

**Housing Policy and Services Kaupapa
Inquiry
(Wai 2750)**

**Pre-Casebook Research Discussion
Paper**

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Authorship

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Introduction

The Chief Historian pre-casebook research discussion paper is provided at the direction of presiding officer, Judge Craig Tamihana Coxhead, for the Housing Policy and Services Kaupapa Inquiry (Wai 2750).¹ Senior Researcher Analyst/Kaitātari Rangahau Matua Keir Wotherspoon and Principal Researcher Analyst/Kaitātari Rangahau Suzanne Woodley of the Waitangi Tribunal Unit have prepared the paper for the Chief Historian and it has undergone the Chief Historian's review.

The pre-casebook research discussion paper is provided to Tribunal inquiries early in the inquiry planning process to assist the Tribunal and parties to consider the evidential base required to enable the Tribunal to hear the claims before it. The work of the paper includes: assessing the available relevant evidence based on the issues raised by claimants; identifying any major gaps in the evidence; and recommending how those gaps can be addressed including by, if necessary, commissioning further technical evidence.

Because questions of claim eligibility and inquiry planning are not yet settled, the discussion of research is broad and proposals are made to allow maximum flexibility in the way hearings might be organised and issues responded to.

The paper consists of: this introductory chapter, which covers inquiry background relevant to research issues and the methodology for this paper; a chapter on Māori home ownership; a chapter on Māori renting and special housing needs; a chapter on housing on Māori land; a summary chapter on research recommendations; an appendix of claims as of June 2020; and a bibliography of works relevant to this inquiry.

Commencing the Housing Policy and Services Kaupapa Inquiry (Wai 2750)

On 1 April 2015, the Waitangi Tribunal's Chairperson, Chief Judge Wilson Isaac, informed all claimants and the Crown of the Tribunal's new kaupapa inquiry programme. The programme was to 'provide an inquiry pathway for claims outside of the district inquiries which raise nationally significant issues affecting Māori as a whole or a section of Māori in similar ways, and which have not previously been fully heard, reported on or settled.'² Kaupapa inquiries were able to be constituted if they met the following threshold standards:

¹ Wai 2750, #2.5.010, 27 August 2019, pp. 2-3.

² Wai 2750, #2.1.005 (a), 1 April 2015, p. 3.

- They were of national significance;
- Māori were widely affected by the issues they address; and
- There was a similar experience of the Crown policy or action complained of.³

On 16 November 2017, Chief Judge Isaac issued directions to convene a judicial conference to hear from parties on claims concerning a proposed kaupapa inquiry into housing policy and services.⁴ Housing issues were initially set down in the kaupapa inquiry programme as part of a later and broader inquiry into social services, social development and housing. However, a substantial proportion of claimants with housing-related issues had raised issues concerning health and were also participating in the Health Services and Outcomes Kaupapa Inquiry. It was decided that commencing a separate housing kaupapa inquiry alongside the Health Services and Outcomes Inquiry would assist the two inquiries to adjust potential overlaps.

The first judicial conference was held on 13 March 2018 at the Tribunal offices in Wellington. Following the conference, parties were invited to file any new statements of claim or amended statements of claim concerning housing policy and service issues by 11 May 2018 (later extended to 29 June 2018).⁵ They were also invited to file submissions on the eligibility of claims to participate in this inquiry, along with an accompanying bibliography, by the same date.⁶

Chief Judge Isaac noted that a number of common issues included Crown failure to assure an ‘adequate standard of housing for Māori, or to deliver state services, programmes and support enabling Māori access to adequate housing.’⁷ Some claims alleged disparities in state housing provision, or the relationship between poor housing and poor health. Chief Judge Isaac noted that many claims had both a historical and contemporary dimension. He also noted that claims which raise local issues could serve a purpose in the inquiry if they were able to serve as ‘case examples’ of the kaupapa issue to which they related.⁸

³ Wai 2750 #2.1.005 (a), 1 April 2015, p. 3.

⁴ Wai 2750, #2.5.1, 16 November 2017.

⁵ Wai 2750, #2.5.3, 15 March 2018, p. 1.

⁶ Wai 2750, #2.5.3, 13 March 2018; #2.5.6, 18 June 2018.

⁷ Wai 2750, #2.5.001, 16 November 2017, p. 3.

⁸ Wai 2750, #2.5.001, 16 November 2017, p. 3.

On 25 July 2019, Chief Judge Isaac formally initiated the Housing Policy and Services Inquiry and appointed Judge Craig Tamihana Coxhead as presiding officer alongside Prue Kapua and Basil Morrison as the Tribunal panel members.⁹

On 27 August 2019, Judge Coxhead issued a memorandum-directions outlining the Tribunal's prior history of reporting on housing issues. Over fifteen Tribunal reports had included some discussion of housing at a district inquiry level.¹⁰ These reports linked housing to a number of adverse factors related to a decrease in general welfare for Māori.¹¹ Judge Coxhead noted that four overview themes emerged from an analysis of the claims conducted by the Waitangi Tribunal Unit research staff. These included:

- Housing policy, practice and regulation of the housing market;
- Social housing, the provision of 'public housing' by government (central and/or local);
- Use and development of Māori land for housing; and
- The relationship between poor physical and mental health (and other socio-economic factors) and housing.¹²

At the second judicial conference on 21 October 2019 at the Waitangi Tribunal Unit offices in Wellington, claimant and Crown counsel were invited to submit on these themes. While there was broad agreement that the themes had captured the major thrust of the claims, parties noted the special significance of homelessness as a priority for the inquiry.¹³ Claimant counsel were divided, however, over whether homelessness should be given priority over other issues or whether it should be incorporated within the wider scope of the inquiry. A claimant hui was proposed as a way of considering the scope and priorities of the inquiry and the place of homelessness within the inquiry structure.

Following the judicial conference Judge Coxhead outlined key procedural planning matters in memorandum-directions dated 4 November 2019.¹⁴ These included:

- That counsel was to proceed planning for the National Housing Hui, which would take place outside the Tribunal process;

⁹ Wai 2750, #2.5.9, 25 July 2019.

¹⁰ Wai 2750, #2.5.010, 27 August 2019, p. 3.

¹¹ At the request of claimant counsel following the second judicial conference, Judge Coxhead released references to past Tribunal findings and recommendations on housing matters from 12 of these reports. See: Wai 2750, #6.2.1.

¹² Wai2750, #2.5.010, 27 August 2019, pp. 2-3.

¹³ For discussion of the overview themes, see, for example: Wai 2750 #4.1.002, 21 October 2019, pp. 40-41, 53, 92, 141-142.

¹⁴ Wai 2750, #2.5.14, 4 November 2019.

- The next steps regarding the eligibility of claims in the inquiry;
- Instructions to the Crown to file certain information relating to the Crown’s annotated bibliography and statistics on housing; and
- Seeking responses from joint-counsel and Crown counsel on the request to prioritise homelessness/immediate housing needs as the first issue for hearing in the inquiry.

Judge Coxhead also directed that Waitangi Tribunal Unit staff prepare a pre-casebook discussion paper that would identify existing research on the four broad themes as well as providing a comprehensive bibliography of secondary material and relevant archival material.¹⁵ This discussion paper incorporates the overview themes into the three major chapters.

At the time of writing, many of the inquiry planning matters due to be reviewed at the National Housing Hui scheduled for 20 to 22 March 2020 at Papakura Marae, as well as those set to occur in the months following, have been put on hold due to COVID-19 health concerns and the subsequent seven-week lockdown. Taking account of these disruptions, this paper provides an outline of existing and possible future research that may aid the parties, and highlights potential research issues arising out of claims for the consideration of the Tribunal and parties. It assists parties in their consideration of the research necessary to underpin the inquiry going forward. The division of chapters does not imply a preference for a phased and thematic approach. The research options outlined here would suit a single well-planned inquiry into all themes relating to Māori housing needs and Crown housing policy and services.

Further Evidential Information for the Inquiry

The evidential review for this pre-casebook discussion paper takes account of the following documents filed for this inquiry:

- Seventeen bibliographies filed by claimants, as well as supplementary references included in amended statements of claim. Many of these references laid groundwork for the secondary source component of the pre-casebook bibliography;¹⁶
- Stage one of the Crown’s annotated bibliography containing reports recording the Crown’s current housing policies and housing services.¹⁷ The annotated bibliography was completed on 28 February 2020, and from April 2020, associated documents were made

¹⁵ Wai 2750, #2.5.010, 27 August 2019, pp. 2-4.

¹⁶ Bibliographies provided by claimants include Wai 2750 3.1.39(a) and Wai 2750, 2.1.39(b) dates?; Wai 2750, 3.1.47(a), 15 June 2018; Wai 2750, 3.1.60(a), 8 June 2018; Wai 2750, 3.1.71(a), 8 June 2018; Wai 2750, 3.1.83(a), date?; Wai 2750, 3.1.63(a), 8 June 2018; Wai 2750, #3.1.90, 8 June 2018, pp. 3-4; Wai 2750, #3.1.73, 2 July 2018, pp. 3-4; Wai 2750 #3.1.96, 8 June 2018; Wai 2750, #3.1.101(a), 8 June 2018; Wai 2750, #3.1.101(b), 8 June 2018; Wai 2750, #3.1.103, 3, date?; Wai 2750, #3.1.106(a), 8 June 2018; Wai 2750, #3.1.108(a), 14 June 2018; Wai 2750, #3.1.109, 29 June 2018, pp. 2-4; Wai 2750, #3.1.146, 15 September 2019, p. 5.

¹⁷ Wai 2750, #3.1.179(a), 28 February 2020.

accessible through a cloud-based storage provider. Crown counsel noted that the cloud archive would be a ‘living document’ to be updated as new information was made available by Crown agencies;¹⁸

- Indications of possible witnesses to be heard in this inquiry;¹⁹ and
- Affidavits and claimant briefs of evidence from three parties.²⁰

A number of evidential projects were planned and, in some cases, scheduled for release before the disruption of the COVID-19 lockdown. While they have not informed the pre-casebook discussion paper, it is anticipated that these projects will contribute important material to the inquiry research programme. These projects include:

- Stage two of the Crown’s annotated bibliography containing official government publications relevant to the inquiry’s overview themes, spanning from 20 April 1970 to the present day. The Crown anticipated providing this stage of the bibliography in late February 2020.²¹ This has not been received. A memorandum dated 3 April 2020, proposed a new program of discovery, focussing on homelessness in the first instance.²² No further update has been filed.
- A Crown-led collation of historical material. As of 2 December 2019, the Crown was engaged in scoping this project. Crown counsel anticipated that the full scope of the discovery would be discussed at the March claimant hui, which was subsequently cancelled during Alert Level 2 in the lead up to the COVID-19 lockdown.²³ There has been no further update as to progress.
- A joint commissioned, Crown funded, research report covering relevant historical issues.²⁴ There is no indication that this project has commenced.

Crown Statistics Programme

Following the 21 October 2019 judicial conference, at which the Crown indicated it held useful statistical information related to Māori housing, Crown counsel filed an update on the timeframe for delivering these statistical projects. They suggested that they would be filed in tranches beginning in February 2020, indicating that there were ten ongoing and planned projects, which

¹⁸ Wai 2750, #3.1.180, 4 March 2020, pp. 1-2.

¹⁹ Wai 2750, #3.1.39, 11 May 2018, 1; Wai 2750, #3.1.101(b), 8 June 2018. A further schedule to the Joint-Memorandum of Co-ordinating Counsel in Advance of Judicial Conference filed on 13 July 2020 contained a list of witness indications for a proposed homelessness phase of the inquiry.

²⁰ Brief of evidence of John Henry Tamihere, 30 August 2018 (Wai 2570, #A1); Affidavit of Hannah Lucy Birdsall Swedlund, 25 January 2019 (Wai 2750, #A2); Affidavit of Charles Waldergrave QSO, 20 April 2020 (Wai 2750 #A3).

²¹ Wai 2750, #3.1.168, 2 December 2019, pp. 5-6.

²² Wai 2750, #3.1.216, 3 April 2020, pp. 1-2.

²³ Wai 2750, #3.1.168, 2 December 2019, p. 3.

²⁴ Wai 2750, #3.1.168, 2 December 2019, p. 3.

they provisionally estimated would be completed and filed with the Tribunal throughout 2020, ending in June. These projects included the following:

- *Māori data stocktake*: narrative and data describing what is already known from Māori data and information;
- *Māori-specific analysis of the Ministry of Housing and Urban Development's (HUD) programme reporting data*: analysis undertaken to produce (for example) the data included in the Housing Quarterly report for Māori;
- *Ministry of Social Development (MSD) actuarial modelling*: trends over time for public housing, the housing register, accommodation supplement and emergency housing special needs grants;
- *Housing affordability measures*: drawing on income data and rental data from the Tenancy Board to produce a snapshot of rental affordability for Māori renter households;
- *Cohort analysis of housing affordability measure*: identify, describe and follow a cohort of Māori renter households over time in terms of their housing affordability using income and rental data;
- *Māori-specific analysis of housing-related census data and information*: variables include tenure, mould, travel to work, years at usual residence, crowding, dwelling type;
- *2018/2019 Household Economic Survey results*: information on home warmth, dryness and affordability;
- *2018 Severe Housing Deprivation estimate*: national estimates of people experiencing homelessness;
- *Te Kupenga 2018*: a survey of 8,000 Māori across a range of social, cultural, and economic wellbeing topics; and
- *Māori specific analysis of the 2018 General Social Survey housing-related data and information*: insights into the experiences of Māori renters and homeowners, including housing quality and neighbourhood experiences.²⁵

The Crown also indicated its willingness to work with claimants 'to build as complete a picture of Māori housing needs as possible,' to develop 'a deeper relationship with Māori to determine collective data needs.' The Crown noted that Statistics New Zealand was working with the Iwi Data Leaders Group and that the Housing Ministry had been working with Statistics New Zealand and MSD to improve housing information relating to Māori.²⁶

Most of these projects have been filed and are included on the record of inquiry. However, there are several outstanding projects including the Housing Affordability Measure and the Cohort Analysis of Housing Affordability Measure. Crown counsel have cited COVID-19 as the reason behind the recent delay.²⁷ The Māori-specific analysis of housing related census data and information project is due for completion during 2020 as census data becomes available.

²⁵ Wai 2750, #3.1.166, 23 October 2019, pp. 2-3.

²⁶ Wai 2750, #3.1.166, 23 October 2019, pp. 1-3.

²⁷ Wai 2750, #3.1.224, 29 April 2020, pp. 1-9.

A further project, Māori-specific analysis of HUD's programme reporting data, also appears to be delayed.²⁸

Methodology for the Pre-Casebook Research Discussion Paper

The evidential assessment undertaken in this review is based on the primary and published sources included in the pre-casebook discussion paper bibliography. Building this bibliography began with a thorough assessment of the key themes outlined in the statements of claim before a literature search and archival review was conducted. Claimants and the Crown submitted bibliographies which aided source compilation. Due to the extensive number of sources examined for this discussion paper it was not feasible to assess all the Crown stage one bibliography material. As is evident from the pre-casebook bibliography and footnotes, however, many of the Crown's listed documents were consulted during the writing phase. This bibliography is found at the end of this review.

The discussion paper builds on the pre-casebook bibliography and assesses the range of available material in terms of breadth and scope of that evidence, and further assesses the evidential capacity to enable further research into the claims. This assessment takes account of the general sources likely to be reviewed in preparing research for the wider inquiry. It makes clear the gaps in the research and notes where coverage is fragmented. It notes too where existing research can be synthesised and if new research can be conducted. As has been noted in past pre-casebook discussion papers, this assessment process is necessarily broad because of the extensive range of evidential material required in kaupapa inquiries. The main focus of this review is on the evidential base for the three themes identified from an examination of just over 100 claims currently seeking to participate in the Housing Policy and Services Kaupapa Inquiry:

- Māori home ownership and Crown Housing Policy and Practice;
- Māori renting issues and special housing needs; and
- Housing on Māori land.²⁹

A theme covering the relationship between poor physical and mental health (and other socio-economic factors) and housing was outlined in earlier memorandum-directions (Wai 2750 2.5.010).

²⁸ On 28 February 2020, the Crown filed a summary of a project, 'Latest statistical information published by the Government relevant to Māori housing'. This did not align exactly with the proposed analysis of the HUD programme reporting data, but rather offered a high-level summary of another seemingly more broadly-defined project. See: Wai 2750 #3.1.178 (a).

²⁹ These are adapted from the overview themes outlined in Wai 2750, #2.5.010, 27 August 2019, pp. 2-3.

It was absorbed into the remaining three themes to better explore that relationship and its implications in each of the remaining themes. Claimant briefs of evidence will likely be the most important and meaningful forum for socio-economic issues, including physical and mental health, to be raised before the Tribunal.

The broadly thematic approach adopted in this pre-casebook discussion paper is designed to accommodate future amended statements of claim. However, these themes are subject to review given the uncertainty in this preliminary phase of the inquiry. A key case in this respect relates to the approach and planning around homelessness. Issues of homelessness have been discussed across the themes in this review, highlighting different aspects of the crisis for Māori.

Homelessness and its significance to this inquiry have been leading themes since the first judicial conference. All parties in the inquiry have acknowledged that definitional and evidential issues are crucial to understanding the scope and depth of the issue for Māori. But beyond this, there has been little consensus on how to approach homelessness within the wider scope of this inquiry. A critical issue for claimants has been the prioritisation of homelessness relative to other aspects of the inquiry. There are significant research and evidential implications that stem from the decision over whether to separate homelessness out from the other major themes of the inquiry. Some of these have been examined by claimant and Crown counsel. At the time of writing, this issue has not been resolved. For the purposes of this review, the topic of Māori homelessness is incorporated, where possible, into the other areas of review. This does not indicate a preference for the prioritisation or incorporation of homelessness issues in this inquiry.

This discussion paper has been prepared with some notable limitations. The cancellation of the National Housing Hui meant that Waitangi Tribunal Unit staff set to attend in an informal capacity were unable to take into account valuable feedback on issues arising, including planning, and the key issue of homelessness within the inquiry.³⁰ COVID-19 restrictions in place from March until early June at archival institutions has meant that documents that would otherwise have been consulted for the historical sections of this review have not been studied. Listings for many archival institutions are included in the bibliography, however, and they strongly suggest that there is a robust evidential base for policy and services research across key agencies. To confirm the capacity of the archival evidence to support further commissioned research projects, research staff have examined published and digitised historical records, and have reviewed a range of secondary literature, including past Tribunal reports, and technical research reports submitted to past

³⁰ Wai 2750, #2.5.014, 4 November 2019, p. 4.

Tribunal inquiries. Due to delays in the filing of Crown’s statistics projects, and drafting deadlines for this discussion paper, it has not been possible to incorporate analysis of these projects in this paper.

This pre-casebook research discussion paper addresses claims that have been substantially unaltered since Crown agencies involved in housing were restructured from early 2019 and the Crown’s response to COVID-19 from March 2020. There have been several discussions addressing the housing system restructure and its implications on this inquiry, notably: once at the suggestion of Crown counsel in July 2019 when it was proposed that the inquiry be put on hold until the policy changes were fully implemented; and again in March 2020 when claimants were due to discuss the planning and approach for the inquiry and to meet with Crown ministers at Papakura Marae in South Auckland.³¹ The overhaul of the housing system and legislative framework in 2019, the comprehensive redrafting of Te Ture Whenua Māori Act 1993, and an ongoing review of the Resource Management Act 1991 means that the housing landscape will continue to change in the near future. These policy changes, and any future amendments to statements of claim, may alter some of the scope of the inquiry, however, this pre-casebook research discussion paper offers a framework that will hopefully accommodate them.

COVID-19 will bring another set of research challenges. Economists suggest that the socio-economic trends seen in the housing space in recent years are likely to alter dramatically in the post-lockdown COVID-19 environment. Lower international tourism numbers over the next few years are expected to see more hotels, motels and other accommodation, recently used by the government for emergency housing, become available; properties formerly used for Airbnb holiday stays are predicted to return to the rental market, bringing down rental prices in many cities; and house prices are predicted to fall by 12 percent by some economists.³² At the same time, unemployment is predicted to rise from four percent to between 10 and 30 percent in the general population.³³ The lower end of this projection sits around the December 2019 unemployment rate

³¹ Wai 2750, #3.1.98, 31 July 2018, p. 3; Wai 2750, #3.1.176(a), 21 February 2020.

³² *Bank of New Zealand Economy Watch Report*, 12 May 2020, <https://www.bnz.co.nz/assets/markets/research/200511-New-Zealand-Construction-Outlook.pdf?cbaa4285ac4419f551e76d5a408a45f53c118e00> [accessed 15 May 2020].

³³ March 2020 quarter unemployment rate figures from Statistics New Zealand: <https://www.stats.govt.nz/indicators/unemployment-rate> [accessed]. For discussion of projected unemployment rate for Māori see: Joshua Hitchcock, ‘The effects of the Covid-19 recession will hit Māori hardest,’ *The Spinoff*, 8 April 2020, <https://thespinoff.co.nz/atea/08-04-2020/the-effects-of-the-covid-19-recession-will-hit-Māori-hardest/> [accessed: 9 April 2020].

for Māori at 10.4 percent.³⁴ There may be knock-on effects for housing as Māori households face difficulties in making mortgage, rental and utility payments. One measure of the effect of higher unemployment rates is the historical association of crowding in Māori households.³⁵

In policy terms, the government has responded to the COVID-19 economic fallout by announcing an additional 8,000 houses for transitional and state housing over the next four to five years, and an additional \$670 million of support to tenants.³⁶ Shortly prior to the budget, \$100 million was allocated to address homelessness in the post-COVID environment.³⁷ As part of a \$900 million package directed at Māori in the 2020 budget, \$40 million was provided for a Māori and Iwi Housing and Innovation Fund – Te Maihi o te Whare Māori.³⁸ The pace of change will likely make some of the figures reported here irrelevant in terms of policy decision-making. But it also is likely that many of the social and policy issues identified by claimants will persist. The current scope of claims has meant that the pre-casebook discussion paper has been able to address recent research relevant to the current housing system, and the impact of COVID-19.

A further note should also be made for claimants and counsel using this report in the future. Care has been taken to include footnote references for relevant claims on issues throughout this report. These lists represent a good sample of claims relating to these issues but it has not been possible to make a comprehensive listing of claims for all issues. Furthermore, any amended statements of claim will likely mean that parties interested in certain issues will fluctuate.

