for home owners**

<http://canterburyresidentialrebuild.govt.nz/information-for-home-owners>

### **Residential Advisory Service, RAS**

which provides independent assistance to residential property owners to help them to understand and progress the repair and rebuild process [www.advisory.org.nz](http://www.advisory.org.nz)

### **Earthquake Support Co-ordinators**

are available to help people impacted by the earthquakes to navigate their way through a wide range of services involved in rebuilding people's homes and lives [www.cera.govt.nz/support-andassistance/health-and-wellbeing](http://www.cera.govt.nz/support-andassistance/health-and-wellbeing)

### **CERA's Earthquake Assistance centres,**

where staff from the council, the Canterbury Earthquake Temporary Accommodation Service, EQC, Community Law and some insurance companies are available to meet with to answer questions and provide information [www.cera.govt.nz/support-andassistance/earthquake-assistance-centres](http://www.cera.govt.nz/support-andassistance/earthquake-assistance-centres)

### **Earthquake Support and Counselling line:**

If people need support, they can call the support and counselling line to be connected to free and confidential services. The Helpline can help people with their questions, give information, and connect people with free counselling services or organisations that can offer them practical support, information or advice. People can also be connected with an Earthquake Support Coordinator (Call 0800 777 846);

### **Canterbury Earthquake Temporary Accommodation Service CETAS**

helps people find temporary accommodation and also administers a service providing financial assistance and Earthquake Support Co-ordinators [www.quakeaccommodation.govt.nz/](http://www.quakeaccommodation.govt.nz/)

**Cancern:** <http://www.cancern.org.nz>. (Source of information)

**In The Know:** <https://intheknow.org.nz/> (Q&A about the recovery)

**Rebuild Christchurch:** <http://www.rebuildchristchurch.co.nz/>

**WECAN:** <http://www.wecan-nz.com>

We apologise that there was insufficient time to include phone numbers and addresses in this issue for readers without access to computers.