

Questions from Avon Loop, Richmond and Linwood residential red zone workshop

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Legal –answered by Community Law Canterbury

Do I have any rights to who buys my land after CERA remediates it?

No. If a person *voluntarily sells* their land by accepting a red zone offer to CERA then the land is owned by the Crown. This means that the Crown has legal rights to deal with the land as it sees fit as long as the land is dealt with within the law.

How can you classify a red zone home as a repair – i.e. is my house a total loss, even though it has little damage?

Insurance assessments are made based on the state of your house not your land, therefore an insurer may consider the house to be repairable even if the land has been red zoned.

Can we stay in our homes after settlement and have CERA as a landlord? If not, why not?

No, the Crown requires vacant possession. If you decide to rebuild elsewhere, and require help with temporary accommodation the Canterbury Earthquake Temporary Accommodation Service (CETAS) may be able to assist (for more information go to www.quakeaccommodation.govt.nz).

Do I require a lawyer?

Yes. It is important that you seek legal advice before you accept or decline any offer made by CERA. Your lawyer will then deal on your behalf with CERA, your insurer, your bank and other parties and represent you in the sale of your property to the Crown.

Do I get compensation for the loss of my artesian well?

The use of an artesian well is a legal right that attaches to particular parcels of land. The right to use an artesian well is a legal component of particular parcels of land and this right is one of the factors used to determine the rateable value of the land. A red zone offer by the Crown is based on the rateable value of the land. Compensation for loss of an artesian well is included in the rateable value of the land and therefore no additional compensation is payable.

Can we take a class action, and how does this work?

A class action is where a group of litigants with exactly the same legal issue combine their individual claims against another party. There may be circumstances where a class action may apply to legal issues related to the red zone, insurance and earthquakes in general. Sometimes a group of litigants with the same legal issue will form a society or an action group and obtain the services of one lawyer to represent the collective interests of the group. Every situation is different so it is important for you to discuss what options you have with a lawyer.