Extra effort has been made to develop the evidential assessment in a way that enables flexibility in reviewing the themes and issues that fall outside these themes.

³⁴ Māori in the Labour Market – December 2019 Year (Wellington: Ministry of Business, Innovation and Employment, December 2019) <https://www.mbie.govt.nz/business-and-employment/employment-and-skills/labour-market-reports-data-and-analysis/other-labour-market-reports/Māori-labour-market-trends/> [accessed 9 April 2020].

³⁵ See the Rental Market chapter in this discussion paper.

³⁶ Grant Robertson, 'Budget Speech: Well-being Budget 2020: Rebuilding Together' 14 May 2020, <https://treasury.govt.nz/sites/default/files/2020-05/b20-speech.pdf> [accessed 15 May 2020].

³⁷ 'Government announces \$100 Million for homeless,' RNZ, 26 April 2020, <https://www.rnz.co.nz/news/political/415165/government-announces-100m-for-housing-homeless> [accessed 26 April 2020].

³⁸ 'Budget 2020: Māori to get \$900m to deal with Covid-19 fallout,' RNZ, 14 May 2020, <https://www.rnz.co.nz/news/te-manu-korihī/416669/budget-2020-Māori-to-get-900m-to-deal-with-covid-19-fallout>; Grant Robertson, 'Budget Speech: Well-being Budget 2020: Rebuilding Together' 14 May 2020, <https://treasury.govt.nz/sites/default/files/2020-05/b20-speech.pdf> [accessed 15 May 2020].

Chapter 1: Māori Home Ownership

1.1 Introduction

This chapter assesses the coverage sources, both historical and contemporary, with respect to claims concerning home ownership for Māori and Crown policy and practice. Claimants allege barriers to Māori home ownership and problems of process and Crown engagement with Māori seeking to build suitable housing on Māori land. This chapter is limited to a discussion of sources concerning Māori home ownership and building issues arising on general land. It is not concerned with housing on Māori land which is the subject of one of the following chapters. This chapter first outlines the range of claims relating to Māori home ownership. It then considers the major sources that provide a potential evidentiary basis for those claims. It then outlines the capacity of the historical and contemporary sources to address the claims. It concludes with a summary of the coverage and gaps in sources required for the Tribunal to assess the claims. Recommendations for further research follow in Chapter 4.

1.2 Range of Claims Relating to Māori Home Ownership

Claimants have raised a range of historical and contemporary issues and allegations concerning Crown policies and practices that they allege have disadvantaged Māori seeking entry to owner-occupier housing. The claims highlight discrimination as a major issue throughout the housing system. These range from allegations of Crown failure to address disparities for Māori in accessing home ownership, alleged discrimination faced by Māori in obtaining home ownership, to Crown policies that fail to address Māori home ownership needs and entrench disadvantage.

Claims that seek investigation of historical issues regarding Māori home ownership on general land are concentrated on the post-war period. However, claimants view the origins of the housing crisis as stretching back into the nineteenth century. Claimants argue that as a prejudice of this longer history, Māori have been unable to accumulate intergenerational wealth which, it is claimed, is achieved through home ownership.³⁹ A large group of claims have focussed on the effects of urbanisation on papakāinga and the relationship of Māori to their tūrangawaewae.⁴⁰ Many of these

³⁹ Pomare Kingi Amended Statement of Claim (Wai 1541). #1.1; Pukenui Blocks Amended Statement of Claim (Wai 1681) #1.1.1(e).

⁴⁰ Ngai Tawake Amended Statement of Claim (Wai 1314, #1.1.1(b)); Ngai Tamatea Hapu ki Waiotaha Lands Claim (Wai 1511), 1.1.1(a); Descendants of Wiremu Pou Statement of Claim (Wai 1537), 1.1.1(c); Descendants of Hinewhare Amended Statement of Claim (Wai 1541) #1.1(e); Ngāti Kawau (Collier and Dargaville) Amended

claims also allege that the genesis of the housing crisis for urban Māori fits within the same history of colonisation and social and economic deprivation.⁴¹ The Pomare Kingi Claim and the Pukenui Blocks Claim allege that the prejudice carried from a history of wrongful land takings incentivised many Māori to move away from their ancestral homelands into urban centres without being able to take advantage of the benefits of home ownership. These claims allege that this dispossession of land and the migration to substandard housing furthered the loss of culture and entrenched economic disadvantage.⁴²

Claimants raise a range of health issues relating to poor housing from the early twentieth century. The Ngai Tamatea Hapu ki Waioatahe Lands Claim alleges that the Crown's housing policy failed to stop overcrowding. The claim further alleges that the Crown's lending restrictions on Māori home sizes led to further overcrowding which, in turn, expedited the rapid spread of European-introduced diseases such as typhoid and tuberculosis, and viruses such as influenza, of which the general Māori death rate was 4.5 times that of Europeans.⁴³

Claimants allege that the Crown's housing schemes failed to relieve Māori housing needs and in 1939 it was estimated that half of all Māori were inadequately housed, contributing to a tuberculosis death rate that by the mid-1940s was seven times that of Pākehā.⁴⁴ Claimants addressing the decades after the end of World War II have suggested that despite introducing policies to urbanise Māori, the Crown excluded Māori from funding and resources for affordable housing that they claim were otherwise available through mainstream channels.⁴⁵ Specifically, the Housing and Social Services (Dennis) Claim and the Housing for Urban Māori (Henare) Claim allege that State Advances Loans were discriminatory and placed restrictive and assimilationist criteria for how Māori should live.⁴⁶ The Ngati Tara (Gable) Claim alleges that historically the Crown adopted Eurocentric concepts of housing as a mechanism for assimilating Māori and that Western housing

Statement of Claim (Wai 1673), # 1.1.1(d); Housing Policy and Services in Te Tai Rāwhiti (Crawford) Claim (Wai 2877), #1.1; Whakatohea Raupatu Amended Statement of Claim (Wai 87), #1.1(d).

⁴¹ Housing for Urban Māori (Henare) Claim (Wai 2878) #1.1.1; Whakatohea Raupatu Amended Statement of Claim (Wai 87), #1.1(d).

⁴² Pomare Kingi Amended Statement of Claim (Wai 1541). #1.1; Pukenui Blocks Amended Statement of Claim (Wai 1681) #1.1.1(e).

⁴³ Ngai Tamatea Hapu ki Waioatahe Lands Claim, 1511, 1.1.1(a).

⁴⁴ Ngai Tamatea Hapu ki Waioatahe Lands Claim, 1511, 1.1.1(a).

⁴⁵ See for example: The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a); The Housing (Cletus Maanu Paul and others) Claim (Wai 2759).

⁴⁶ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a); Housing for Urban Māori (Henare) Claim (Wai 2878) #1.1.1.

structures did not accommodate for communal living or tikanga Māori.⁴⁷ The Ngai Tamatea Hapu ki Waiotaha Lands Claim asserts that European housing styles facilitated the breakdown of communal living and expedited the breakdown of Ngāi Tamatea's cultural practices.⁴⁸

Claimants have alleged that despite major reforms in the 1970s, including the formation of the Housing Corporation in 1974, the Crown failed to provide Māori with access to affordable housing.⁴⁹ Historical claims focusing on the decades since the 1970s involve a range of issues around home ownership and services provided to obtain home ownership, ranging from discrimination, barriers to access and affordable housing. Claimants also allege Crown failures to identify and meet the needs of Māori and consequences of this alleged inaction. For example, the Housing and Social Services (Dennis) Claim alleges that 'the disestablishment of the Department of Māori Affairs in 1989 and transferring of responsibility of Māori housing to The Housing Corporation New Zealand had adverse effects on Māori home ownership and housing. Māori housing was not prioritised.'⁵⁰ In discussing issues such as affordability the Puketotara Block Claim suggests that since the Crown reforms of the 1980s, Māori home ownership has decreased by a third (and disproportionately compared to non-Māori).⁵¹ Other claimants have suggested that 'Māori home ownership has rapidly decreased in the past two decades which has created greater housing instability and insecurity for Māori.'⁵²

In the contemporary space claimants allege that the Crown is responsible for the policy and regulatory causes underlying unaffordable housing and the drop in Māori home ownership. Claims allege that the Crown has failed to strategically plan for and provide sufficient housing supply and housing options for Māori and that it has failed to regulate factors that worsen housing supply affordability, such as property speculation, population growth and building regulations.⁵³ Furthermore, claims allege that:

⁴⁷ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

⁴⁸ Pomare Kingi Amended Statement of Claim (Wai 1541). #1.1.

⁴⁹ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

⁵⁰ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

⁵¹ Puketotara Block Claim— The Waimate Taimai Claims alliance Amended Statement of Claim (Wai 421) #1.1 (g).

⁵² The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

⁵³ Terese Goza and Nga Amo Titoki Approach Amended Statement of Claim (Wai 2740), #1.1.1; Housing for Urban Māori (Henare) Statement of Claim (Wai 2878), #1.1.1; Descendants of Hinewhare claim (Wai 1541), #1.1.1(e); Ngā uri o Tama, Tauke Te Awa and Others Lands (Dargaville) Amended Statement of Claim (Wai 2179), #1.1.1(d); The North Auckland land acquisition, housing, health and education Amended Statement of Claim (Wai 2425), #1.1.1(a); Kingi and Armstrong (Nga Puhī) Amended Statement of Claim (Wai 1941), #1.1(c).

- Due to Crown failure, home ownership for Māori has reduced at a disproportionate rate compared to non-Māori;⁵⁴
- As a consequences of housing policy that has disadvantaged Māori, the Crown has entrenched Māori socio-economic disadvantage;⁵⁵
- The Crown has failed to provide adequate finance services (including education) for supporting home ownership. Low incomes, high living costs and unemployment are barriers to saving for deposits and servicing mortgages;⁵⁶
- The Crown did not properly consult Māori with regard to the transfer of Department of Māori Affairs mortgages to Housing New Zealand;⁵⁷
- The Crown's refusal to acknowledge urban Māori authorities as Treaty partners has led to a number of barriers to delivering housing services;⁵⁸
- There is a lack of services for maintenance, and a lack of coordination from local and central government;⁵⁹

⁵⁴ Puketotara Block Claim Wai 421 #1.1 (g) (this claim is an alliance of Taraire 1E2 Block Amended Statement of Claim (Wai 593), #1.1(d)); Inland Kerikeri Amended Statement of Claim (Wai 869), #1.1(c); Kororipo & Resources Amended Statement of Claim (Wai 1247), #1.1(e), Kauwhata, Rangi and Wharetotara Amended Statement of Claim (Wai 1383), #1.1.1(c); Te Whiu and Kin Hapu Amended Statement of Claim (Wai 1890), #1.1.1(d); Hapu o Te Rohe Potae of Whangaroa (Kingi) Amended Statement of Claim (Wai 1832), #1.1.1(d); Opuā Lands and Waterways Amended Statement of Claim (Wai 120), #1.1(c); Ngāpuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d); Hokāinga Regional Lands Amended Statement of Claim (Wai 985), #1.1.1(d); The Otararua & Rahiri Hapu ki Waikanae Lands Amended Statement of Claim (Wai 1018), #1.1(e); Housing Corporation Amended Statement of Claim (Wai 568), #1.1(status uncertain consolidated onto the Wai 1040 inquiry); Ngā uri o Tama, Tauke Te Awa and Others Lands (Dargaville) Amended Statement of Claim (Wai 2179), #1.1(d); The North Auckland land acquisition, housing, health and education Amended Statement of Claim (Wai 2425), #1.1(a); Kingi and Armstrong (Nga Puhī) Amended Statement of Claim (Wai 1941), #1.1(c); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1(Not on the record?); Te Matapihi Housing Policy Statement of Claim (Wai 2716), #1.1.1.

⁵⁵ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a); The housing Tamaki ki Tonga (Tukua) Amended Statement of Claim (Wai 2748), #1.1.1; Ngāti Hau Amended Statement of Claim (Wai 2754), #1.1; The Housing (Hiini) Amended Statement of Claim (Wai 2868), #1.1; Ngati Hine Lands, Forests and Resources Amended Statement of Claim (Wai 49), #1.1 (g).

⁵⁶ Ngāpuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966) #1.1.1(d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1; Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(h); Descendants of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1(c); The Ngati Ruamahue Hapu Lands and Taonga Amended Statement of Claim (Wai 2389), #1.1.1(b); The Mau Whānau Amended Statement of Claim (Wai 2761), #1.1; Ngā uri o Tama, Tauke Te Awa and Others Lands (Dargaville) Amended Statement of Claim (Wai 2179), #1.1.1(d); The North Auckland land acquisition, housing, health and education Amended Statement of Claim (Wai 2425), #1.1.1 (a); Kingi and Armstrong (Nga Puhī) Amended Statement of Claim (Wai 1941), #1.1(c); Wai 568, 2179, 2425, and 1941 claimants also allege that insecurity of employment and tenure means Māori relocate more often, affecting children's education.

⁵⁷ Descendants of Te uri o Ratima Amended Statement of Claim (Wai 1670), #1.1.1(c); Māori Women's Refuge (Simpson and Albert) Amended Statement of Claim (Wai 1885), #1.1.1(c); The housing (Kearns) whānau Statement of Claim (Wai 2747), #1.1.1.

⁵⁸ The Housing (Tamihere and Hall) Statement of Claim (Wai 2813), #1.1.1; Housing for Urban Māori (Henare) Statement of Claim (Wai 2878), #1.1.1.

⁵⁹ Ngāpuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Ngati Kauwhata ki te Tonga surplus lands Amended Statement of Claim (Wai 972), #1.1(f).

- Rural housing stock has quality and availability issues that is not addressed by the rural housing program;⁶⁰ and
- Unaffordable housing is linked to economic deprivation due to an inability to pay for other necessities. There is also a specific claim that poor housing conditions for elderly Māori is a type of elder abuse.⁶¹

Claimants allege that Māori seeking access to home ownership face multiple access issues. These include:

- Difficulties obtaining finance (both access to information and meeting lending criteria);⁶²
- Limited financial knowledge about home ownership;⁶³
- Discrimination throughout the housing system;⁶⁴ and
- A lack of government assistance for getting into home ownership.⁶⁵

Access to home ownership includes access to housing services that facilitate owner-occupier housing, and access to appropriate types of housing (e.g. quality and culturally appropriate housing).

Claimants assert that Crown policies have promoted housing unaffordability in recent years leading to a decline in Māori home ownership over the same period. Claimants assert an undersupply of affordable housing options in the private market, including for purchase, has contributed to making home ownership even less feasible for many Māori; but is particularly acute for Māori on lower incomes who have no pathway for assembling a deposit or meeting home ownership lending criteria.⁶⁶ Claimants advance several causes they assert have contributed to housing unaffordability for their communities:

- High housing prices and a lack of affordable housing options on the market;⁶⁷

⁶⁰ Ngai Tamatea Hapu ki Waitahe Lands Amended Statement of Claim (Wai 1511), #1.1.1(a); Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1(e).

⁶¹ The Housing Kaumatua (Takuira) Statement of Claim (Wai 2732), #1.1.1.

⁶² The State Housing (Henare & Connor) Claim Amended Statement of Claim (Wai 2752), #1.1.1.

⁶³ The State Housing (Henare & Connor) Claim Amended Statement of Claim (Wai 2752), #1.1.1.

⁶⁴ Racism against Māori Claim (Wai 2494), #1.1.1 (d); The Holistic Māori Health Approach amended statement of claim (Wai 2697) #1.1.1 (a); Housing for Urban Māori (Henare) Claim (Wai 2878) #1.1; Kearns amended statement of claim (Wai 2747) #1.1.

⁶⁵ Opuia Lands and Waterways Amended Statement of Claim (Wai 120) #1.1 (c).

⁶⁶ See: Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d); The Housing (Edward Durie and others) Statement of Claim (Wai 2758), #1.1.1; the Holistic Māori Health Approach Claim (Wai 2697), 1.1.1(a).

⁶⁷ Terese Goza and Nga Amo Titoki Approach Statement of Claim (Wai 2740), #1.1.1.; Puketotara Block Claim (Wai 421), #1.1(g).

- A lack of incentives for the private market to produce affordable housing and a lack of government intervention in the housing market;⁶⁸
- The failure of Government to develop an overall strategic plan and take a proactive role in ensuring a well-functioning housing sector. This includes a failure to consult and partner with Māori in establishing and implementing the strategic plan;⁶⁹
- A failure of the Crown to regulate supply and demand factors that worsen affordability that have resulted from property speculation, population growth, and problems in the environmental, planning and building regulatory systems;⁷⁰
- A lack of job opportunities and higher incomes for enabling home ownership;⁷¹
- A failure of coordination between central government and local councils;⁷²
- A failure by Auckland Council to engage with and listen to lower-income groups (of which Māori are disproportionately represented) in favour of property developers;⁷³ and
- The enactment of building legislation and codes which have prevented a disproportionately low-income Māori population from building and repairing their own homes to the detriment of their economic and social wellbeing.⁷⁴

Claimants also allege a failure of Crown provision for Māori engagement and participation in improving rates of Māori home ownership, and in meeting Māori needs for services and planning processes intended to assist with home ownership. They further allege the failure of Crown housing policies to accommodate and reflect Mātauranga Māori and customary social and cultural structures.⁷⁵ Some claimants have quoted planning researcher Manuka Henare on the consequences of individualised title and consequent planning regimes on whānau structure: ‘In today’s circumstances, a weakness of whānau support is the result of the failure of generations of inappropriate mono-cultural-based housing and town-community planning policies, implementation and evaluation programmes. Such programmes do not allow for the traditional structure of whānau.’⁷⁶ While for many hapū and iwi, papakāinga cannot be compared to a housing

⁶⁸ Terese Goza and Nga Amo Titoki Approach Statement of Claim (Wai 2740), #1.1.1.

⁶⁹ Terese Goza and Nga Amo Titoki Approach Statement of Claim (Wai 2740), #1.1.1.

⁷⁰ Descendants of Hinewhare claim (Wai 1541), #1.1.1(e); The housing Tamaki ki Tonga (Tukua) claim (Wai 2748), #1.1.1.

⁷¹ The Otararaua & Rahiri Hapu ki Waikanae Lands Amended Statement of Claim (Wai1018), #1.1(e); Descendants of Te uri o Ratima Amended Statement of Claim (Wai 1670), #1.1.1(c).

⁷² Ngapuhi Te Tiriti o Waitangi amended statement of claim (Wai 966), #1.1.1 (d).

⁷³ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

⁷⁴ Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966) # 1.1(d).

⁷⁵ Ngāti Kawau (Collier and Dargaville) Amended Statement of Claim (Wai 1673) #1.1.1 (d); The Housing (Cletus Maanu Paul and others) Claim (Wai 2759) #1.1.1; Pomare Kingi Claim (Wai 1524) #1.1; Descendants of Wiremu Pou Amended Statement of Claim (Wai 1537), 1.1.1(c); Descendants of Hinewhare Amended Statement of Claim (Wai 1541) #1.1 (e).

⁷⁶ Manuka Henare, ‘Pōhara, tōnui, kōkiri: Imagine a child and whānau-centred economy of equality, wealth creation and poverty removal,’ in V. Carpenter, S. Osborne (eds), *Twelve Thousand Hours: Education and Poverty in Aotearoa*,

development on general land, general land and land returned as part of a Treaty settlement are also noted as providing opportunities for the re-establishment of kāinga.⁷⁷ The housing papakāinga (Watene) Claim alleges a number of issues with limited District Plan definitions for Papakāinga Development sites that exclude their general land. The claimants allege that they are not adequately resourced to fulfil District Plan criteria to classify their general land as a Papakāinga Development site in accordance with the District Plan.⁷⁸

1.3 Key Sources

This section discusses key sources in the historical literature necessary to address the claims. Housing historian Gael Ferguson's *Building the New Zealand Dream* published in 1994 is the key published source for historical issues on Māori home ownership from the nineteenth century through to the early 1990s.⁷⁹ As a general history, Ferguson's discussion of Māori housing fits within the wider framework of mainstream and national housing policy. In this respect, Ferguson also provides useful material for comparative policy assessments. The study also contains analysis of wider themes such as Māori urbanisation, as well as general discussions of homelessness in Aotearoa New Zealand.

Policy issues relating to the Department of Māori Affairs Housing Programme from 1935 to 1967 are covered in detail by Mark Krivan in his 1990 MA thesis.⁸⁰ A range of other unpublished MA and PhD monographs contain coverage of various areas relating to Māori housing more generally, including: Māori housing and health (Ella Arbury); Māori housing and integrationist policy (Aroha Harris and Megan C. Woods), and Māori urbanisation (Erin Keenan).⁸¹

Melissa Matutina Williams' *Panguru and the City: Kāinga Tabi, Kāinga Rua* includes detailed discussion on how urbanising Māori aligned themselves to 'co-existent home-places' and navigated

New Zealand (Wellington: Dunmore Press, 2014), pp. 44-66, quoted in Ngati Raupani Amended Statement of Claim (Wai 144), # 1.1 (j); Upokorehe Amended Statement of Claim Wai 1092, #1.1(d).

⁷⁷ Whatitiri Hapu Environmental Plan, 7 March 2017, 19.

⁷⁸ The housing papakāinga (Watene) Amended Statement of Claim (Wai 2751), #1.1.

⁷⁹ Gael Ferguson, *Building the New Zealand Dream* (Palmerston North: Dunmore Press, 1994).

⁸⁰ Mark Krivan, 'The Department of Māori Affairs Housing Programme 1935-1967,' (MA thesis, MASSEY University 1990).

⁸¹ Ella Arbury, 'A Healthy Home? Housing and Health in Tāmaki Makaurau/Auckland 1918-1949' (PhD thesis, Auckland University, 2019); Aroha Harris, 'Dancing with the State: Māori Creative Energy and Policies of Integration, 1945-1967'; Megan C. Woods, 'Integrating the Nation: Gendering Māori Urbanisation and Integration, 1942-1969,' (PhD thesis, University of Canterbury, 2002) Erin Keenan, 'Māori Urban Migrations and Identities, 'Ko Ngā Iwi Nuku Whenua': A study of Urbanisation in the Wellington Region during the Twentieth Century' (PhD thesis, Victoria University of Wellington, 2014).

assimilationist policy from the 1950s onwards.⁸² Williams provides detailed illustrations of the kinds of dynamic push and pull factors that led rural Māori communities to urbanise and return home. Historical and personal narratives are also part of Bradford Haami's recently produced major study *Urban Māori: The Second Great Migration*. Haami's study provides a decade by decade study in the patterns of Māori urbanisation and social organisation from the 1940s to the 2010s.⁸³

Socio-economic reports prepared for various Waitangi Tribunal district inquiries also provide detailed information on Crown housing policy and Māori housing conditions in various parts of the country over the nineteenth and twentieth centuries. The works of Paul Christoffel, Terry Hearn, Kathryn Rose and others provide detailed analysis of local conditions and implementation of housing policy.⁸⁴

There is a large quantity of primary source material available from Archives New Zealand. While the Archives New Zealand catalogue has been consulted for this review, it has not been possible to assess these papers due to restrictions on access caused by COVID-19. Further digital material on Māori housing conditions and government policy over the nineteenth century and first decades of the twentieth century can be located on Papers Past. Government agencies and independent policy research organisations provide a range of in-depth reports on Māori housing issues.

Key secondary sources for contemporary issues include the Ministry of Innovation Business and Employment's 'He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025'; Allan Johnson, Philippa Howden-Chapman and Shamubel Eaqub's *A Stocktake of New Zealand's Housing*; the Productivity Commission's 'Better Urban Planning' report chapter on Urban Planning and the Treaty of Waitangi; Statistics New Zealand's longitudinal study of historical Māori home ownership patterns, *Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and*

⁸² Melissa Matutina Williams, *Panguru and the City: Kāinga Tabi, Kāinga Rua: An Urban Immigration History* (Wellington: Bridget Williams Books, 2015).

⁸³ Bradford Haami, *Urban Māori: The Second Great Migration* (Oratia: Oratia Books: 2019).

⁸⁴ Paul Christoffel, 'Education, Health and Housing in the Taihape Inquiry District, 1880-2013', (Waitangi Tribunal, Wellington: 2016); Emma Stevens, 'Socio-Economic Consequences of Land Loss for Māori in the Whanganui, Rangitikei, Manawatu and Horowhenua Districts, 1870–1960' (commissioned research report, Wellington : Crown Forestry Rental Trust, 1997); Kathryn Rose, 'Whanganui Māori and the Crown: Socio-Economic Issues' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004); Kathryn Rose, 'A People Dispossessed : Ngati Haka Patuheuheu and the Crown, 1864–1960' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2003); Terrance Hearn, 'The Social and Economic Experience of Porirua ki Manawatu Māori: An Analysis and Appraisal,,' (commissioned research Report, Wellington: Waitangi Tribunal, 2019); Terrance Hearn, 'Māori, the Crown, and the Provision of Health Services, 1900–1945' (commissioned research report, Wellington : Crown Law Office, 2005); Terrance Hearn, 'Thye Leanne Boulton, 'A Socio-demographic and Economic Profile of Māori in the Tauranga Inquiry District 2001' (commissioned research report, Wellington: Waitangi Tribunal, 2006).

Pacific People, and the New Zealand Productivity Commission's 'Housing Affordability Report'.⁸⁵ Te Puni Kōkiri and Kāinga Ora provide further coverage of current policy and schemes directed at Māori. The extent to which these major sources and other more particular sources cover the issues raised in statements of claim is discussed below. Key sources on homelessness and special housing needs include generalist works such as Kate Amore's 'Severe housing deprivation in Aotearoa/New Zealand: 2001-2013', and Kate Amore, et al., 'Severe Housing Deprivation: The problem and its measurement.'⁸⁶ These are supplemented by shorter works on Māori homelessness such as Keri Lawson-Te Aho et al., 'A Principles Framework for Taking Action on Māori/Indigenous Homelessness in Aotearoa/New Zealand', Siloh Groot, Linda Nikora and Mohi Rua's 'Maori Homelessness' and Siloh Groot et al., 'Māori Homeless Women.'⁸⁷

1.4 Historical Context

This section discusses the coverage of claim issues in the historical literature. Claims addressing housing on general land have drawn an association with the migration of Māori to the cities. As Aroha Harris and Melissa Matutina Williams outline, between 1936 to 1945 the percentage of Māori living in urban areas increased from 11.2 percent to 26 percent. By 1966, 62 percent of Māori were living in urban areas.⁸⁸ Existing sources provide sufficient coverage of integrationist policy relating to housing and town planning from the 1940s onwards. Gael Ferguson suggests that from the 1940s to the 1990s, the government codified 'ideas of the suburban family home and contemporary views of urban form and change into a series of model regulations.'⁸⁹ Ferguson's work more broadly discusses the exclusion of Māori, along with other social groups, from shaping

⁸⁵ The Ministry of Innovation Business and Employment, 'He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025' (Wellington: Ministry of Innovation Business and Employment, 2014); Allan Johnson, Philippa Howden-Chapman and Shamubel Eaqub, 'A Stocktake of New Zealand Housing' (Wellington: Ministry of Business, Innovation & Employment, 2018), Productivity Commission, 'Better Urban Planning' (Wellington: Productivity Commission, 2017); Statistics New Zealand, 'Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and Pacific People' (Wellington: Statistics New Zealand, 2016); The Productivity Commission, 'Housing Affordability Report' (Wellington: New Zealand Productivity Commission, 2012), 238-261.

⁸⁶ Kate Amore, 'Severe housing deprivation in Aotearoa/New Zealand: 2001-2013' (He Kainga Oranga/Housing & Health Research Programme, University of Otago, Wellington, 2013). Kate Amore et al. 'Severe housing deprivation: The problem and its measurement.' (Wellington: Statistics New Zealand, 2013);

⁸⁷ Keri Lawson-Te Aho et al., 'A Principles Framework for Taking Action on Māori/Indigenous Homelessness in Aotearoa/New Zealand' in *SSM – Population Health* 8 (2019): 1-10; Siloh Groot, Linda Nikora and Mohi Rua, 'Maori Homelessness' in T McIntosh and M. Muholland (eds), *Maori and Social Issues* (Wellington: Huia Press, 2011); Siloh Groot et al., 'Māori Homeless Women,' *Ethnography* 12:3, pp. 375-397.

⁸⁸ Aroha Harris and Mellissa Matutina Williams, 'Māori Affairs: 1945-1970,' in Atholl Anderson, Judith Binney and Aroha Harris (eds), *Tangata Whenua: An Illustrated History* (Wellington Bridget Williams Books, 2015), p. 395.

⁸⁹ Ferguson, *Building the New Zealand Dream*, p. 143.

housing policy.⁹⁰ Further studies by Megan C. Woods and Aroha Harris and Melissa Matutina Williams examine aspects of assimilation in chapters such as ‘housing the ideal Māori citizen’ and ‘Māori Affairs 1945-1970,’ the latter of which provides high level analysis of integrationist policy and the role of the Hunn Commission.⁹¹

Mark Krivan has examined the issue of post-war migration and home loan applications from urban Māori residents. Krivan addresses the adequacy of these loans to meet construction costs and details a range of constraints on construction.⁹² The Hunn Report contained several recommendations on Māori housing and mortgages on general land, while also suggesting that integration could also be achieved by selling ‘Māori subdivisions’ to Europeans.⁹³ The report contains a detailed section on Māori housing and has been examined in both general and housing-specific terms by historians including Harris, Williams, Ferguson and Krivan. Krivan and Ferguson also assess the National government’s emphasis on home ownership in the 1950s, which they note did not boost the Māori housing programme.⁹⁴

Policy commentators and historians have described a consistent picture of the marketisation of housing from the 1970s. Historians have suggested that the process of marketisation occurred during this period as the Crown began various policies to withdraw its earlier interventionist role in the housing sector. Sources discussing this period include *Building the New Zealand Dream*, which presents a detailed picture of decline in state housing growth and steep declines in the level of state lending on residential buildings (from 52 percent of the general population in 1961 to 28 percent in 1972) signalling a steady withdrawal of government from its previous role in the market.⁹⁵ Commentators and historians such as Lawrence Murphy and Alexander Davidson note that by the 1980s, this pragmatic withdrawal was supplemented by a more ideological rationale

⁹⁰ Ferguson, *Building the New Zealand Dream*, p. 297.

⁹¹ Megan C. Woods, ‘Integrating the Nation: Gendering Māori Urbanisation and Integration, 1942-1969’ (PhD Thesis: University of Canterbury, 2002), pp. 96-181; Aroha Harris and Mellissa Matutina Williams, ‘Māori Affairs: 1945-1970,’ in Atholl Anderson, Judith Binney and Aroha Harris (eds), *Tangata Whenua: An Illustrated History* (Wellington Bridget Williams Books, 2015), pp. 382-415; Aroha Harris, ‘Dancing with the State: Māori Creative Energy and the Policies of Integration, 1945-1967,’ (PhD Thesis: University of Auckland, 2007).

⁹² Krivan, ‘The Department of Māori Affairs Housing Programme,’ p. 52.

⁹³ J.K. Hunn, ‘Report on Department of Maori Affairs’ (Wellington: R. E. Owen, 1960), p. 7.

⁹⁴ Krivan, ‘The Department of Māori Affairs Housing Programme,’ p. 76.

⁹⁵ Ferguson, *Building the New Zealand Dream*, pp. 284-287.

that regarded the market as the best mechanism to respond to housing demand and provide supply.⁹⁶

At a national level there appears to be sufficient data to explore Māori home ownership patterns. It is difficult to get entirely consistent Māori home ownership statistics for the entire period 1970 to 2014.⁹⁷ However, available data indicates that while 52 percent of Māori owned their own home in 1976, by 1981 that had fallen to 45 percent. While this had risen to 49 percent by 1986, the home ownership rate was 20 percent lower than the Pākehā rate of home ownership.⁹⁸ Between 1986 and 2013, the proportion of owner-occupied dwellings fell by 15.3 percent in the general population but by 20 percent for Māori.⁹⁹ In overall terms Statistics New Zealand data indicates that the percentage of Māori living in owner-occupied dwellings fell from around 50 percent in 1986 to around 33 percent in 2013 (compared to a fall from around 76 percent in 1986 to under 65 percent in 2013 in the general population).¹⁰⁰ Historians such as Ferguson additionally suggest that many Māori were already marginalised from the New Zealand homeownership dream in 1995, when Māori home ownership sat at just over 50 percent.

More detailed primary evidence to supplement this statistical analysis of Māori home ownership is less comprehensive during this period. Despite the work of the National Housing Commission in the early 1970s, the general state of the field for published Māori housing research is relatively patchy. In a vein of frustration similar to that expressed by Professor Whatarangi Winiata just a few years earlier, Edward M.K. Douglas suggested in a June 1986 report into the Māori housing crisis that '[d]espite earlier expressions of need for research and action, there appears to be a

⁹⁶ Lawrence Murphy, 'Housing Policy,' in Johnathan Boston, Paul Dalziel and Susan St John (eds), *Redesigning the Welfare State in New Zealand: Problems, Policies, Prospects* (Oxford University Press, 1999), pp. 218-238; Alexander Davidson, *A Home of One's Own: Housing Policy of Sweden and New Zealand From the 1840s to the 1990s* (Stockholm: Almqvist and Wiksell, 1994).

⁹⁷ *Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people* (Wellington: Statistics New Zealand, 2016), pp. 16-17.

⁹⁸ Ferguson, *Building the New Zealand Dream*. The data recorded by Ferguson records the percentage of Māori who owned their own home, while the Statistics New Zealand data for 1986-2013 records Māori living in owner-occupied dwellings. This data will have to be checked against the original sources. For historical Māori home ownership rates see also: D. Thorns and C. Sedgwick, *Understanding Aotearoa/New Zealand: Historical Statistics* (Palmerston North: Dunmore Press, 1997).

⁹⁹ *Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and Pacific People* (Wellington: Statistics New Zealand, 2016), p. 18.

¹⁰⁰ *Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and Pacific People* (Wellington: Statistics New Zealand, 2016), p. 19.

conspiracy of silence, based on the now discredited perspective that minority ethnic groups should be encouraged to assimilate into mainstream Anglo-Celtic New Zealand ways.¹⁰¹

In terms of primary sources, while a review of archives held at Archives New Zealand and other research institutions was disrupted for this pre-casebook review due to the COVID-19 restrictions, a search of archival indexes suggests that there is a broad range of sources that would support investigation of policy and services at a national level from the 1970s to the present day. Access to files from the past two decades are still held by the agency offices and will require negotiated access.

Despite some pessimism about the state of research into Māori home ownership in the early 1980s, there are some useful sources, including agency reports, that help fill gaps not just on home ownership but related issues such as homelessness. Apart from Winiata and Edwards' works, key works include the State Services Commission's 'Maori Housing Review' (1982) and two works from Housing Corporation's Policy and Research Division: 'The Housing Circumstances of the Maori People and the Work of the Housing Corporation in Meeting their Needs' (1987) and 'Housing Needs of the Maori Community' (1988).¹⁰² The State Services Commission report conducted by J.M.P. Cornwall and G.D. Fouhy provides the most comprehensive review of legislation, policy and practices relevant to Māori, which the authors summarised as 'dealing exclusively with promoting home ownership for parents with dependants, providing loans for repairs and improvements and maintaining a few rental flats for pensioners.' This report includes a detailed outline of major legislation (the Māori Housing Act 1935 and the Māori Affairs Act 1953), the organisation and responsibility of the Māori Land Boards and their housing roles; and policies administered by the Social Welfare Department such as Family Benefit Capitalisation introduced under the Family Benefits (Home Ownership) Act 1964. The State Services Commission report proposed a range of policy changes to update what it described as the 'increasingly out of date' Māori Affairs housing policy. There are also further archives that should provide relevant background to these recommendations and later reform.¹⁰³

¹⁰¹ M.K. Douglas, 'Fading Expectations: The Crisis in Māori Housing' (Wellington: The Board of Māori Affairs, 1986), p. 21.

¹⁰² 'Māori Housing Review' (Wellington: State Services Commission, 1982); Murray Bathgate, 'The Housing Circumstances of the Maori People and the Work of the Housing Corporation in Meeting their Needs' (Wellington: Housing Corporation Policy and Research Division 1987); Murray Bathgate, 'Housing Needs of the Maori Community' (Wellington: Housing Corporation Policy and Research Division 1988).

¹⁰³ A search of the State Service Commission archives has not revealed any obvious files relating to the Maori Housing Review. However, there are four AAFH files spanning the years 1988 and 1992 that cover the

Family benefit capitalisation has been covered in a few research reports commissioned for Tribunal inquiries. Kathryn Rose and Paul Christoffel offer some evidence about the assistance of the scheme for Māori families in Taihape and Whanganui respectively, as well as, in Rose's study, details of uptake rates. These studies may help to fill some gaps and illustrate national impacts of the scheme during its years of operation from 1958 to 1986.¹⁰⁴

In recent decades statistics chart a steady decline in Māori home ownership. Statistics New Zealand produced the most comprehensive analysis of Māori home ownership rates covering a longer period of 1986 to 2013.¹⁰⁵ The key findings were:

- Since 1986 the proportion of Māori living in an owner-occupied dwelling fell by 20.0 percent compared to 11.2 percent for Europeans and 15.3 percent nationally;
- After age standardisation, from 2001 to 2013 Māori home ownership rates fell by 12.8 percent compared to 4.9 percent for Europeans;
- In 1986, around half of Māori children lived in owner-occupied dwellings. By 2013, this fell to 38.5 percent; and
- Between 1991 and 2013, the proportion of Māori living in an owner-occupied dwelling fell by 27.6 percent in urban areas and 9.9 percent in rural areas.

Toward the end of this period, the Māori Economic Development Panel named equity in Māori home ownership with the national average as one of its measurable outcomes of Māori economic success.¹⁰⁶ This was partially answered in direction three of the 'He Whare Auhuru He Oranga Tangata – The Maori Housing Strategy' (2014) which was designed to support Māori and their

responsiveness of the state sector and the mainstreaming of Māori housing that give some insight into reforms during this period.

¹⁰⁴ Kathryn Rose, 'Whanganui Māori and the Crown: Socio-Economic Issues' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004); Paul Christoffel, 'Education, Health and Housing in the Taihape Inquiry District, 1880-2013', (Waitangi Tribunal, Wellington: 2016); General summaries can be found in: Ferguson, *Building the New Zealand Dream* (Wellington: Dunmore Press, 1995); 'A Brief History of Family Support Payments in New Zealand' (Wellington: Kia Piki Ake Welfare Expert Advisory Group, 2018), p. 4.

¹⁰⁵ *Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and Pacific People* (Wellington: Statistics New Zealand, 2016), pp. 6-7.

¹⁰⁶ Māori Economic Development Panel He kai kei aku ringa: The Crown-Māori Economic Growth Partnership Strategy to 2040 (Wellington: Māori Economic Development Panel, 2012), 8. See also: Cabinet Economic Growth and Infrastructure Committee Minute of Decision, 'Refreshing He Kai Kei Aku Ringa - The Crown-Māori Economic Growth Partnership,' 10 May 2017, EGI-17-MIN-0102.

whānau to transition to preferred housing choices.¹⁰⁷ These policy directives, while significant, have not received much coverage.

1.5 Recent Legislative Changes and Policy Developments from 2018

Turning away from evidence to support historical claims, this section introduces recent changes in Crown housing policy and practices. A range of sources suggest that the policies have undergone significant change over the last two years. A number of housing policy and regulatory functions that resided across several agencies were amalgamated in late 2018 into a new agency, the Ministry of Housing and Urban Development (HUD), which undertakes overall stewardship for the housing system.

In 2019, a new Crown entity, Kāinga Ora Homes and Communities, was created to provide public housing and undertake urban development. The Kāinga Ora–Homes and Communities Act 2019, which empowers Kāinga Ora, has three main objectives:

- Provide people with good quality, affordable housing choices that meet diverse needs;
- Support good access to jobs, amenities and services; and
- Otherwise sustain or enhance the overall economic, social, environmental and cultural wellbeing of current and future generations.

There are also several operating principles that join up with its functions as housing provider and developer, and with which the board of Kāinga Ora must act consistently.¹⁰⁸ Broadly these state that: public housing solutions contribute positively to wellbeing; housing supply meets needs; urban environments are well-functioning; stewardship and sustainability are upheld; and collaboration and effective partnerships are maintained.¹⁰⁹ The Act also provides for a Government Policy Statement (GPS) prepared by Ministers, which is meant to inform and guide Kāinga Ora by stating the strategic direction and priorities for housing and urban development.

The Act provides for recognition of Māori and the Treaty of Waitangi through section 10(2), which stipulates that the governing board of Kāinga Ora must have ‘knowledge and experience of and

¹⁰⁷ The Ministry of Innovation Business and Employment, ‘He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025’ (Wellington: Ministry of Innovation Business and Employment, 2014), 16-19.

¹⁰⁸ S 13-14 Kāinga Ora–Homes and Communities Act 2019.

¹⁰⁹ S 14(1) Kāinga Ora–Homes and Communities Act 2019.

capability in' perspectives of Māori and the Treaty of Waitangi and its principles. A minimum of three board members must have extensive experience in these areas.

The Ministry for the Environment (MFE) advises on and administers the regulatory system governing land use (the Resource Management Act 1991). This includes:¹¹⁰

- Providing system-wide policy oversight on urban planning and environmental management;
- Jointly leading with HUD the urban growth agenda; and
- Looking at the role of planning rules and practices and spatial planning in urban outcomes.

The New Zealand urban planning system is underpinned by three main statutes: The Resource Management Act 1991 (RMA), the Local Government Act 2002 (LGA), and the Land Transport Management Act 2003 (LTMA). The RMA is primarily a regulatory statute, while the LGA and LTMA govern budgeting, service and infrastructure provision and planning. Several important provisions for Māori and the Treaty of Waitangi are found in sections 6, 7 and 8. The RMA also includes provisions governing the relationship between iwi authorities and local authorities on planning and management issues, including on issues such as consultation (34A); record keeping (35A); and joint management (36B).

The Māori Housing Act 1935 is defined in its short title as 'an Act to make better provision for the housing of the Māori people' and according to Te Matapihi, who discuss the capacity of the Act, it 'speaks to the capacity' of Te Puni Kōkiri to provide 'opportunities for new Māori housing projects as well as enabling repairs towards existing Māori housing.'¹¹¹ While many of the provisions of the Act relate to building on Māori land, section 3 makes no such specifications in outlining financial advances made by the ministry for the erection and repair of dwelling. There are several funds and grants that seem to address this provision.

Te Puni Kōkiri's information to the public as to the application of these funds does not cover any specific references to building on general land. The agency's website does state that Te Ara Mauwhare – Pathways to Home Ownership is designed to 'assist low to median income whānau to move towards home ownership' on 'Māori land, or on general land (whether collectively or

¹¹⁰ 'Annual Report: Pūrongo ā-Tau 2018/19' (Wellington: Ministry for the Environment, 2019), 38 <https://www.mfe.govt.nz/sites/default/files/media/About/annual-report-201819-web-final.pdf> [Accessed 12 April 2020].

¹¹¹ Te Matapihi, Māori Housing Act 1935, <https://www.tematapihi.org.nz/resources/2019/4/30/mori-housing-act-1935> [accessed 12 April 2020].

individually owned).¹¹² Te Puni Kōkiri's descriptions of other funds including the Whānau Housing Response Fund, the Whānau Housing Support Fund and the Māori Housing Fund do not discuss this point. Likewise, the new Te Maihi o te Whare Māori – the Māori and Iwi Housing Innovation (MAIHI) Framework for Action currently does not provide evidence to make a judgement on this point.¹¹³

The Ministry of Business, Innovation and Employment (MBIE) has responsibility as the building regulator and provides advice on building legislation and regulations. Treasury provides advice on the housing market; in particular, tax settings, funding and infrastructure provision. Te Puni Kōkiri has a focus on Māori housing, urban development needs and funding support, and works closely with HUD on strategic policy. Te Puni Kōkiri with HUD and Kāinga Ora delivers the Māori housing work programme. Local government plays a significant role in housing market outcomes. Deriving general competency from legislation, it operates as an autonomous decisionmaker and provider of services with revenue collection powers to implement its programmes.¹¹⁴ The recent overhaul of policy, government departments and regulatory bodies means that many of the technical sources that assess and analyse the Crown's interventions into the housing market do not address the most recent system. However, it is likely that claimants and government agencies can provide briefs to address this. Māori policy experts have suggested that there are potential Treaty implications relating to Māori representation and interests in the proposed post-COVID-19 changes to the Resource Management Act for 'shovel ready projects'.¹¹⁵

As many of the claims in this inquiry raise similar kinds of issues relating to home ownership, the following sections, broadly encompassing issues of housing disparities, access, security of tenure and affordability, consider the main sources based on these issues.

¹¹² Te Ara Mauwhare - Pathways to Home Ownership website <https://www.tpk.govt.nz/en/whakamahia/te-ara-mauwhare-pathways-to-home-ownership> [accessed 12 April 2020].

¹¹³ Housing Budget 2020 press release, 18 May 2020, <https://www.hud.govt.nz/news-and-resources/news/housing-and-budget-2020/> [accessed 12 April 2020].

¹¹⁴ New Zealand Productivity Commission, *Government Insights Report*, (Wellington: New Zealand Productivity Commission, 2020), p. 8.

¹¹⁵ Meriana Johnsen, 'Bypassing RMA could result in protest, years of court action,' RNZ, 7 May 2020, <https://www.rnz.co.nz/news/te-manu-korihi/416100/bypassing-rma-could-result-in-protest-years-of-court-action> [accessed 7 May 2020].

1.6 Recent Housing Disparities for Māori

A wide group of claims have alleged disparities throughout the housing sector.¹¹⁶ Recorded disparities between Māori and non-Māori are well developed in the literature on home ownership. The literature on housing-related disadvantage falls within a wider research field examining the mediating factors between health, social, economic and educational disadvantage. Striking disparities in Māori home ownership rates is widely accepted in government and academic literature.¹¹⁷ As discussed, there is a historical study of Māori home ownership from 1986 to 2013 but the analysis of Māori home ownership rates have not been updated in the past seven years.¹¹⁸

The wellbeing statistics provided by Statistics New Zealand from April 2018 to March 2019 show several disparities between Māori and European access to home ownership. This includes 13.9 percent of Māori respondents rating housing as severely unaffordable in contrast to 8.8 percent of European respondents. Statistics New Zealand also measure the quality of dwelling conditions. They record disparities between Māori and the national average for the quality of dwelling conditions, with Māori citing worse conditions.¹¹⁹ Claimants have drawn attention to the poor state of the rural housing stock.¹²⁰ The quality of Māori owner-occupier housing is not measured, however, and represents a gap. According to the Productivity Commission, New Zealand housing stock is generally considered to be of poor quality.¹²¹

There are a range of sources on the pathways from rental accommodation to home ownership for Māori. The Māori Housing Trends Report from 2010 discusses the difficulties Māori adults have transitioning into home ownership compared to European New Zealanders. Māori were shown to be more likely to live in rented homes under the age of 40, while the equivalent age for

¹¹⁶ See for example: Ngapuhi Te Tiriti o Waitangi amended statement of claim (Wai 966), #1.1.1 (d); Descendants of Wiremu Pou amended statement of claim (Wai1537), 1.1.1(c); Ngāti Kawau (Collier and Dargaville) Claim (Wai 1673), #1.1.1(d).

¹¹⁷ Allan Johnson, Howden-Chapman and Shamubel Eaqub, *A Stocktake of New Zealand's Housing*, Wellington: Ministry of Business, Innovation & Employment, 2018), 15; *Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people* (Wellington: Statistics New Zealand, 2016).

¹¹⁸ *Changes in Home-Ownership Patterns 1986–2013: Focus on Māori and Pacific People* (Wellington: Statistics New Zealand, 2016), pp. 6-7.

¹¹⁹ Statistics New Zealand, *Wellbeing Statistics 2018*. Note, respondents included homeowners and renters.

¹²⁰ Opuā Lands and Waterways Amended Statement of Claim (Wai 120), #1.1(c); Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d).

¹²¹ New Zealand Productivity Commission, *Housing Affordability* (Wellington: New Zealand Productivity Commission, 2012), p. 45.

Europeans was 30.¹²² There is a large range of sources that assesses the causes for the fall and differences in home ownership. A range of studies discuss the causes of increased housing unaffordability for Māori. These include high house prices, lower incomes and higher unemployment.¹²³

Several studies cover the debate over factors such as age, income and location in explaining ownership disparities.¹²⁴ Recent research has shown that the decline in the proportion of Māori living in owner-occupied homes in urban areas also occurred in minor urban areas, rural centres as well as in other rural areas.¹²⁵ Despite the fact that Māori aspirations for home ownership appear to differ little from non-Māori New Zealanders, sources suggest that Māori are more likely to rent than Europeans regardless of their income.¹²⁶ Menzies et al. suggest the mechanisms of Māori tenure likely involve a combination of historic, socio-economic and cultural factors, although they note there has been insufficient studies conducted to draw concrete explanations.¹²⁷ Other factors indicated by studies include:

- Age, lower levels of education and household size;¹²⁸
- The desire to live near whānau;¹²⁹
- A lack of intergenerational home ownership;¹³⁰
- Lower financial literacy;¹³¹ and

¹²² Michael Flynn, Sherry Carne, and M. Soa-Lafoa'i, *Māori Housing Trends Report 2010* (Wellington: Housing New Zealand Corporation, 2010), p. 3.

¹²³ Statistics New Zealand, *Changes in home-ownership patterns 1986–2013: focus on Māori and Pacific people*, 50; Menzies, Whitehead, Walker, Reid and MacFarlane. Kāinga Tahī, Kāinga Rawa Whenu: *Economics and Financing of Housing for Māori Literature Review*, 2019, 11-13; Charles Waldegrave, Peter King, Tangihaere Walker, and Eljon Fitzgerald, *Māori housing experiences: Emerging trends and issues*, (Wellington: Centre for Housing Research Aotearoa New Zealand, 2006).

¹²⁴ New Zealand Productivity Commission, *Housing Affordability* (Wellington: New Zealand Productivity Commission, 2012).

¹²⁵ Statistics New Zealand, *Changes in home-ownership patterns 1986–2013: focus on Māori and Pacific people*, 50; Flynn, Carne, Soa-Lafoa'i, *Māori Housing Experiences 2010*, p. 50.

¹²⁶ 'Māori Housing Experiences, Emerging Trends and Issues' (Hamilton: The Family Centre Social Policy Research Unit Research Centre for Māori Health and Development Massey University, 2006), p. 10.

¹²⁷ Menzies, Whitehead, Walker, Reid and MacFarlane. *Economics and Financing of Housing for Māori Literature Review*, p. 19.

¹²⁸ Waldegrave, King, Walker, and Fitzgerald, *Māori housing experiences: Emerging trends and issues*, p. 25.

¹²⁹ Ibid; Flynn, Carne, Soa-Lafoa'i, *Māori housing experiences 2010*, p. 45.

¹³⁰ Waldegrave, King, Walker, and Fitzgerald, *Māori housing experiences: Emerging trends and issues*, p. 25.

¹³¹ New Zealand Productivity Commission, *Housing Affordability* (Wellington: New Zealand Productivity Commission, 2012), pp. 300-343.

- Discrimination.¹³²

1.7 Access to Home Ownership

Claimants have suggested that there are a range of barriers for Māori trying to gain access to home ownership for Māori. Sources relating to Māori discuss barriers, the effectiveness of government advice support and programmes, and the effectiveness of government rental housing assistance such as the accommodation supplement. This literature, as well as examining the barriers to affordability, also suggests a range of possible remedies to the affordability problem. Services in this measure are broadly defined and may include access to governing bodies and resource management processes. Access also takes on a broader meaning for Māori in relation to the Treaty, and can mean access to partnership models and access to channels for self-determination.

A 2006 study found that Māori were 13 times more likely to report discrimination when buying or renting a property compared to the general population.¹³³ A more recent study authored by Carla Houkamau and Chris Sibley in 2015 found people that self-reported appearance as Māori significantly predicted decreased rates of home ownership when adjusted for a number of variables. This association was taken to provide evidence of institutional racism against Māori in the home lending industry.¹³⁴ A number of sources are available concerning more recent Māori access issues for home ownership. A 2006 report by the Centre for Housing Research Aotearoa (CHRANZ), which conducted a review of literature and undertook its own surveying of Māori housing, identified a number of access and affordability issues.¹³⁵ These included difficulties obtaining finance, limited knowledge about home ownership, an inability to access services and information, low income and high house prices, discrimination and low motivation. The high development costs in rural environments were also cited as significant issues. The findings of the emerging trends and issues report has remained consistent through a range of more recent studies

¹³² C.A. Houkamau and S.G. Sibley, 'Looking Māori Predicts Decreased Rates of Home Ownership: Institutional Racism in Housing Based on Perceived Appearance.' *PLoS ONE* 10: 3 (2017).

¹³³ Ricci Harris, et al., 'Effects of self-reported racial discrimination and deprivation on Māori health inequalities in New Zealand: cross-sectional study,' *Lancet* 367 (2006): 2005-2009.

¹³⁴ C.A. Houkamau, G.A. Sibley, 'Looking Māori Predicts Decreased Rates of Home Ownership: Institutional Racism in Housing Based on Perceived Appearance.' *PLoS ONE* 10: 3 (2017).

¹³⁵ Charles Waldegrave, Peter King, Tangihaere Walker, and Eljon Fitzgerald, *Māori housing experiences: Emerging trends and issues* (Wellington: Centre for Housing Research Aotearoa New Zealand, 2006).

and reviews.¹³⁶ The CHRANZ report also made several policy recommendations for improving access. These were:

- The development of savings incentives and schemes for households in the middle to low income brackets;
- Affordable loan schemes;
- Equity schemes; and
- Pathways from public housing to home ownership.

Research on limited financial knowledge and education has highlighted the problems raised by economic disruption in light of the economic impact of COVID-19. There is an adequate research base for the general financial knowledge of Māori provided by the Commission for Financial Capability (CFFC). A recent survey and report by the CFFC suggested Māori were more vulnerable to financial hardship before COVID-19, including areas of rent and mortgage payments, than other New Zealanders, and that this had become more evident in the time since.¹³⁷

Sources are available that describe the criteria and effectiveness of current home ownership schemes.¹³⁸ There is a small group of reports that have looked at the effectiveness of KiwiBuild, a program that aims to supply the market with a variety of affordable housing options.¹³⁹ There is little evidence in this research that specifically relates to Māori. In 2017 Te Matapihi calculated KiwiBuild would mostly benefit Māori at the upper intermediate market, of which there are approximately 20,652 households nationwide. In a 2017 report, the Salvation Army considered the

¹³⁶ New Zealand Productivity Commission 'Housing Affordability' (Wellington, New Zealand Productivity Commission, 2012), 238-261; Michael Flynn, Sherry Carne, and M. Soa-Lafoa'i, 'Māori housing trends 2010' (Wellington: Housing New Zealand Corporation, 2010); P. Lysnar, Penelope Tuatagaloa, and JLR Joynt, 'Māori and housing in Tāmaki Makaurau: a stocktake of issues, experiences and initiatives. Auckland Council technical report', (Auckland, Auckland Council, 2016), pp. 13-14.

¹³⁷ Celestyna Galicki, Impact on COVID-19 on financial Wellbeing: Key findings from a national survey (Wellington: Commission for Financial Capability, May 2020).

¹³⁸ Cabinet Paper, 'Resetting the Government build Programme, 2019'. Retrieved from <https://www.hud.govt.nz/assets/News-and-Resources/Proactive-Releases/First-Tranch-/ebadefaa2d/01-Cabinet-Paper-Housing-and-Urban-Development-progress-and-next-steps.pdf> [accessed 15 May 2020].

¹³⁹ Alan Johnson, 'Beyond Renting: Responding to the Decline in Private Rental Housing,' (Manukau: the Salvation Army Social Policy & Parliamentary Unit, 2018); Te Matapihi, 'Maori housing policy Round Up: Labour party' Te Matapihi election 2017 Commentary <https://www.tematapihi.org.nz/news/2017/8/11/election-2017-mori-housing-policy-round-up-labour-party-2> [accessed 15 May 2020]; Andrew Barker, 'Improving Well-being Through Better Housing Policy in New Zealand,' (Paris: OECD Economics Department Working Papers no 1565, 2019); Allison Tindale, *Just How Big is the Problem? Evidence of housing stress for low to moderate income earners*, (Hutt Valley: Better Planning, 2019), pp. 27-29; Reserve Bank of New Zealand, 'The implications of Kiwibuild for monetary policy,' (Wellington, Reserve Bank of New Zealand, 2019).

subsidy catered for the upper intermediate housing market, leaving median market low income households unable to benefit.¹⁴⁰

A 2019 cabinet paper, reflecting on the design of KiwiBuild, has stated in its current form the program is unable to meet the needs of around 400,000 renting households. The current programme also excludes larger families because it is unable to deliver enough homes with three or more bedrooms at the appropriate price point. The paper also noted that even with the accommodation supplement, around 180,000 of households are considered ‘stressed’, spending more than 30 percent of their income on rent.¹⁴¹

The government has several affordable housing initiatives for assisting with home ownership for the general population. At present the Te Puni Kōkiri website indicates that Te Ara Mauwhare – Pathways to Home Ownership is the only established government funding program that targets assistance to helping Māori obtain home ownership on general land. There is no published material in relation to this programme, or other housing related programmes administered by Te Puni Kōkiri, as to the amount the fund contributes to housing projects on general land compared to those on Māori freehold land. As part of a \$900 million package directed at Māori in the 2020 budget, \$40 million was provided for a Māori and Iwi Housing and Innovation Fund - Te Maihi o te Whare Māori.¹⁴² Details of this fund have not been outlined enough to understand whether it applies to housing on general land.

While there is a sizable body of evidence that discusses building papakāinga on whānau land in response to the housing crisis, as discussed in Chapter 3, there is relatively little written on the experience of Māori whānau, hapū and iwi building on general land, including land acquired through the Treaty settlement process.

¹⁴⁰ Allison Tindale, *Just How Big is the Problem? Evidence of housing stress for low to moderate income earners*, (Hutt Valley: Better Planning, 2019), p. 34; Te Matapihi, ‘Māori Housing Policy Round-Up: Labour Party’ August 2017, <https://www.tematapihi.org.nz/news/2017/8/11/election-2017-mori-housing-policy-round-up-labour-party-2>. [Accessed Feb 25, 2020]; Johnson, Alan, "Beyond Renting: Responding to the Decline in Private Rental Housing" (Manukau, The Salvation Army Social Policy & Parliamentary Unit, 2018), p. 54..

¹⁴¹ ‘Resetting the Government Building Programme,’ Office of the Minister of Housing, undated, <https://www.hud.govt.nz/assets/News-and-Resources/Proactive-Releases/First-Tranch-/ebadefaa2d/01-Cabinet-Paper-Housing-and-Urban-Development-progress-and-next-steps.pdf> [accessed 15 May 2020].

¹⁴² Cabinet Minute of Decision, ‘Te Maihi o te Whare Māori – the Māori and Iwi Housing Innovation (MAIHI) Framework for Action,’ CAB-20-MIN-0229.02, 20 May 2020; Grant Robertson, ‘Budget Speech: Well-being Budget 2020: Rebuilding Together’ 14 May 2020, <https://treasury.govt.nz/sites/default/files/2020-05/b20-speech.pdf> [accessed 15 May 2020].

Claimants have suggested that local government is inflexible in allowing Māori to build papakāinga on general land.¹⁴³ Sources suggest that there are varying degrees of accommodation for papakāinga from local government. While for many hapū and iwi, papakāinga cannot be compared to a housing development on general land, such land and land returned as part of a Treaty settlement are acknowledged to provide opportunities for the re-establishment of kāinga.¹⁴⁴ Sources indicate that there is very little consistency in how regional councils approach this issue. The Auckland Council has in-built flexibility in their accommodation of papakāinga and have included directives to support papakāinga development on general land.¹⁴⁵ But as the Section 32 report on the Proposed Auckland Unitary Plan has noted, the prescriptive nature of papakāinga provisions in some district plans can restrict development, with some plans imposing a list of assessment criteria.¹⁴⁶

There are a range of sources on the lack of inclusion of Māori planning perspectives and calls for greater governance roles for Māori in the planning process. That includes, for example, information about the value of iwi management plans (IMP) to planners and the recognition of these plans under the Resource Management Act.¹⁴⁷ A range of studies have also noted that iwi management plans have been underutilised, and seemingly ignored in local government plans.¹⁴⁸ Such plans highlight the preference of iwi to build on ahi kā or land returned under the Treaty settlements process, although that does not provide for urban Māori living away from their rohe. The Productivity Commission's report 'Better Urban Planning' published in 2017 contains a detailed chapter on urban planning and the Treaty of Waitangi.¹⁴⁹ It is likely that claimant briefs of evidence will provide more detail on Māori experiences with recent housing policies in building

¹⁴³ The housing papakāinga (Watene) Amended Statement of Claim (Wai 2751), #1.1.

¹⁴⁴ Whatitiri Hapu Environmental Plan, 7 March 2017, 19. An example of research on urban and suburban Papakāinga housing planning includes Rau Hoskins et al. 'Kit e Hau Kainga: New Perspectives on Māori Housing Solutions,' (Wellington Housing New Zealand Corporation, 2002, 2014).

¹⁴⁵ Section 32 report on the Proposed Auckland Unitary Plan.

¹⁴⁶ Section 32 report on the Proposed Auckland Unitary Plan, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/documentssection32reportproposedaup/2-17-maori-land-v2-2013-09-17.pdf> [accessed 16 May 2020].

¹⁴⁷ Not all hapū and iwi management plans contain objectives and policies for housing. The reasons for this require further investigation. For housing related objectives and policies see: Waitaki Iwi Management Plan, 2019, 125; 'Te Uriroro Hapu Environmental Management Plan,' (7 March 2016), p. 19.

¹⁴⁸ N Roberts, 'Planning and Tangata Whenua Issues,' in Merata Kawharu (ed.), *Whenua; Managing our Resources* (Auckland: Reed Books, 2002); Angelika Schoder, 'Indigenous Planning in New Zealand: An analysis of recent developments in their theoretical context,' *Lincoln Planning Review* 4:2 (2013); Collaborative models are outlined in Brigid Te Ao McCallum Livesey, 'Planning to develop land returned under Treaty settlement in Waikato, Aotearoa New Zealand: An institutional ethnography' (PhD thesis, Massey University, 2017).

¹⁴⁹ Productivity Commission 'Better Urban Planning' (Wellington: Productivity Commission, 2017).

on general land. There is a range of available sources that explore themes of Māori stewardship and participation in planning, as well as an extensive body of international literature that explores the theme of indigenous planning knowledge and governance more generally.¹⁵⁰

Treaty settlements have changed the relationship between iwi and local government. Yet there is very little literature that addresses the issues arising from building papakāinga on Treaty settlement land. Again, the Auckland Unitary Plan is relatively advanced in its acknowledgement and policy framework around this issue. Strategic Direction 2 of the Auckland Plan directs Council to 'Enable Māori aspirations through recognition of Te Tiriti o Waitangi/the Treaty of Waitangi and customary rights' in building papakāinga. This section specifically addresses part 2, s. 8 of the RMA.¹⁵¹ There are no sources that give a consistent analysis of local government's understanding of papakāinga built on non-Māori land, and Treaty settlement land, nor the way in which local governments have given effect to the Treaty provisions in the RMA. Without studies to draw upon, it may be possible for a researcher to compare district and unitary plans to develop a set of comparative research findings on this point.

1.8 Security of Tenure and Affordability

This section covers issues raised in claims that relate to security of tenure. Claimants have suggested that long-term wealth benefits accrue to home owners. Research suggests that home owners tend to experience more secure tenure, better quality housing and on average spend a lesser share of their income on housing when compared to renters. But while there are a range of studies on Māori renting outcomes, studies on the effects of owner-occupier tenure for Māori are scarce.

¹⁵⁰ For material on Aotearoa New Zealand, see: Hirini Matunga, 'Decolonising Planning: The Treaty of Waitangi, the Environment and Dual Planning Tradition' in P.A. Memon and H.C. Perkins (eds), *Environmental Planning and Management in New Zealand* (Palmerston North: Dunmore Press, 2000); Hirini Matunga, 'Theorising Indigenous Planning,' in T.S. Jojola, R.C. Walker and D.C. Natcher (eds), *Reclaiming Indigenous Planning* (Montreal MQUP, 2013); Hirini Matunga, 'I Nga Wa o Mua: A retrospective on the RMA and Māori,' Paper Presented at the New Zealand Planning Institute Annual Conference, Dunedin, 2016; Brigid Te Ao McCallum Livesey, 'Planning to develop land returned under Treaty settlement in Waikato, Aotearoa New Zealand: An institutional ethnography' (PhD thesis, Massey University, 2017); A brief survey of international literature includes: Ryan Walker, Ted Jojola and David Natcher (eds), *Reclaiming Indigenous Planning* (Montreal: MQUP, 2013); Libby Porter, Hirini Matunga, Leela Viswanathan, Lyana Patrick, Ryan Walker, Leonie Sandercock, Dana Moraes, Jonathan Frantz, Michelle Thompson-Fawcett, Callum Riddle & Theodore Jojola, 'Indigenous Planning: from Principles to Practice,' *Planning Theory & Practice* (Nov 2017); Ted S. Jojola, 'Indigenous Planning and Resource Management,' in *Trusteeship in Change: Toward Tribal Autonomy in Resource Management*, edited by Richmond L. Clow and Imre Sutton, (Boulder, CO: University of Colorado Press, 2001); Janice Barry and Libby Porter, 'Indigenous recognition in state-based planning systems: Understanding textual mediation in the contact zone' *Planning Theory* 11:2 (2011), pp. 170–187.

¹⁵¹ 'Treaty settlements - section 32 evaluation for the Proposed Auckland Unitary Plan' (Auckland: Auckland Council, 2013), <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/documentssection32reportproposedaup/2-14-treaty-settlements-v2-2013-09-17.pdf> [Accessed 16 May 2020].

As outlined in Menzies et al. 2019, there is a range of general studies that suggest an association between home ownership and socio-economic wellbeing.¹⁵² They state that this association may be the result of factors including long term tenure security, the potential for intergenerational wealth transfer and an increased potential for future home ownership.¹⁵³ There are a number of studies that question the evidence for some of these associations, and the benefits of home ownership over renting. Conversely, other general studies have questioned the evidence for some of these associations and the benefits of home ownership over renting.

A general study conducted by the Centre for Housing Aotearoa New Zealand determines affordability of home ownership by the initial purchase costs for potential buyers and ongoing housing costs for homeowners (such as mortgages and repairs).¹⁵⁴ Some issues included under 'access,' such as barriers to saving for a deposit, inevitably overlap with issues of affordability.¹⁵⁵ There are a number of ways to conceptualise and measure affordability.¹⁵⁶ Clapham defines the concept of affordability as the ability of a household to meet their housing costs.¹⁵⁷ The Productivity Commission defines it simply as whether housing can be paid for without financial difficulty.¹⁵⁸ There are no current indicators of home ownership affordability that are sensitive to

¹⁵²D. Menzies, J. Whitehead, G. Walker, J. Reid and A. MacFarlane, 'Kāinga Tahī, Kāinga Rua Whai Rawa Whenua: Economics and financing of housing for Māori Literature Review,' (Auckland: Building Better Homes, Towns and Cities National Science Challenge, 2019), p. 17.

¹⁵³ Mathew Arcus and Ganesh Nana, 'Intergenerational and Interfamilial Transfers of Wealth and Housing: Report to Centre for Housing Research Aotearoa New Zealand' (Auckland: Centre for Housing Research Aotearoa New Zealand, 2005); Matthew Roskrug et al. 'Homeownership, Social Capital and Satisfaction with Local Government,' *Urban Studies* 50:12 (2013), pp. 2517-2534; Matthew Roskrug et al., 'Homeownership and Social Capital in New Zealand' (Wellington: Motu Economic Public Policy Research, 2011); Charles Waldegrave and Michaela Urbanová, 'Social and Economic Impacts of Housing Tenure' (Wellington: Family Centre Social Policy Research Unit, 2016); Philippa Howden-Chapman and Nick Wilson, 'Housing and Health,' in Philippa Howden-Chapman (ed.), 'Social Inequalities in Health: New Zealand 1999,' (Wellington: Ministry of Health, 2000), pp. 133-145.

¹⁵⁴Affordability can break into three dimensions; affordability for renters, affordability for potential homeowners, and affordability for existing homeowners. See: 'Housing Costs and Affordability in New Zealand,' (Wellington: Centre for Housing Research Aotearoa New Zealand, 2004), p. 6; See also, Bryan Perry, 'Household Incomes in New Zealand: trends in indicators of inequality and hardship 1982 to 2018,' (Ministry of Social Development, 2019), p. 72.

¹⁵⁵ David Clapham points out that affordability in a more generic sense can be conceptualised as a problem of access by certain groups to housing (or particular types of housing). David Clapham, *Remaking Housing Policy: An International Study* (London: Routledge, 2019), p. 122.

¹⁵⁶ For a discussion of concepts and measures see: Chris Leishman and Steven Rowley, 'Affordable housing,' *The Sage Handbook of Housing Studies* (London: Sage, 2012), pp. 379-96. For a brief overview of affordability measures defined as the ability of a certain household to meet their housing costs, see: Statistics New Zealand website for affordability measures: http://archive.stats.govt.nz/browse_for_stats/people_and_communities/housing/statistics-on-housing-affordability/affordability-measures.aspx#gsc.tab=0 [Accessed: 16 May 2020].

¹⁵⁷ David Clapham, *Remaking housing policy: An international study*. (Abingdon: Routledge, 2003), p. 57.

¹⁵⁸ *Housing Affordability* (Wellington: New Zealand Productivity Commission, 2012), p. 58.

ethnicity so it is difficult to know how issues of affordability have affected Māori over the last several years.

As reviewed in the section on disparities, a central concern of claimants in this inquiry is the significant and disproportionate reduction of home ownership for Māori over the last four decades. In turn, claimants have asserted a strong relationship between the reduction in home ownership and housing affordability. Claimants have further asserted an undersupply of affordable housing options in the private market, both for renting and for purchasing, has made home ownership unfeasible for many Māori; the consequences of undersupply particularly acute for Māori on lower incomes who have no pathway for assembling a deposit or meeting lending criteria.¹⁵⁹

Statistics New Zealand provides data on this issue. It states that home ownership trends for Māori since 1991 match a national trend of home ownership reduction nationally across New Zealand (but at a much higher rate for Māori). Its research points out that a key feature of New Zealand's housing affordability profile is the massive increase in house prices, especially in the Auckland region, over the last 20 years. House prices in New Zealand grew steadily from the mid-1980s, but from 2000 rapidly increased across all regions.¹⁶⁰ This was followed by another surge post GFC (see: Appendix, Figure 1).¹⁶¹

A range of sources discuss key factors effecting affordability for both Māori and non-Māori.¹⁶² There is a good depth and range of general technical material on affordability. This literature indicates a number of factors have contributed to housing unaffordability in Aotearoa New Zealand. It is well recognised that housing supply has not kept up with population growth and demand.¹⁶³ A recent OECD economic working paper considered that supply constraints have

¹⁵⁹See: Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d); The Housing (Edward Durie and others) Statement of Claim (Wai 2758), #1.1.1; the Holistic Māori Health Approach Claim (Wai 2697), 1.1.1(a).

¹⁶⁰ New Zealand Institute of Economic Research. *The home affordability challenge: Suite of policy reforms needed in New Zealand*. Wellington: Zealand Institute of Economic Research, 2014, 3.
https://nzier.org.nz/static/media/filer_public/98/7c/987c99b1-d879-48ca-ac2c-58e05307ac5c/nzier_public_discussion_document_2014-04_-_home_affordability_challenge.pdf [Accessed, 15 February, 2019].

¹⁶¹ For commonly used measures of housing affordability see the appendix at the end of this chapter.

¹⁶² Claimants have already referenced a range of technical material in their statements of claim that speaks to what the Housing for Urban Māori (Henare) Claim (Wai 2878) calls the 'core [problems] of the affordability issues' (#1.1.1). This review can only provide high level summary of the main themes covered in this general literature.

¹⁶³ 'Using Land for Housing' (Wellington: New Zealand Productivity Commission, 2015).

disproportionately affected the construction of affordable housing.¹⁶⁴ There are numerous national studies on the impact of land supply regulations for housing supply and affordability.¹⁶⁵ Sources suggest that there is a general acceptance among economists that land regulation plays a role in increasing house prices in Aotearoa New Zealand, although there appears to be differing views as to the size of its effect.¹⁶⁶ The Productivity Commission concluded land use regulations have reduced the supply of housing and increased costs through the limitation of use of types of land, the types of houses that are able to be built, and by adding requirements and costs to the housing development process.¹⁶⁷ Several economic studies have calculated the impact of land use regulations on housing costs with varying results.¹⁶⁸ Other factors that studies have identified relating to housing supply include infrastructure shortages, the role of local government in infrastructure provision and capacity issues within the construction sector.¹⁶⁹

Reports on the urban planning system and its impact on housing supply and affordability have highlighted a range of general planning concerns relating to Māori. The Productivity Commission in its report *Better Urban Planning* claimed the New Zealand planning system was unresponsive to change, lacked clarity and focus in planning legislation and created obstacles to adequate

¹⁶⁴ Andrew Barker, 'Improving Well-being Through Better Housing Policy in New Zealand,' (Paris: OECD Economics Department Working Papers no 1565, 2019), p. 13.

¹⁶⁵ 'Housing Affordability' (Wellington: New Zealand Productivity Commission, 2012); *Using Land for Housing: Final report* (Wellington: New Zealand Productivity Commission (2015).

¹⁶⁶ See: The Productivity Commission's report 'Using Land for Housing'. Arthur Grimes, 'Briefing Paper: Understanding Housing Affordability', *Briefing Paper*, July 2015 <http://briefingpapers.co.nz/understanding-housing-affordability/>. For sources that view land regulation as having a significant impact on the rise in house prices; The Demographical international housing affordability; Michael Reddell, 'Housing, Financial stresses, and the Regulatory role of the Reserve Bank,' (Wellington: Leanz Seminar Address, 2015); Michael Bassett and Luke Malpass 'Priced out, How New Zealand Lost its Housing affordability,' (Wellington: The New Zealand Initiative, 2013). For international studies see: David Carey and Andrew Barker, 'The Downsides of New Zealand's inflated house prices,' (<https://oecdecoscope.blog/2017/06/14/the-downsides-of-new-zealands-inflated-house-prices/?print=pdf> [accessed 10 February 2020].

¹⁶⁷ See the Summary version of Housing Productivity Commission, 'Using land for Housing' <https://www.productivity.govt.nz/assets/Documents/94f202e6c7/using-land-for-housing-final-report-summary.pdf>.

¹⁶⁸ K. Lees, 'Quantifying the impact of land use regulation: Evidence from New Zealand,' (Wellington: Report for Superu, Ministerial Social Sector Research Fund June 2017); Arthur Grimes, and Yun Liang, 'Spatial Determinants of Land Prices: Does Auckland's Metropolitan Urban Limit Have an Effect?' *Applied Spatial Analysis* (2009) 2:23-45. 'Insights: Topical commentary on the Auckland economy: what unitary plan land price changes teach about flooding the market,' <https://www.aucklandcouncil.govt.nz/about-auckland-council/business-in-auckland/docsoccasionalpapers/what-unitary-plan-land-price-changes-teach-about-flooding-market-may-2019.pdf> [accessed 20 May 2020].

¹⁶⁹ Numerous sources: <https://www.productivity.govt.nz/assets/Documents/40c2c18a63/Robin-Oliver-report-on-local-government-funding-options.pdf>; Building materials may be more than 30% more expensive here than in Australia, <https://www.aucklandcouncil.govt.nz/about-auckland-council/business-in-auckland/docsoccasionalpapers/economic-update-november-2019.pdf>; The industry continues to suffer from inflated costs, low-productivity and lack of innovation.

infrastructure provision. The Commission noted a diversity of interests for Māori in urban development stemming from: Māori mana whenua connections to urbanised land; substantial Māori urban populations with interests in wellbeing and prosperity; a desire from Māori for urban spaces to work for Māori; and Māori owners and developers of land.¹⁷⁰ In relation to the impact on Māori it stated (quoting a submission of Auckland council):

It is vital...the resulting urban planning framework recognises the direct impact it has on Māori – whether this is by enabling development of Māori and Treaty settlement land, providing healthy and affordable housing, making travel accessible to everyone, influencing Māori experiences within our communities, and how Māori values and culture is reflected in our surroundings. (sub. DR86, 17)

The commission report also covers a range of issues relating to the protection of active Māori interests in the environment and planning system. This included giving Māori a statutory role in the stewardship of the planning system through: a National Māori Advisory Board on Planning and the Treaty of Waitangi; providing policy guidance through a national policy statement on Planning and the Treaty of Waitangi; the involvement of mana whenua in spatial planning and the recognition of iwi management plans; and support for the development of iwi and hapū capability in planning.¹⁷¹

Claimants have drawn attention to a number of housing demand issues that relate to affordability such as finance, taxation and migration. There is a range of literature that considers the role of demand drivers, but generally with little reference to Māori.¹⁷² Economists appear to have generally accepted that New Zealand has followed global trends in terms of the financialisation of housing; that is, treating housing primarily as a commodity and an investment vehicle for creating wealth.¹⁷³ It also appears to be accepted that this has negatively impacted affordability and home ownership rates. Some literature suggests housing speculation is a significant or primary driver in unaffordability.¹⁷⁴ There is also agreement that low mortgage interest rates and easier credit access

¹⁷⁰ The New Zealand Productivity Commission, *Better Urban Planning* (Wellington: New Zealand Productivity Commission, 2017).

¹⁷¹ New Zealand Productivity Commission, *Better Urban Planning* (Wellington: New Zealand Productivity Commission, pp. 164-205).

¹⁷² Steven C. Bourassa and Song Shi, 'Understanding New Zealand's decline in homeownership,' *Housing Studies*, 32:5 (2017), pp. 693-710.

¹⁷³ Graham Squires, Iain White, 'Resilience and housing markets: Who is it really for?' *Land and Use Policy* 81 (2019), 167-174; M.B. Aalbers, *The Financialisation of Housing: A Political Economy Approach* (2016: Routledge, London).

¹⁷⁴ Rehm, M. Auckland's housing market is caught in a cycle of speculation and has become a casino. (2019). <https://www.auckland.ac.nz/en/news/2019/08/30/opinion-michael-rehm-auckland-housing-unaffordability.html>; The 16th annual Demographia International Housing Affordability Survey 'Adding it all up, the political economy of Auckland's housing' August 2012.

has contributed to the rise of owner-occupied and investment properties. Lastly, the literature points to New Zealand's taxation settings as impacting house prices through favouring owner-occupied housing investments.¹⁷⁵

Claimants have alleged that the Crown has failed to properly regulate population growth and immigration fuelling higher house prices to the detriment of Māori.¹⁷⁶ Evidence is mixed on this correlation in the general population, and there have been no studies that assess this particular association for Māori. A number of technical studies have investigated the relationship, some finding a strong correlation between immigration and price change nationally.¹⁷⁷ Private research bodies such as Motu also provide relevant reporting; A recent study found that a higher share of new immigrants to an area was not associated with higher prices.¹⁷⁸ The research capacity and resources needed to investigate the basis for this claim are significant. However, a more general policy consideration may address the questions raised in *Policy Quarterly*, which addressed the effect of immigration on Māori wellbeing to be a Treaty issue.¹⁷⁹

A significant work on affordability produced in 2012 is the Productivity Commission's report on housing affordability, which, considering overall tenure trends, determined the boom in house prices from the early 2000s contributed to the marked change in tenure pattern from home ownership to renting. The large change in tenure patterns exacerbated the already occurring decline in home ownership and growth of the rental sector.

Several studies have looked at households in the private rental market who cannot afford to buy a house.¹⁸⁰ The size of the intermediate housing market is considered a measurement of relative

¹⁷⁵ New Zealand Productivity Commission, *Housing Affordability*, 83-100; Andrew Barker, 'Improving Well-being Through Better Housing Policy in New Zealand,' (Paris: OECD Economics Department Working Papers no 1565, 2019); 'OECD Economic Surveys: New Zealand 2011' (Paris: OECD Publishing, 2011), p. 13.

¹⁷⁶ Housing for Urban Māori (Henare) Claim (Wai 2878), #1.1.1; The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

¹⁷⁷ See, for example: Andrew Coleman and John Landon-Lane, *Housing Markets and Migration in New Zealand, 1962-2006*, DP2007/12 (Wellington: Reserve Bank of New Zealand, 2007); Janet Ge, Xin. 'Determinants of house prices in New Zealand.' *Pacific Rim Property Research Journal* 15, no. 1 (2009), pp. 90-121; immigration policies that would enhance the wellbeing of New Zealanders. <https://ojs.victoria.ac.nz/pq/article/view/4674/4158>. *Policy Quarterly* 13:3 (2017); Selena Eqaub and Shamubeel Eqaub argue immigration policy is not important in understanding housing prices. Selena Eqaub and Shamubeel Eqaub, *Generation Rent: Rethinking New Zealand's Priorities* (Wellington: Bridget Williams Books, 2015).

¹⁷⁸ Dean R. Hyslop, 'Housing Markets and Migration – Evidence from New Zealand' (Wellington: Motu Economic and Public Policy Research Series, 2019).

¹⁷⁹ Julie Fry, 'Immigration Policies that Would Enhance the Well-being of New Zealanders,' *Policy Quarterly* 13:3 (2017), pp. 22-26.

¹⁸⁰ Norman Smith, 'The Intermediate Housing Market in New Zealand' (Wellington: CHRANZ, 2008). The intermediate housing market in New Zealand. This study defines the intermediate market as households in the

affordability for first home buyers.¹⁸¹ A 2006 intermediate housing market report showed an increase of Māori intermediate households from 10,890 in 1996 to 27,170 in 2006. Total households for all ethnicities increased from 74,820 to 183,760. A more recent study in 2015, which does not include rates for Māori, found from 1992 to 2015 the intermediate market had increased nationally by 102 percent (81,000 to 187,400.) Auckland experienced a more acute and consistent increase of 182 percent over the period of 1992 to 2015 (24,000 approx. to 85,000). Data on changes to the national or regional intermediate markets from 2015 onwards appears to be unavailable. However, in 2017, Te Matapihi estimated that there could be 86,643 Māori households nationally in the intermediate market and 49,449 in Auckland.

Several studies have proposed factors such as higher levels of Māori unemployment and lower levels of income as having adversely affected the rate of home ownership.¹⁸² A 2016 Statistics New Zealand paper considered, among other factors, the role of rising house prices, income levels and unemployment rates in Māori home ownership. Unemployment for Māori peaked in 1992 with rates over 25.0 percent. From 1992 to 2010 the unemployment rate was consistently three times the rate for European people.¹⁸³ The report also drew attention to the Māori median income being lower than the population overall stating:

...on average over the two surveys HES 2013-2014, using the After-Housing costs 60% anchored line measure, 12% of European/ Pākehā, 26% of Māori, 25% Pacific and 26% 'Other' were in households with incomes below this line.¹⁸⁴

The paper found the rise in house prices against incomes, higher unemployment and lower incomes relative to the general population were contributing factors to the disproportionate reduction of home ownership Māori have faced. Such factors were contributing because Māori first home buyers required work security and sufficient income to afford a deposit and receive mortgages. The Productivity Commission discussed the affordability relationship between income

private rental market, where at least one member is in paid employment, and that cannot afford to buy a house at the lower quartile.

¹⁸¹ Norman Smith, 'The Intermediate Housing Market in New Zealand' (Wellington: CHRANZ, 2008), p. 6.

¹⁸² *Māori Housing Experiences*, 25; Diane Menzies et al. 'Economics and financing of housing for Māori - literature review' *Report for Building Better Homes, Towns and Cities: Whai Rava Whenu, Kainga Tabi, Kainga Rua*. (Wellington: BBHTC, 2019), p. 10.

¹⁸³ *Changes in home-ownership patterns 1986–2013: focus on Māori and Pacific people* (Wellington: Statistics New Zealand, 2014), 36-40; As of December 2017, the rate of Māori unemployment fell to 9.0 percent but was still twice the National rate. <https://www.stats.govt.nz/news/MāoriMāori-unemployment-rate-at-nine-year-low-but-twice-new-zealand-rate> [accessed 20 May 2020].

¹⁸⁴ Statistics New Zealand, *Changes in home-ownership patterns 1986–2013: focus on Māori and Pacific people*, p. 38.

and prices (including rents). The Commission noted that as significant numbers of Māori households have low incomes, price reductions will not sufficiently close the gap between price and incomes.¹⁸⁵

The closing of home ownership opportunities for Māori due to financial disparities as outlined by the Commission appears consistent with general findings in other studies and reviews; particularly its finding that home ownership has been undermined for middle and lower incomes brackets.¹⁸⁶ A 2017 report considered deposit requirements were likely to skew home ownership profiles toward existing home owners and investors; for instance, a 20 percent deposit in September 2008 was \$84,000. By November 2016, that had risen to \$170,000.¹⁸⁷ A recent report on housing affordability concluded:

A significant number of households do not have sufficient savings for a house deposit for any type of house purchase. This includes the majority of recipients of the Accommodation Supplement. A significant number of households also do not have sufficient income to make affordable mortgage repayments for a median or lower quartile house value. Home ownership appears particularly challenging for the majority of single persons and households earning less than the median household annual income.¹⁸⁸

In its latest report the Salvation Army suggested the underlying status of the Auckland and national housing markets may be its provision for mainly higher income tenants and home owners.¹⁸⁹

1.9 Conclusion

There is sufficient material available in existing sources to cover claim issues relating to Māori home ownership on general land up until the early 1990s. While this information is distributed over a wide range of sources, these works provide a full historical overview of legislation, policy and practice at a national level, and contain information on local experiences that outline variations within the national setting. Primary sources from the Department of Māori Affairs, the State Advances Corporation and Housing Corporation files from the 1970s until the 1990s can

¹⁸⁵ New Zealand Productivity Commission, *Housing Affordability*, p. 233.

¹⁸⁶ Steven C. Bourassa and Song Shi, 'Understanding New Zealand's decline in homeownership,' *Housing Studies*, 32:5 (2017), pp. 693-710.

¹⁸⁷ Harshal Chitale and David Norman, 'Looking beyond the multiple median: Measuring housing affordability,' (Auckland: Auckland Council Chief Economist Unit, 2017), p. 2.

¹⁸⁸ Allison Tindale, *Just How Big is the Problem? Evidence of Housing Stress for Low to Moderate Income Earners* (Hutt Valley: Better Planning, 2019), p. 34.

¹⁸⁹ Ronji Tanielu et al. 'State of the Nation Report 2020—Tangata Whenua, Tangata Tiriti, Huia Tangata Kotahi, People of the land, People of the Treaty, Bring Everyone Together' (Manukau: Salvation Army Social Policy and Parliamentary Unit, 2020).

supplement published works where the information on Māori housing is less comprehensive. Published government reports on Māori home ownership become increasingly available from the 1980s. Housing Corporation files and the files of the Royal Commission on Social Policy 1986-1989 include background research on these reports and may provide material to supplement and review the published record. The written record may be supplemented with sound and media archives from Ngā Tonga Sound and Vision to gather evidence of oral sources and visual sources that attest the physical built record on Māori housing. Information on state housing sales to occupants from the 1990s, and other more recent events may require negotiation with government agencies for access to be granted.

There is some coverage in the existing sources relating to issues raised in claims over the past three decades. Data on Māori home ownership at a national level is sufficient for much of this period although gaps exist in the record for the past seven years. This may be supplemented by updated material in the Crown's statistics programme. Other key gaps in the existing research relate to analysis and discussion as to the barriers to Māori home ownership and the effectiveness of Crown policies in addressing these barriers. A key gap exists in relation to the experience of Māori in building on general land regionally. Issues relating to local government will require new research to review evidence of district plans region by region as well as other relevant documentation such as Iwi Management Plans. Coverage of sources relating to housing reforms since 2018 is especially scattered and inconsistent. Some Cabinet papers and policy documents have been made publicly available, however, the Crown could be asked to provide relevant records relating to Kāinga Ora and the reforms to the Resource Management Act. Claimant briefs of evidence detailing the lived experience of the issues raised in claims, as well as policy dealings with the Crown, will provide further necessary coverage.

Appendix: Measures of Affordability

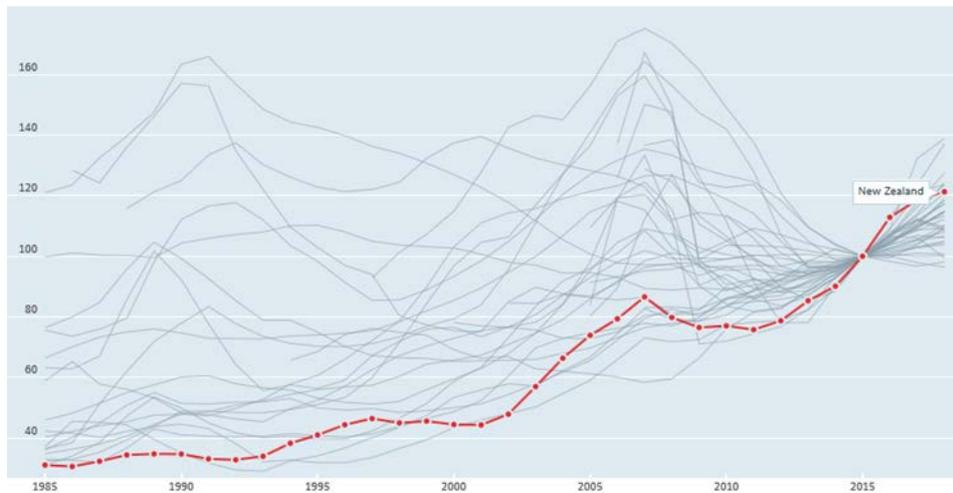


Figure 1: New Zealand real house prices compared against OECD countries, 1985-2019

Source: OECD.

Drawing on OECD real house price data, economists have pointed out that from 2000 onwards New Zealand experienced the largest increase in real house prices in the OECD.¹⁹⁰ Median house prices growth has diverged from income growth. Between 1981 and 2019, New Zealand saw a median house price increase of 18-fold compared to a medium income increase 5.4-fold.¹⁹¹



Figure 2: Medium multiple for New Zealand and Auckland, 2002-2020

Source: Demographia International

On Demographia International and interest.co.nz’s multiple median measures—an internationally recognised measure of affordability—a consistent increase in housing unaffordability is evident over the last 20 years. At January 2020, the national median multiple was 6.8 and Auckland’s was 9.2; both severely unaffordable on Demographia International’s categorisation.¹⁹² Housing affordability, expressed as a household’s share of their income spent on housing costs, has significantly worsened (rental and owner-occupier).¹⁹³ On average, households nationally are now spending a greater share of their income on housing costs (rental and owner-occupier). For housing costs as a proportion of average income from 1985 to 2018 the lowest income quintile expenditure increased from 23.0 percent on average to 47.0 percent. For the same period, the second lowest quintile worsened from 20.0 percent to 33.0 percent.¹⁹⁴ The proportion of homeowners that spend 40.0 percent or more on housing costs has risen in the last 10 years from 30.0 percent to 45.0 percent.¹⁹⁵

Private dwellings by tenure type (%), as at quarter ended March 1991-September 2019

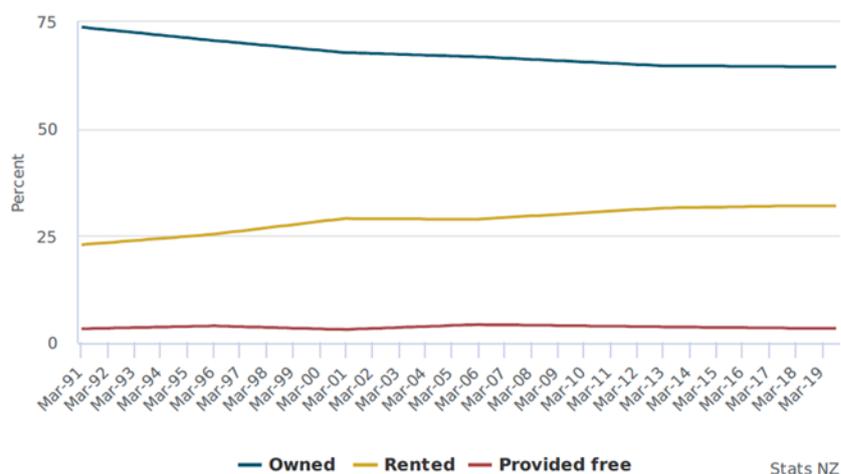


Figure 3: Private Dwellings by Tenure Type

Source: Statistics New Zealand, 2019

The declining rate of home ownership nationally has introduced structural changes in tenure patterns. As home ownership rates in New Zealand have fallen the usage of private rental accommodation has increased.¹⁹⁶ With reference to Statistics New Zealand data, this trend can be observed from March 1991 through to March 2018.

¹⁹⁶New Zealand Productivity Commission, *Housing Affordability*, p. 38.

Chapter 2: Māori Renting and Special Housing Needs

2.1 Introduction

This chapter assesses existing sources relating to the claims on the experience of Māori in the social housing system and the private rental market. It begins with an overview of the historical context for renting in Aotearoa New Zealand and considers the experiences of Māori both as individual renters and as communities. A brief outline of the current sector is then provided. The chapter then moves to an analysis of the coverage of claims by existing sources. This includes a review of sources concerning Māori organisations who operate as Community Housing Providers (CHPs) and the special housing needs of Māori homeless populations, and other vulnerable Māori groups.

As discussed above, the organisation by themes to assist in determining evidential needs started early in this inquiry. This chapter builds on this thematic approach by grouping rental experiences and special housing needs together. Current data and research on the experience of Māori renters does not routinely explore the distinction between private and public rental systems. In many studies, the aggregation of rental types, inclusive of private and all forms of social housing accommodation, means there is frequently no published research data on the distinct disparities in, for example, the social housing space, nor comparative data for the private rental market.¹⁹⁷ For the purposes of this review of sources, then, this chapter examines available literature on renting in the widest scope.

2.2 Range of Claims Relating to Māori Renting and Special Housing Needs

Most of the claims discussed in this chapter focus on contemporary issues. Of the historical claims, the majority focus on the twentieth century from the 1930s onwards. The exception is several claims relating to homelessness. Two claims allege that the roots of homelessness can be found in the actions of the Crown dating back to the nineteenth century. The Ngati Tamahau (Biddle) claim alleges that 'Legislation, policies and practices enacted by the Crown to alienate Māori from their whenua are a fundamental cause of the current housing and homelessness issues Māori continue

¹⁹⁷ For example, one of the most comprehensive surveys of housing, 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people' (Wellington: Statistics New Zealand, 2016) identifies as one of its major sources the Census of Population Dwellings, which does differentiate between rental tenure types, but this data is not recorded in the report. For the 2013 census statistics by ethnicity and rental tenure types see: http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/ethnic-profiles.aspx?request_value=24705&tabname=Housing# [accessed 4 May 2020].

to experience today.¹⁹⁸ The Ngapuhi te Tiriti o Waitangi claim raises the related claim that ‘The colonial legacy of dispossession and exclusion plays a role in worsening and maintaining Māori homelessness.’¹⁹⁹

Claims that address the history of Māori experiences of renting in the 1930s and 1940s allege varying patterns of exclusion from rental housing. Discrimination and access to adequate housing is raised in the Ngati Tara (Gable) Claim which alleges that despite knowledge of urgent need among Māori, the Crown failed to improve Māori housing. Claimants allege that during the 1930s and 1940s ‘Māori faced discrimination when accessing rental properties in urban areas. Māori lived in substandard, slum-like dwelling conditions.’²⁰⁰ It is alleged that the Crown followed a ‘hands off’ policy towards Māori housing despite discrimination against Māori in the private sector.²⁰¹

The majority of claims that address these decades focus on allegedly exclusionary and discriminatory state housing policy. In the 1930s and 1940s, claimants allege that Māori received unequal treatment from the Crown in the allocation of state housing. The Housing Racism (Simpson) Claim alleges that Crown housing policies from the 1930s and 1940s ‘demonstrated how housing programmes have historically excluded Māori from administration, planning and decision making in relation to their own housing provisions.’²⁰²

There are also allegations from the Housing for Urban Māori (Henare) claim and others that Māori were excluded from mainstream state housing.²⁰³ The Ngati Tamatea Hapu o Waiotaha Lands claim alleges that ‘the perception of state housing officials that Māori could not afford rents and that in any case their presence would ‘lower the tone’ of state housing areas effectively excluded them from government subsidised low-income housing options.’²⁰⁴ Claimants allege that requests for housing assistance were denied as a consequence of this policy, leading to further distress to health, economic and social wellbeing.²⁰⁵ Claims also allege the Crown’s response was inadequate in developing policy that would address this exclusion from state housing. The Ngapuhi Te Tiriti

¹⁹⁸ Ngāi Tamahau (Biddle) claim (Wai 1781), #1.1.1(b).

¹⁹⁹ Ngapuhi Te Tiriti o Waitangi Amended Statement of claim Wai 966, #1.1.1 (d).

²⁰⁰ Ngati Tara (Gabel) Claim (Wai 1886), #1.1.1 (b).

²⁰¹ Fifth amended statement of claim for Te Enga Harris, 8 June 2018, 9; forth amended statement of claim of Denise Egan on behalf of herself, her whanau and members of Te Manurehure, 8 June 2018, p. 8.

²⁰² Housing Racism (Simpson) Amended Statement of Claim (Wai 2805), #1.1.1.

²⁰³ Housing for Urban Maori (Henare) Amended Statement of Claim (Wai 2878), #1.1.1; Opuia Lands and Waterways Amended Statement of Claim Wai 120, #1.1(c); Ngapuhi Te Tiriti o Waitangi claim Wai 966, #1.1.1 (d).

²⁰⁴ Ngai Tamatea Hapu ki Waiotaha Lands Amended Statement of Claim (Wai 1511) #1.1.1(a).

²⁰⁵ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

o Waitangi claim states that ‘Housing policy in 1944 saw a scheme to create a separate pool of Māori houses, managed by the Department of Māori Affairs and the State Advances Corporation. Between 1948 and 1954 only 97 houses were allocated to Māori by the Housing division. In the late 1950s the system was abolished, and Māori were rehoused in mainstream state housing.’²⁰⁶

According to the Ngati Tara (Gabel) claim, stark disparities between Māori and Pākehā housing were apparent over this period, even as urbanisation policies produced alleged housing deprivation, substandard living conditions and severe overcrowding.²⁰⁷

As Crown policy changed after World War II, claimants suggest that assimilationist policy presented new problems for a rapidly urbanising Māori population. The Housing and Social Services (Dennis) claim alleges that Māori state housing schemes, run by the State Advances and the Department of Māori Affairs, became part of a broader policy objective of urbanising Māori.²⁰⁸ Other claimants similarly allege that ‘Government housing programmes assimilated rural Māori into urban communities, resulting in a loss of resources and the severance of their cultural connection to their whenua.’²⁰⁹

Pepper-potting (whereby individual Māori households were housed in Pākehā communities) features as a recurrent grievance across claims.²¹⁰ The Ngati Tara claim alleges that pepper-potting resulted in Māori being separated from their communities with isolation, loss of familial cohesion and an erosion of Māori tikanga and communal needs emerging as a result.²¹¹ Further claims address the alleged failure of the Crown to properly address non-European models of living. The Ngai Tamatea Hapu ki Waiotaha Lands Claim states that ‘European housing styles facilitated the

²⁰⁶ Ngapuhi Te Tiriti o Waitangi Amended Statement of claim Wai 966, #1.1.1 (d).

²⁰⁷ Wai 1524; Ngati Tara (Gabel) Amended Statement of Claim, Wai Wai 1886, #1.1.1(b).

²⁰⁸The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

²⁰⁹ Descendants of Wiremu Pou Amended Statement of claim (Wai 1537), 1.1.1(c); Pukenui Blocks Amended Statement of Claim (Wai 1681), #1.1.1 (e).

²¹⁰ See: Denise Egan and Te Manuhure Amended Statement of Claim (Wai 2005) #1.1.1(e); Bella Savage and descendants of Hineato Savage Amended Statement of Claim (Wai 1789) #1.1.1(c); Whakarara Māori Committee Statement of Claim (Wai 375) #1.1(c); Maringitearoha Kalva Emily Pia Broughton, Violet Nathan and Aorangi Kawiti Statement of Claim (Wai 2217) #1.1.1(e); Kawiti Marae Committee Amended Statement of Claim (Wai 120) #1.1 (c); Te Whanau a Apanui and Whakatohea Amended Statement of Claim (Wai 2257) #1.1; Upokorehe Amended Statement of Claim (Wai 1092) #1.1(d).

²¹¹ Ngati Tara (Gabel) Claim (Wai 1886), #1.1.1 (b); The Housing (Cletus Maanu Paul and others) Amended Statement of Claim (Wai 2759) #1.1.1.

breakdown of communal living and expedited the breakdown of Ngāi Tamatea's valued cultural practices.²¹²

Another area of claims focuses on consequences of the Housing Restructuring Act 1992. Claimants allege that Māori were unable to absorb the cost of market rents. Claimants also allege that the introduction of the policy was carried out so that many Māori in state housing felt unable to leave Housing NZ stock due to the associated moving costs.²¹³ The Hokianga Regional Lands claimants allege that they were denied the right to purchase their home as a result of inadequate consultation in the selling of state homes.²¹⁴

In broad terms claimants allege that over the past three decades, the proportion of Māori living in private rentals has exposed them to the volatility of the rental market and left people unable to afford the rental prices of today's market.²¹⁵ Claimants allege that as a consequence of Crown policy, Māori are more likely to:

- Rent than non-Māori;
- Be disproportionately represented in state housing waiting lists;
- Use state housing long term;
- Pay more of their disposable income on rent; and
- Be unable to spend on essentials like food or provide hospitality in accordance with tikanga.²¹⁶

In addition to specific historical claims, claimants suggest that some degree of historical contextualisation will be required to adequately address contemporary grievances. The Holistic Māori Health Approach claimants have suggested that that '[w]hen creating housing policies to address the needs of Māori, it is imperative to consider both the social, spiritual, cultural, and historical dimensions associated with housing, as well as the economic dimension.'²¹⁷ A number of claims have alleged dispossession and economic hardship has been suffered by urban Māori historically and claim that alleged Crown failures can only be properly understood in historical terms. Claimants have also alleged that:

²¹² Ngai Tamatea Hapu ki Waiotaha Lands Amended Statement of Claim (Wai 1511) #1.1.1(a); see also: Ngati Tara (Gabel) Claim (Wai 1886), #1.1.1 (b).

²¹³ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a).

²¹⁴ Hokianga Regional Lands Amended Statement of Claim (Wai 985), 1.1.1(d).

²¹⁵ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

²¹⁶ Ngapuhi Te Tiriti o Waitangi Amended Statement of claim Wai 966, #1.1.1 (d).

²¹⁷ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), 1.1.1(a).

Successive governments have not been concerned to address indigenous marginalisation. The Crown has been unwilling to address the issues directly facing Māori. To now label the housing crisis a ‘national concern’ is to deny the fact that this has been an issue for Māori for many years.²¹⁸

Claims addressing the rental market in the contemporary space can largely be divided into those that allege breaches in the social housing system and those that claim that the Crown’s acts and omissions have prejudiced Māori in the private rental market. Allegations include that:

- The Crown has failed for a number of decades to provide sufficient levels of social housing that meets Māori need with the consequence that there has been and is a severe lack of social housing;²¹⁹
- Māori are provided with unfit social housing as well as in inappropriate localities;²²⁰
- The accommodation supplement and other forms of housing assistance have not covered the increasing cost of living;²²¹
- The Crown has failed to effectively implement the Housing Innovation Fund Suspensory Lands and Grants initiative;²²²
- The Crown has failed to incorporate tikanga Māori and Te Ao Māori perspectives into social housing and delivers culturally inappropriate housing that is not suitable for Māori whānau as a result;²²³
- Methamphetamine testing has resulted in a decrease of state housing properties and evictions of tenants;²²⁴
- The Crown undertook social housing reforms (such as the Social Housing reform program) that transferred some responsibility to non-government community housing providers without sufficient evidence or consultation with Māori;²²⁵ and
- The needs of Māori Community Housing Providers (CHP) have not been sufficiently addressed by the Crown.²²⁶

²¹⁸ Racism against Māori Amended Statement of Claim (Wai 2494), #1.1.1(d).

²¹⁹ Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1 (e).

²²⁰ The Otararua & Rahiri Hapu ki Waikanae Lands Amended Statement of Claim (Wai 1018), #1.1(e); The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a). This includes claims where the Crown has failed to promote Papakāinga living over state housing as in the Ngāti Rua (Wood, Smith and Wood) Amended Statement of Claim (Wai 1611), #1.1.1(b); The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

²²¹ Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1 (e).

²²² Ngati Ira Amended Statement of Claim (Wai 558), #1.1(c).

²²³ Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1 (e) Ngati Rua (Wood, Smith and Wood) Amended Statement of Claim (Wai 1661), #1.1.1(b); Ngati Kauwhata ki te Tonga surplus lands Amended Statement of Claim (Wai 972), #1.1.1(f).

²²⁴ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

²²⁵ Puketotara Block mended Statement of Claim (Wai 421), #1.1(g). This claim is an alliance of Taraire 1E2 Block Amended Statement of Claim (Wai 593), #1.1(d), Inland Kerikeri Amended Statement of Claim (Wai 869), #1.1(c), Kororipo & Resources Amended Statement of Claim (Wai 1247), #1.1(e), Kauwhata, Rangī and Wharetotara Amended Statement of Claim (Wai 1383), #1.1.1(c), Te Whiu and Kin Hapu Amended Statement of Claim (Wai 1890), #1.1.1(d).

²²⁶ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

A number of claimants have alleged Māori reliance on the private housing market, which is also associated with changes in home ownership, has increased significantly over the last three decades. They state that the increase is disproportionate relative to the general population.²²⁷ Claimants further allege that:

- The Crown has failed to enact policies and legislation to govern the private rental market and ensure that private accommodation for Māori is affordable, secure, and quality housing;²²⁸
- Regulation of the rental market is skewed in favour of landlords: there is no onus on landlords to keep rents affordable and no incentive for landlords to upkeep housing, leaving properties of poor quality. The rental market is heavily dependent on rental subsidies;²²⁹
- Māori are paying a considerable amount of their income on rent, impacting their ability pay for healthy food, education, healthcare, childcare, utilities, and tikanga responsibilities;²³⁰
- The Crown has failed to eliminate or reduce racial discrimination in the private rental market, producing an inequality of access; and²³¹
- A lack of access and high rents contribute to reliance on state housing, overcrowding and homelessness.²³²

Several claimants allege failures of social housing policy affecting vulnerable groups:

- The Housing (Tomlins and Stone) claim (Wai 2815) and The Housing Kaumatūa Kuia (Dennis) claim (Wai 2749) state that the central government has left the task of elderly

²²⁷ Terese Goza and Nga Amo Titoki Approach Statement of Claim (Wai 2740), #1.1.1.

²²⁸ Puketotara Block Claim (Wai 421), #1.1(g). This claim is an alliance of Taraire 1E2 Block Amended Statement of Claim (Wai 593), #1.1(d), Inland Kerikeri Amended Statement of Claim (Wai 869), #1.1(c), Kororipo & Resources Amended Statement of Claim (Wai 1247), #1.1(e), Kauwhata, Rangi and Wharetotara Amended Statement of Claim (Wai 1383), #1.1.1(c), Te Whiu and Kin Hapu Amended Statement of Claim (Wai 1890), #1.1.1(d); Hapu o Te Rohe Potae of Whangaroa (Kingi) Amended Statement of Claim (Wai 1832), #1.1.1(d); Te Runanga o Kirikiriroa Housing (Tupuhi) Amended Statement of Claim (Wai 2807), #1.1.1(c); On poor quality rentals see: Puketotara Block Amended Statement of Claim (Wai 421), #1.1(g). On overcrowding see: Descendants of Kereopa Paetau Amended Statement of Claim (Wai 1509), #1.1.1(b).

²²⁹ Ngati Tara (Gabel) Amended Statement of Claim (Wai 1886), #1.1.1(b); The Housing (Wikutu) Amended Statement of Claim (Wai 2743), #1.1.1(d); The housing (Kearns) whānau Statement of Claim (Wai 2747), #1.1.1; On rental subsidies, see Ngati Tai Lands (Cotter-Williams) Amended Statement of Claim (Wai 2063), #1.1.1(d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1(e); Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(h); Descendants of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1(c); The Mau Whānau Amended Statement of Claim (Wai 2761), #1.1.

²³⁰ Ngapuhi Te Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1(e); The Mau Whānau Amended Statement of Claim (Wai 2761), #1.1.

²³¹ Ngapuhi Te Tiriti o Waitangi Approach Amended Statement of Claim (Wai 966), #1.1.1(d); The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697) #1.1.1(a); Ngati Tara (Gabel) Amended Statement of Claim (Wai 1886), #1.1.1(b).

²³² Hurimoana Nui Dennis Statement of Claim (Wai 2699), #1.1.1; Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(h); Descendants of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1(c) The Mau Whānau Amended Statement of Claim (Wai 2761), #1.1.

housing to district councils, which have failed to build sufficient housing suitable for elderly Māori;²³³

- Other claimants have alleged Crown policies and practices have prevented large numbers of Māori ex-prisoners from securing adequate social housing and have also been detrimental to woman and children escaping violence;²³⁴
- Claimants allege Māori are subject to crowding, unhealthy home environments (damp and cold housing) and uninhabitable housing. They state that all of these issues are associated with, or are factors in, negative health outcomes including rheumatic fever, cardiovascular disease, respiratory illnesses and mental illness. They say that Māori experience these health outcomes disproportionately compared to the rest of the population;²³⁵
- Some claimants note that crowding is a product of differing housing needs for Māori which are not being met. Whānaungatanga and intergenerational households as well as obligations to provide guests with hospitality mean that often more people are living in a single dwelling;²³⁶ and
- There are a lack of policies and programmes to address physical and mental health.²³⁷

Numerous claimants have raised homelessness as an issue of ‘fundamental concern.’²³⁸ An analysis of current statements of claim (‘SOCs’) and amended statements of claim (‘ASOCs’) shows

²³³ The Housing (Tomlins and Stone) Amended Statement of Claim (Wai 2815) #1.1.1; The housing kaumatūa kuia (Dennis) Amended Statement of Claim (Wai 2749), #1.1.1.

²³⁴ Māori Women's Refuge (Simpson and Albert) Amended Statement of Claim (Wai 1885), #1.1.1(c).

²³⁵ A selection of these claims include: The International Law Health Obligations Statement of Claim (Wai 2689), #1.1.1(a); The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697) #1.1.1 (a); Puketotara Block Amended Statement of Claim (Wai 421), #1.1 (g); Hokianga Regional Lands Amended Statement of Claim (Wai 985), 1.1.1 (d); Descendants of Kereopa Paetau Claim (Wai 1509) #1.1.1 (b); Ngai Tamatea Hapu ki Waiotaha Lands Amended Statement of Claim (Wai 1511), #1.1.1 (a); Ngāti Kawau (Collier and Dargaville) Amended Statement of Claim (Wai 1673), #1.1.1 (d); Pukenui Blocks Amended Statement of Claim (Wai 1681), #1.1.1 (e); Housing Corporation Amended Statement of Claim (Wai 568), #1.1 (claim eligibility: consolidated into Wai 1040); Ngā uri o Tama, Tauke Te Awa and Others Lands (Dargaville) Amended Statement of Claim (Wai 2179), #1.1.(e); The North Auckland land acquisition, housing, health and education Amended Statement of Claim (Wai 2425), #1.1.1(a); Kingi and Armstrong (Nga Puhī) Amended Statement of Claim (Wai 1941), #1.1(c); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1(e).

²³⁶ Ngā uri o Tama, Tauke Te Awa and Others Lands (Dargaville) Amended Statement of Claim (Wai 2179), #1.1.1(d); The North Auckland land acquisition, housing, health and education Amended Statement of Claim (Wai 2425), #1.1.1(a); Kingi and Armstrong (Nga Puhī) Amended Statement of Claim (Wai 1941), #1.1(c); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1; Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(h); Descendants of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1(c); The Mau Whānau Amended Statement of Claim (Wai 2761), #1.1.

²³⁷ See, for example: The International Law Health Obligations Statement of Claim (Wai 2689), #1.1.1(a); The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697) #1.1.1 (a).

²³⁸ Quote from: The housing and social services (Dennis) Amended Statement of Claim (Wai 2699) #1.1.1(a). See also: Ngāpuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Opuā Lands and Waterways Amended Statement of Claim (Wai 120), #1.1.1(c); Whānau and Hapu of Te Tai Tokerau Settlement Issues (Nehua) Statements Amended Statement of Claim (Wai 1837), #1.1.1(c); Ngāti Tara (Gabel) Amended Statement of Claim (Wai 1886), #1.1.1(b); Hapu o Te Rohe Potae o Whangaroa (Kingi) Amended Statement of Claim (Wai 1832), #1.1.1(d); Te Mahurehure (Egen) Lands Amended Statement of Claim (Wai 2005), #1.1.1(e); Racism against Māori Amended Statement of Claim Wai (2494), #1.1.1(d); Descendants of Te uri o Ratima Amended Statement of Claim (Wai 1670), #1.1.1(c); The Otararua & Rahiri Hapu ki Waikanae Lands Amended Statement of Claim (Wai 1018), #1.1(e); Pomare Kingi Amended Statement of Claim (Wai 1524), #1.1.1(f); Hokianga Regional Lands Amended Statement of Claim (Wai 985), #1.1.1(d); tent-living addressed in Whirinaki Lands and Waters (Hokianga) Amended Statement of Claim (Wai 700), #1.1.(f); The Descendants of Hone Karahina Amended Statement of Claim (Wai 2394) #1.1.1(b); Ngāti Tai Lands (Cotter-Williams) Amended Statement of Claim (Wai 2063), #1.1.1(d); The

homelessness issues are raised by over 30 claimant groups, or around one quarter of the total 100 plus claims. Homelessness is raised in the context of a lack of housing stock, lack of state and emergency accommodation,²³⁹ and returning to ancestral land.²⁴⁰ It is alleged:

- Homelessness is wide-spread across Aotearoa New Zealand. Crown policies, including a lack of state housing, are responsible for Māori homelessness;²⁴¹
- The Crown has failed to measure the extent of homelessness, including adopting a nationally recognised and comprehensive definition of homelessness;²⁴²
- There is no centralised Crown agency responsible for homelessness policy responses, and only two local councils have homelessness policies;²⁴³
- Government departments have been ill equipped to offer culturally sensitive services due to a lack of cultural capability;²⁴⁴
- The Crown's recent policies of housing people in motels are an ineffective means to combat homelessness;²⁴⁵

Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1 (a); Ngati Hine Lands, Forests and Resources Amended Statement of Claim (Wai 682), #1.1(g); Puketotara Block Amended Statement of Claim (Wai 421), #1.1.1(g); this claim is an alliance of Taraire 1E2 Block Amended Statement of Claim (Wai 593), #1.1(d), Inland Kerikeri Amended Statement of Claim (Wai 869), #1.1(c), Kororipo & Resources Amended Statement of Claim (Wai 1247), #1.1(e), Kauwhata, Rangi and Wharetotara Amended Statement of Claim (Wai 1383), #1.1.1(c), Te Whiu and Kin Hapu Amended Statement of Claim (Wai 1890), #1.1.1(d); Descendants of Hinewhare Amended Statement of Claim (Wai 1541), #1.1.1(e); Ngāti Kawau (Taniwha, Collier and Dargaville) Amended Statement of Claim (Wai 1673) #1.1.1(d); Descendants of Wiremu Pou Amended Statement of Claim (Wai 1537), #1.1.1(c); Pukenui Blocks Claim Amended Statement of Claim (Wai 1681), #1.1.1(e); Nga Wahapu o Mahurangi – Ngāti Whatua/Ngapuhi Amended Statement of Claim (Wai 2206), #1.1.1(c).

²³⁹ The Housing (Tamihere and Hall) Statement of Claim (Wai 2813), #1.1.1, at 11; The housing and social services (Dennis) Amended Statement of Claim (Wai 2699) #1.1.1(a).

²⁴⁰ See Whirinaki Lands and Waters (Hokāinga) Amended Statement of Claim (Wai 700), #1.1.(f), it is alleged some Māori are living in tents after having retreated from impoverished living in urban areas, but due various limitations (as are present in the 'use and development of Māori land') land cannot be developed.

²⁴¹ Tauranga and Auckland, see: The housing and social services (Dennis) Amended Statement of Claim (Wai 2699) #1.1.1(a); Whangārei, Ngapuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Eastern Bay of Plenty, Maori Women's Refuge (Simpson and Albert) Amended Statement of Claim (Wai 1885), #1.1.1(c); Te Runanga o Kirikiriroa Housing (Tupuhi) Amended Statement of Claim (Wai 2807), #1.1.1(c); Tai Tokerau District Maori Council Amended Statement of Claim (Wai 861) #1.1.1(f); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1(f); Te Matapihi Housing Policy Statement of Claim (Wai 2716), #1.1.1.

²⁴² The social Housing register is not a good measure of homelessness, see: The unaffordable housing (Munroe) Statement of Claim (Wai 2745), #1.1.1.

²⁴³ Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.2(f)

²⁴⁴ Ngapuhi Ti Tiriti o Waitangi Amended Statement of Claim (Wai 966), #1.1.1(d); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1(f).

²⁴⁵ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a).

- The Crown is putting the burden of emergency housing on marae and charity programs without addressing it with long term strategies to the housing crisis;²⁴⁶
- Running state housing at a profit conflicted with the purpose of state housing;²⁴⁷
- Working, low-income Māori families are increasingly experiencing homelessness;²⁴⁸
- A lack of access, high rents, and unaffordable housing contribute to reliance on state housing, overcrowding and homelessness;²⁴⁹
- Homelessness has a detrimental effect on physical and mental health. The Crown has failed to provide sufficient support for Māori people suffering housing deprivation with mental health issues;²⁵⁰
- Homelessness has a detrimental effect on education and employment opportunities;²⁵¹
- Cultural loss is a consequence of homelessness;²⁵²
- There is a correlation between land rates (and rates arrears) and homelessness;²⁵³
- The high cost of urban living, a lack of infrastructure provision and difficulties building on Māori land have led some Māori to live in tents on their land.²⁵⁴
- Claims also raise issues with the state housing sales and reforms of the 1990s, including market rents, connecting these reforms to the sale of state housing from 2008 to 2017 as a factor that has contributed to economic hardship and homelessness.²⁵⁵

²⁴⁶ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a); Children of Te Taitokerau (Broughton) Amended Statement of Claim (Wai 2217), #1.1.1(f); Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(f); Descendants of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1(c); The Mau Whānau Statement of Claim (Wai 2761), #1.1.1

²⁴⁷ Puketotara Block Amended Statement of Claim (Wai 421), #1.1.1(g). This claim is an alliance of Taraire 1E2 Block Amended Statement of Claim (Wai 593), #1.1(d), Inland Kerikeri Amended Statement of Claim (Wai 869), #1.1(c), Kororipo & Resources Amended Statement of Claim (Wai 1247), #1.1(e), Kauwhata, Rangi and Wharetotara Amended Statement of Claim (Wai 1383), #1.1.1(c), Te Whiu and Kin Hapu Amended Statement of Claim (Wai 1890), #1.1.1(d).

²⁴⁸ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a).

²⁴⁹ The housing and social services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a); Land Alienation and Wards of the State (Harris) Amended Statement of Claim (Wai 1531), #1.1.1(f) of Hineato Savage (Wai 1789) Amended Statement of Claim, #1.1.1. (c)The Mau Whānau Statement of Claim (Wai 2761), #1.1.1.

²⁵⁰ Puketotara Block Claim Amended Statement of Claim (Wai 421), #1.1.1(g). Descendants of Hineato Savage Amended Statement of Claim (Wai 1789), #1.1.1(c), P16.; Wai 2697, #1.1.1(a); Pomare Kingi Amended Statement of Claim Wai (1537), #1.1.1. (c); Hapu o Te Rohe Potae o Whangaroa (Kingi) Claim (Wai 1832), #1.1.1(d).

²⁵¹ Descendants of Hineato Savage Amended Statement of Claim (Wai 1789), #1.1.1(c).

²⁵² Descendants of Hineato Savage Amended Statement of Claim (Wai 1789), #1.1.1(c).

²⁵³ Descendants of Hineato Savage Amended Statement of Claim (Wai 1789), #1.1.1(c).

²⁵⁴ Okapu F2 Land Block Amended Statement of Claim (Wai 1502), 1.1.1(b); Whirinaki Lands and Waters (Hokianga) Amended Statement of Claim claim (Wai 700), #1.1.1(d).

²⁵⁵ On state housing sales in the 1990s and 2010s see: The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a). For Market rents see: The Holistic Māori Health Approach Claim Wai 2697, #1.1.1(a).

2.3 Key Sources

Gael Ferguson's *Building the New Zealand Dream* and Ben Schrader's *We Call it Home: A History of State Housing in New Zealand* form the key published sources on historical issues associated with Māori rental policy. Ferguson's work, published in 1994, delivers a consideration of both public housing and the private rental market. While it covers key issues such as homelessness, serious housing needs and housing the elderly, there is often little coverage of Māori in these areas. As a generalist work in this area, Ferguson's study allows some comparative assessments between national and Māori state housing policy. Schrader's work, published a decade after Ferguson's, contains detailed assessment of the decade of state housing reform and restructuring that occurred in the intervening period. Like Ferguson's study, Schrader's work covers both mainstream and Māori state housing policy. Another key work is Mark Krivan's MA thesis 'The Department of Maori Affairs Housing Programme 1935-1967' though the terms of that programme extended beyond rental housing. Useful information is provided by Krivan on the Department's relationship with the State Advances Corporation.

Together, these three works comprise good coverage of the national and Māori housing policy framework. There are also a range of reports prepared for Waitangi Tribunal district inquiries that address Māori rental issues within particular localities. Several works specifically address urbanisation and integrationist policy in housing. Published works include Melissa Matutina Williams' *Panguru and the City* and Megan C. Wood's PhD thesis, 'Integrating the Nation.' There is also a good range of commissioned reports and unpublished university theses that cover this area in detail. Historical and contemporary Māori homelessness themes are covered over several chapters in Evelyn J. Peters and Julia Christensen's edited collection *Indigenous Homelessness: Perspectives from Canada, Australia, and New Zealand*.²⁵⁶

'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people' by Statistics New Zealand is a key secondary source that includes both contemporary and historical issues.²⁵⁷ The title suggests the authors' sole focus is on home ownership issues but the work also provides useful data on renting patterns at a national level. Another longitudinal study, 'A State Housing

²⁵⁶ Evelyn J. Peters and Julia Christensen (eds), *Indigenous Homelessness: Perspectives from Canada, Australia, and New Zealand* (Winnipeg: University of Manitoba Press, 2016).

²⁵⁷ Kate Amore, H. Viggers, MG. Baker and Philippa Howden-Chapman, 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people' (Wellington: Statistics New Zealand, 2016); Kate Amore, Viggers H, Baker, MG, and Philippa Howden-Chapman, *Severe housing deprivation in Aotearoa New Zealand 2018* (Wellington: He Kainga Oranga, 2020).

Database: 1993 – 2009’ produced by Motu Economic and Public Policy Research does not cover Māori in any depth, but provides useful background material on national rental patterns.²⁵⁸ For homelessness key statistical works include: Kate Amore et al., ‘Severe housing deprivation: The problem and its measurement,’ and Kate Amore et al. ‘Severe housing deprivation in Aotearoa New Zealand 2018’.²⁵⁹

Key government reports for contemporary issues include the Ministry of Innovation Business and Employment’s ‘He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025’; Te Puni Kōkiri’s ‘Māori Housing Trends Report’ and ‘Māori Housing Experiences: Emerging Trends and Issues’; the Social Policy Evaluation and Research Unit’s ‘Families and Whānau Status Report 2018’; the Ministry of Business, Innovation and Enterprise’s ‘Whānau and Low-Income Household Savings Report’; and the New Zealand Productivity Commission report ‘Affordable Housing’.²⁶⁰

Useful unpublished research studies include Diane Johnson’s, ‘Looking past the mess: Māori homelessness and mental healthcare,’ and ‘Kimihia Ngā Whare Māori Ōranga Pai: Towards Healthy Māori Rental Housing Māori Renter’s Views on Renting in the Wellington Region’ authored by J. Berry et al.²⁶¹ The extent to which these key texts and other more specialist material covers the issues raised in statements of claim is discussed below.

2.4 Historical Context

This section discusses coverage of historical claim issues in existing literature. As discussed, claims focussing on homelessness issues refer to a longer history of alleged dispossession dating back to the nineteenth century. A body of work exists on vagrancy laws and poor laws from the nineteenth

²⁵⁸ Alex Olssen, Hugh McDonald, Arthur Grimes and Steven Stillman, ‘A State Housing Database: 1993 – 2009 (Wellington: Motu Economic and Public Policy Research Working Paper 10-13, 2010).

²⁵⁹ Kate Amore, H. Viggers, MG. Baker and Philippa Howden-Chapman, ‘Severe housing deprivation: The problem and its measurement,’ Official Statistics Research Series, 6 (Wellington: Statistics New Zealand, 2013)

²⁶⁰ The Ministry of Innovation Business and Employment, ‘He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025’ (Wellington: Ministry of Innovation Business and Employment, 2014); Michael Flynn, Sherry Carne, and Ma’anaima Soa-Lafoa’i, ‘Māori Housing Trends Report’ (Wellington: Te Puni Kōkiri, July 2010); Māori Housing Experiences: Emerging Trends and Issues (Wellington: CHRANZ and Te Puni Kōkiri); ‘Social Policy Evaluation and Research Unit, Families and Whānau Status Report 2018,’ (Wellington: Ministry of Social Development: 2018); Te Māngai Penapena Pūtea, ‘Whānau and low-income household savings report’ (Wellington: Ministry of Business, Innovation and Enterprise, 2015).

²⁶¹ Diana Johnson, ‘Looking past the mess: Māori homelessness and mental healthcare,’ (Hamilton: Master’s thesis, University of Waikato, 2009) and J. Berry et al., ‘Kimihia Ngā Whare Māori Ōranga Pai: Towards Healthy Māori Rental Housing Māori Renter’s Views on Renting in the Wellington Region’. (Wellington: University of Otago, 2017).

and early twentieth centuries but this is largely concerned with the experiences of Pākehā settler society. There is a range of socio-economic reports prepared for the Waitangi Tribunal's district inquiries, which include scattered accounts of Māori landlessness, that present another potentially useful range of sources for the history of Māori homelessness.

1840s – 1935

Historians have discussed homelessness in the nineteenth and early twentieth centuries largely from a settler perspective. Gerald Curry and Clare Coleborne suggest that the Crown's earliest laws against vagrancy were part of a larger body of 'repressive statutes' that were adopted in New Zealand and throughout the British Empire from the eighteenth century onwards.²⁶² In the colonies, they suggested that the vagrancy laws took on new significance. In New Zealand, Fairburn and Belich both consider the vagrancy panic of the 1870s, when at its peak almost 1400 arrests were made for vagrancy, as a result of city growth and the mobility and transience within settler society, peopled by semi-nomadic jobseekers, imperial soldiers, gold-seekers, sailors and migrants whose lives failed to 'settle down' in the new colony. But Māori are rarely recorded in this history.

Diedre Brown traces an alternative history for Māori homelessness. This history focusses on key events from the 1810s, with a focus on Crown policy and purchasing, confiscation through the New Zealand Settlements Act 1863. Brown suggests that a timeline for Māori homelessness began with landlessness in the nineteenth century and can be traced throughout the twentieth century.²⁶³ Māori homelessness researchers based at the University of Canterbury have suggested a different trajectory to consider the history of nineteenth and early twentieth century Māori homelessness. Matthew Rout et al. have suggested in a paper titled 'Homeless and landless in two generations' suggest that 'the primary driver of the Māori housing crisis is structural, emerging from the historical and contemporary institutions into which Māori have been enveloped since colonisation began.'²⁶⁴ There are existing sources produced for Waitangi Tribunal district inquiries and the

²⁶² Gerard Curry, 'A Bundle of Vague Diverse Offences: The Vagrancy Laws with Special Reference to the New Zealand Experience', *Anglo American Law Review* (October 1973), 523-545; Catharine Coleborne, 'Law's mobility: vagrancy and imperial legality in the trans-Tasman colonial world, 1860s-1914' in Katie Pickles and Catharine Coleborne (eds), *New Zealand's Empire* (Manchester: University of Manchester Press, 2016).

²⁶³ Diedre Brown, '*Turangamaemae Kore*: Nowhere to Stand,' in Evelyn J. Peters and Julia Christensen (eds), *Indigenous Homelessness: Perspectives from Canada, Australia and New Zealand* (Winnipeg: University of Manitoba Press, 2016), 331-362.

²⁶⁴ Matthew Rout, John Reid, Di Menzies, and Angus MacFarlane, 'Homeless and landless in two generations—Averting the Māori housing disaster,' *Kāinga Tahi Kāinga Rua: National Science Challenge* 2019.

Rangahaua Whanui research series that explore the impact of land loss and landlessness on Māori populations in the nineteenth and early twentieth centuries, including legislation to respond to it.²⁶⁵

These sources can be supplemented with Newspaper and Archives New Zealand records. These records show an extensive discussion of indigency amongst Māori. Further research into these sources should provide a greater understanding of late nineteenth century and early twentieth century understandings of Māori homelessness. The combined tally of searches for the phrases ‘indigent natives’ or ‘indigent Maori/s’ on Papers Past brings up over 2,429 articles. A search for ‘indigent’ in the ACIH Maori Affairs files alone brings up a total of 680 items dating between the 1890s and the 1930s. Of these files, a significant minority were created over just three in the late 1910s and late 1920s, namely: from the time of the 1918/9 Influenza Epidemic (29 percent) and the first two years of the Great Depression (20 percent).²⁶⁶

There is coverage of some of the Crown’s earliest experiments in temporary accommodation. Several reports examine Māori hostels that were administered from the 1840s. Initially intended for the temporary use of local and visiting Māori, these hostels were later used as semi-permanent accommodation for Māori seeking seasonal work or as makeshift outpatient hospitals for local iwi.²⁶⁷ The Tribunal’s Ngai Tahu and Kaipara reports discuss how hostel accommodation was frequently judged by contemporary observers for its overcrowding, ‘parlous condition’ and ‘disgraceful state’.²⁶⁸ Most of these hostels had been demolished by the late nineteenth century although hostel accommodation, such as those the Department of Māori Affairs provided as part of the Trade Training Schemes in Auckland, Christchurch and Wellington, were used from the 1950s.²⁶⁹

The first detailed contemporary works on the issues of slum housing and state housing in New Zealand include W.B. Bland’s *Slums of Auckland* and Cedric Firth and Gordon Wilson’s *State Housing in New Zealand*. The accounts share contemporary observations on rental housing but offer

²⁶⁵ See for example: Cathy Marr, *The Alienation of Maorui Land in the Rohe Potae (Aotea Block), 1840-1920* (Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1996).

²⁶⁶ Except for two ACIH files on indigency (created in 1934 and 1938 and covering store accounts and the Special Housing Fund respectively) files on indigent Māori cease to be create after 1931, perhaps due to the changes in the Department’s archiving system that year. NB: Many of the 1929 files likely predate Black Tuesday Stock Market Crash of 29 October 1929, the effects of which were not fully felt in New Zealand until 1930.

²⁶⁷ *Te Tau Ihu o te Waka a Maui: Report on the Northern South Island Claims*, pp. 794, 798, 812, 825, 840, 857, 977-982, 986-990, 1000-1016, 1029; *Ngai Tahu Report* (vols 2 and 3), pp. 304,349,354-358, 376-81, 927, 934, 940, 956; *The Kaipara Report*, pp. 208-211, 216; *Te Whanganui a Tara me Ona Takiva*, pp. 285, 291, 299, 321.

²⁶⁸ *Ngai Tahu Report*, p. 357; *The Kaipara Report*, p. 209.

²⁶⁹ *Te Urewera Report* (vol 3), p. 3703.

no discussion of Māori.²⁷⁰ Key existing sources for this period cover the introduction of state experiments with housing and private renting. They too are largely focussed on the experiences of Pākehā and the emergence of slums in New Zealand. Much of the literature concerning the introduction of state housing and its early years comprises a wide-ranging general account of policy and the expansion of the system but contain little information on the experiences and exclusion of Māori. Penny Isaac and Erik Olssen have discussed how slums and the fear of contagion became the driving force behind reform and the push for the garden suburbs movement and state intervention into housing between 1900 and 1919. The authors note that issues of poor Māori housing were well known but did not drive change in the 1920s and 1930s.²⁷¹ The study's focus on the justification for Labour's state housing scheme focuses on the largely Pākehā urban slums during this period and not the well documented inadequacies of largely rural Māori housing.

1935 – 1945

A chapter by Ben Schrader on the first Labour government's state housing programme contains detailed discussion on the policy and building programme of the government. The role of key figures like John A. Lee supplement this study of early state housing policy under Labour but there is only a brief discussion on the construction of state housing at Orakei. It does not cover Crown interaction with Ngāti Whātua that is elsewhere covered and given context in Report of the Waitangi Tribunal on the Orakei claim and other sources.²⁷²

The exclusion of, and alternative arrangements made for Māori to the 'familial suburban ideal' described by Schrader is analysed in greater detail in his book-length work on state housing. This major work provides a more expansive version of this general history, covering the origins of state housing in the market driven economy of the late nineteenth century, turn of the century worker's housing scheme houses erected under the Liberal government, the introduction of state housing under the first Labour government, through to the state housing reforms of the 1990s and early 2000s. The wider scope of this work embeds key moments in Māori state housing history. Themes of Māori urbanisation, state housing for Māori, rental discrimination and the impact of market

²⁷⁰ W.B. Bland, *Slums of Auckland* (Wellington: Progressive Publishing Society, 1942); *Cedric Firth and Gordon Wilson, State Housing In New Zealand* (Wellington: Ministry of Works, 1949).

²⁷¹ Penny Isaac and Erik Olsen, 'The Justification for Labour's Housing Scheme: The Discourse of "the slum,"' in Barbara Brookes (ed.), *At Home in New Zealand: History Houses, People* (Wellington: Bridget Williams Books, 2000), 125-139.

²⁷² Ben Schrader, 'Labour at Home: The First Labour Government and the Familial Suburban Ideal,' in Barbara Brookes (ed.), *At Home in New Zealand: History Houses, People* (Wellington: Bridget Williams Books, 2000), pp. 125-139. Report of The Waitangi Tribunal on The Orakei Claim (Wellington: Brooker and Friend, 1987). See also: Ferguson, *Building the New Zealand Dream*, p. 167.

rents on Māori are covered in detail.²⁷³ The first two chapters of Schrader's book provide the most comprehensive analysis of state housing policy, but, as he acknowledges, it is primarily a social history of state housing. Schrader's coverage of pepper-potting and private rental housing poverty for Māori also provides some useful information on Waiwhetu and Freeman's Bay. Claudia Orange's MA thesis 'A Kind of Equality: Labour and the Māori People 1935-1949' discusses the Māori housing policy including the Crown's policy justifications for excluding Māori from state housing in the years before the mid-1940s.²⁷⁴

Descriptions of housing deprivation appears in multiple Waitangi Tribunal reports. National statistics collected during the Great Depression appear to describe various states of homelessness and near homeless conditions together in reporting that 45 percent of Māori lived in 'insubstantial dwellings' or 'temporary "non-private" accommodation such as boarding houses.'²⁷⁵

1945 to 1960s

As Orange, Labrum and Wanhalla have all noted, by 1940, the Native Affairs Department's land and housing work dealt with only 20 percent of the Māori population.²⁷⁶ Labrum notes many problems that Māori faced were invisible to the Crown at the beginning of this period. In examining the migration of Māori to cities in the post-war period, the works of Melissa Matutina Williams, Bradford Haami and Cybèle Locke suggest that this picture began to change at the same time as Māori became renters. Williams, Woods and Haami's historical works on the experience of urbanising Māori can be supplemented by socio-economic research reports prepared for district inquiries that examine aspects of renting during this period.²⁷⁷

The Waitangi Tribunal has recorded how renting did not become a mainstay in the Māori experience of housing until the post-war migration. Some very scattered and basic information about the disparities between Māori and non-Māori renters can be found in the Muriwhenua Land Report and the Urewera Report that extend the picture of overcrowded, insufficient and unstable

²⁷³ Ben Schrader, *We Call It Home: A history of State Housing in New Zealand* (Auckland: Reed, 2005).

²⁷⁴ Claudia Orange, 'A Kind of Equality: Labour and the Maori People 1935-1949,' pp. 97-98.

²⁷⁵ Wairarapa ki Tararua (vol 1), p. 350.

²⁷⁶ Bronwyn Labrum, 'Bringing Families up to Scratch,' 163; Wanhalla, 'Un/Healthy Bodies', 101-102; Claudia Orange, 'An Exercise in Māori Authority,' p. 163.

²⁷⁷ Terry Hearn, 'The social and economic experience of Porirua ki Manawatu Māori: an analysis and appraisal', a report commissioned by the Waitangi Tribunal, August 2019 (Wai 2200, #A219); Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864-1960', a commissioned research report for the Crown Forestry Rental Trust, 2003 (Wai 894 #A119), Paul Christoffel, 'Education, Health and Housing in the Taihape Inquiry District, 1880-2013', (Waitangi Tribunal, Wellington: 2016) (Wai 2180, #A41).

tenure of rental accommodation from the 1940s onwards.²⁷⁸ The Hauraki report contains some limited description of the difficulties faced by Māori obtaining private rental in the 1940s, and the limited availability of state housing for Māori during the same period.²⁷⁹ District inquiry reports also suggest that urban state housing was unevenly introduced throughout the country. Elsewhere in New Zealand, John Hutton has suggested, state houses did not become available to urban Māori until 1950.²⁸⁰ On the whole, information on both state and private rentals has not been the focus of past inquiries. Discussion relating to Māori experiences of state housing system are largely absent in reporting. The Tauranga Moana Tribunal captured the position that other Tribunal panels found themselves in when it stated that while state houses made up an important part of the housing puzzle:

We were not, though, given any information for this period about the extent to which Māori [...] were allocated rental housing of this kind or about any issues arising from the administration of this programme, and no matters relating to State houses were raised in the claims before us.²⁸¹

Several Tribunal reports provide more context to suggest that post-1945 period as one in which general housing disparities between Māori and Pākehā narrowed. It has been reported in the Wairarapa ki Tararua report and the Mohaka ki Ahururu report that several factors contributed to this: the dramatic increase in government spending on Māori housing; superior accommodation and full-time employment opportunities available in urban areas; earlier changes to state housing legislation and state lending; parity between Māori and Pākehā returned servicemen in state rentals and housing loans; the Māori Social and Economic Advancement Act (1945); and the standardisation of loan limits and mortgage terms from 1947 (from which point Māori could access the same 30 year loan terms that had been available to Pākehā loan applicants since 1894).²⁸²

Ferguson, Shrader and Orange have suggested that a key policy shift in this period came in the mid-1940s when Māori gained access to mainstream state housing. Ferguson claims that despite resistance from the State Advances Corporation, ‘the principle that the state provision of housing for Maori was part of mainstream housing policy’ was established. By 1948 Ferguson suggests

²⁷⁸ Muriwhenua Land Report, 383; Te Urewera, pp. 3687-8.

²⁷⁹ Hauranui Report (vol. 3), pp. 1186-7.

²⁸⁰ Mohaka ki Ahuriri (vol. 2), 660, citing John Hutton, ‘Ahuriri: A Social Impact Study for the Twentieth Century’ (Doc O4, Wai 201), p. 70.

²⁸¹ Tauranga Moana Report (vol. 2), p. 757. See also: He Whiritauonoka Report (vol. 3), p. 1157.

²⁸² Wairarapa ki Tararua Report (vol 1), pp. 351-2; Mohaka ki Ahururu Report (vol. 2), 661. The Māori Social and Economic Advancement Act is discussed at length (though seldom in direct reference to its specific housing provisions) in the Whaia te Mana Motuhake Report.

there were Māori communities housed in state housing at Tamaki and Orakei in Auckland, at Kamo in Northland and Waiwhetu in the Hutt Valley.²⁸³

As Ferguson notes these communities were exceptions. Schrader, Woods, Williams and Krivan have discussed the policy of interspersing Māori households into Pākehā communities, which became known as ‘pepper-potting’.²⁸⁴ Historians have understood the wider story of integrationist policy during this period as context for pepper-potting. Aroha Harris’ work has explored various aspects of integration policy across government from the 1940s through to the 1960s.²⁸⁵ Similarly, Cathy Marr suggests that Māori Affairs and the State Advances Corporation were joined by other departments in integrating Māori housing. Marr notes that Māori land in Porirua was taken by the Public Works Department in the 1950s with the consent of its owners on the provision that the housing would be used for Māori housing. Marr’s research suggests the Department decided later to use the land for ‘mixed housing’ to avoid what officials called the ‘undue concentration of Māori in the area.’²⁸⁶ Further illustrative studies drawn from evidence submitted in Tribunal district inquiries and other sources provide more detail on the communities affected by pepper-potting.²⁸⁷ Melissa Matutina Williams’s *Panguru and the City* provides some analysis of post-war Māori housing policy at a national level, defined by a focus on the experiences of Hokianga Māori, their migration to Auckland, and their negotiation of Jack Hunn’s integrationist policy.²⁸⁸

Williams, Bradford Haami and Cybèle Locke suggest that with the migration to the cities, Māori were subject to slum-conditions in Auckland, Wellington and other urban centres. Fair rent laws had been in place for some decades by the early 1950s, but as Locke has noted ‘fair rents’ under the Economic Stabilisation Emergency Regulations and similar legislation were still above state

²⁸³ Ferguson, *Building the New Zealand Dream*, pp. 165-169.

²⁸⁴ Schrader, *We Call It Home*, 57-63; Woods, ‘Integrating the Nation,’ 125-129; Williams, *Panguru and the City*, 33, 82-87, 94-100; Krivan, *The Department of Maori Affairs Housing Programme*, pp. 62-63, 104-105.

²⁸⁵ Aroha Harris, ‘Dancing with the State: Maori Creative Energy and the Policies of Integration, 1945-1967,’ (PhD Thesis: University of Auckland, 2007). See also: Aroha Harris, ‘Concurrent Narratives of Maori and Integration in the 1950s and 60s’ *The Journal of New Zealand Studies* 6/7 (2008), pp. 139-155.

²⁸⁶ Cathy Marr, *Public Works Takings of Maori Land, 1840–1981* (Wellington: Waitangi Tribunal Rangahaua Whanui Series, 1997), p. 198.

²⁸⁷ Tuawhenua Research Team, ‘Te Manawa o Te Ika, Part 2: A History of the Mana of Ruatahuna, from the Urewera District Native Reserve Act 1896 to the 1980s’ (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004); Erin Keenan, ‘Māori Urban Migrations and Identities, ‘Ko Ngā Iwi Nuku Whenua’: A study of Urbanisation in the Wellington Region during the Twentieth Century’ (PhD Thesis: Victoria University of Wellington, 2014); Megan C. Woods, ‘Integrating the Nation: Gendering Maori Urbanisation and Integration, 1942-1969’ (PhD Thesis: University of Canterbury, 2002). Bradford Haami also provides a range of case studies and interviews focussing on both historical and contemporary lived experiences of urban Maori. See: Bradford Haami, *Urban Māori: The Second Great Migration* (Oratia: Te Whānau o Waipareira Trust/ Oratia Books, 2018).

²⁸⁸ Melissa Matutina Williams, *Panguru and the City*.

housing rental prices.²⁸⁹ Locke's study of Freeman's Bay in Auckland is one of the few studies to provide a sustained analysis of the difficult experience of Māori renters in the private rental market over the 1950s and 1960s, and the slum clearances led by local council that put their precarious tenure arrangements into crisis.²⁹⁰ Gael Ferguson suggests that clearances were not new. Ferguson notes that earlier in the twentieth century, local councils were empowered by the Municipal Corporation Act (1900) to clear slums that they considered to be a threat to public health.²⁹¹ Locke's study also details the manner in which Māori mobilised against these moves, and suggests that Māori were most likely to occupy condemned housing but were also the last to receive state assistance in the clearances.²⁹²

Snapshots of insecure tenure, ad hoc arrangements and overcrowded housing appear in several Tribunal reports which otherwise do not discuss homelessness as a phenomenon. In the Te Tau Ihu report, the Tribunal found that Māori in Nelson had such limited access to private rental options in the 1940s and 1950s that they were forced to accept the substandard and overcrowded conditions of the tenths trust hostel.²⁹³ When the hostel closed, the Tribunal reported that finding affordable rental accommodation of any sort became a continual problem for Māori.²⁹⁴

As a result of the Tribunal's district inquiries, the subject of state housing and private renting has received some attention from commissioned researchers at a district inquiry level.²⁹⁵ Research reports by Paul Christoffel, Emma Stevens and Kathryn Rose consider state housing issues and disparities for Māori during this period.²⁹⁶ Given the background of this research, one of its great

²⁸⁹ Cybèle Locke, "'To unite as one': resisting slum clearance in Freemans Bay, 1951–1968," *Race and Class* 59:1 (2017), p. 60

²⁹⁰ See also: Jenny Carlyon and Diana Morrow, *Urban Village: the story of Ponsonby, Freemans Bay and StMary's Bay* (Auckland: Random House, 2008).

²⁹¹ Gael Ferguson, *Building the New Zealand Dream* (Palmerston North: Dunmore Press, 1994), pp. 47-51.

²⁹² Cybèle Locke, "'To unite as one': resisting slum clearance in Freemans Bay, 1951–1968," *Race and Class* 59:1 (2017), pp. 54–72.

²⁹³ Te Tau Ihu Report (vol 2), p. 1016.

²⁹⁴ Te Tau Ihu Report (vol 2), pp. 989, 1002.

²⁹⁵ These are mainly classified as socio-economic reports, and so consider housing within a range of impacts of colonisation and landlessness. Few reports or annotated document banks titles mention housing, and none relate to state housing, titles include: Paul Christoffel, 'Education, Health and Housing in the Taihape Inquiry District, 1880-2013', research report commissioned by the Waitangi Tribunal, 2016, Wai 2180 A41, Taihape Rangitikei ki Rangipo inquiry; Charles Dawson; Nick Devereaux; Debbie Stowe, 'Indexed Document Bank on Access to Education, Health Services and Housing Assistance in the Whanganui Inquiry District c. 1880-1930', document bank commissioned by the Waitangi Tribunal, 2009, Wai 903 A165, Whanganui inquiry; Richard Nightingale, 'Re-Housing Tauranga Māori, 1935–72', research report commissioned by the Waitangi Tribunal, 1996, Wai 215 A41, Tauranga inquiry.

²⁹⁶ Emma Stevens, 'Socio-Economic Consequences of Land Loss for Māori in the Whanganui, Rangitikei, Manawatu and Horowhenua Districts, 1870–1960' (Wellington: Crown Forestry Rental Trust, 1997); Kathryn Rose,

strengths is its discussion of the local experiences of Māori and the impact of policies on Māori communities. But for the same reason, coverage is often fragmentary. Designed for the specific needs of regional inquiries, sustained overviews of the state housing system are missing, and discussions of national policymaking and services that do appear, do not delve deeply into the thinking of policymakers or the consequences on Māori communities at a national level. Based on a preliminary survey of commissioned research, however, it is clear that there is good coverage of these issues that can be synthesised and used as reference points to draw a picture of national themes. There is enough detail in the Archives New Zealand Māori Affairs and State Advances Offices listings to suggest that research for this period can be supplemented by archival research.

1970s – 1992

In more recent years, the provision of state housing has been supplemented by local government housing initiatives, emergency housing and community housing providers. Sources that cover the diversity of social housing stock as consequence of the history of the state's intervention in housing is covered in more depth in the discussion of contemporary sources. Historian Bronwyn Labrum has suggested that understanding this system collectively as part of what she labels the 'mixed economy of welfare' provides a way of understanding the diversity and interactions of rental provisions experienced by Māori. These non-homeowner housing models are supplemented in turn by the private rental market and its regulation by the state.

Many historians choose 1967 as an endpoint for earlier studies of Māori housing and welfare policies, and so the Commission of Inquiry into Housing beginning in 1970 may provide a suitable starting point for historical issues covering Māori rental issues. It is also the year that the Crown has promised in this inquiry to begin its discovery for its stage two bibliography into government agency reports. The results of this discovery may not shed much light. Coverage of Māori housing issues from the 1970s is generally regarded as limited. The establishment of the National Housing Commission (NHC) in October 1972 led to 56 reports and papers being commissioned through its research and information series over the next ten years.²⁹⁷ But despite that output, Professor Whatarangi Winiata made the critical assessment in 1983 that for all the NHC's 'substantial amount of original research into housing which highlights "its close access to the Minister, to central

'Whanganui Māori and the Crown: Socio-Economic Issues' (commissioned research report, Wellington: Crown Forestry Rental Trust, 2004); Paul Christoffel, 'Education, Health and Housing in the Taihape Inquiry District, 1880-2013', (Waitangi Tribunal, Wellington: 2016).

²⁹⁷ Katherine Percy, 'Homelessness in the Auckland Region,' (Wellington: National Housing Commission Research and Information Series, 1983), Research Paper 82/5, pp. 61-62.

government agencies, and to the private sector” and its ability to be “both a catalyst and clearing house for information within the total field of housing,” [the NCH] has not published research into Maori housing.²⁹⁸ Indeed across government agencies, Winiata noted that the responsibility for research into Māori housing needs had been thoroughly neglected, observing that “[w]hile we might wish to debate the question of responsibility it is apparent that very little effort, time and money is being put into the study of Maori housing.”²⁹⁹ That assessment was borne out by a 1982 Housing Corporation of New Zealand annotated bibliography of local and central government reports on housing issues. Analysis of the summaries and key words for the 221 reports listed in the bibliography, show only a few included significant investigation of Māori housing.³⁰⁰

Given this noted gap, archival research into government records from the 1970s and 1980s may support the published material. For example, the archives files of the 1988 Royal Commission on Social Policy appear to contain relevant material to Māori housing issues. At least two reports presented to the commission addressed aspects of Māori rental experiences and government policy.³⁰¹ Comparative data and analysis on key themes to the current kaupapa inquiry can, however, be found in some of the generalist works from this period. The NHC’s research and information series reported on demographic change in housing needs, social aspects of housing needs, and studies of rental housing and homelessness in Auckland.³⁰² Māori housing themes appear in some of these reports.³⁰³

There is also a gap in coverage with respect to the policy decision making that led to the Crown’s reversal of its position on rural state housing, beginning in the 1980s under the Department of

²⁹⁸ Winiata Whatarangi, ‘Māori Home Ownership: The Search for Equity with Particular Reference to Financial Arrangements,’ (Housing Submissions, The New Zealand Māori Council, August 1983), p. 3.

²⁹⁹ Winiata Whatarangi, ‘Māori Home Ownership: The Search for Equity with Particular Reference to Financial Arrangements,’ (Housing Submissions, The New Zealand Māori Council, August 1983), p. 5.

³⁰⁰ Ruha Goodwillie, ‘Annotated Regional Bibliography on Issues Relating to Māori,’ (Wellington: Housing Corporation of New Zealand Policy and Research Unit, July 1986), pp. 5-117.

³⁰¹ Edward M.K. Douglas, ‘Fading Expectations: The Crisis in Maori Housing’ (Wellington: The Board of Maori Affairs, 1986); Murray Bathgate, ‘The Housing Circumstances of Maori People and the Work of the Housing Corporation in Addressing their Needs,’ (Wellington: The Housing Corporation of New Zealand, 1987).

³⁰² D.C. Thorns, ‘Rental Housing: Choices and Constraints,’ (Wellington: National Housing Commission, 1980) Research Paper 80/3; Simon Whiteley ‘Private Rented Housing in New Zealand,’ (Wellington: National Housing Commission, 1979) Research Paper 79/2; R.B. Chapman, ‘To Rent or Buy?’ (Wellington: National Housing Commission, 1981) 82/1; Katherine Percy, ‘Homelessness in the Auckland Region,’ (Wellington: National Housing Commission, 1982) Research Paper 82/5.

³⁰³ Judith A Davey, ‘Social Factors and housing Needs in New Zealand’, (Wellington: National Housing Commission, 1977), Research Paper 1/77, pp. 8, 29-30, 47-48; Judith A Davey, ‘Special Needs in New Zealand Housing’, (Wellington: National Housing Commission, 1980) Research paper 80/2, pp. 34-42, 44-48; ‘Social Aspects of Housing: a bibliography’ (Wellington: National Housing Commission, 1976), Research Paper 76, 2.

Māori Affairs and the Housing Corporation.³⁰⁴ There is some scattered reporting of the rural state housing programme that can be drawn together from Tribunal reports and commissioned research reports.³⁰⁵

From the early 1980s, government reporting began to address the gaps in housing issues facing Māori. As the title of one report ‘Fading Expectations, The Crisis in Māori Housing’ made clear, many of these issues were alleged to be entrenched by the time this work began. The 1982 Maori Housing Review prepared by the State Services Commission provides a comprehensive listing of housing policies across a range of agencies that applied to Māori. The report listed programmes and schemes specific to Māori as well as general programmes such as emergency housing and the family benefit capitalisation scheme, which allowed families to use the benefit to purchase housing. These schemes have been discussed elsewhere in commissioned reports but archival research could provide a fuller analysis of the policy thinking behind these schemes.³⁰⁶

The 1982 review also claims Māori renters faced a range of issues including racial prejudice, overcrowded conditions, affordability for low income earners and homelessness. The review noted that the authors could find little written reporting on homelessness but noted Māori were nine times more likely to experience homelessness ‘than should be the case for their proportion of the population’.³⁰⁷ By the mid-1980s, reports commissioned by the Race Relations Officer began to highlight problems of access to housing in detail, relating to the particular experience of discrimination of the private rental market, and subsequent reliance on state housing.³⁰⁸ In the 1990s, a Housing Corporation report suggested that ‘little had been done to recognise Māori

³⁰⁴ Technically, the first rural state houses were built in 1965 under the Department of Maori Affairs’ kaumatua flats scheme. See: *Te Urewera Report Volume 8*, (Wellington: Legislation Direct, 2017), p. 3688.

³⁰⁵ *Te Urewera Report Volume 8*, (Wellington: Legislation Direct, 2017), 3745; Brian Murton, ‘The Crown and the Peoples of Te Urewera 1860–2000: The Economic and. Social Experience of a People,’ (Wai 894, Doc H12), p. 2032.

³⁰⁶ For family benefit capitalisation, see: Kathryn Rose, ‘Whanganui Māori and the Crown: Socio-Economic Issues’, (Wellington: Crown Forestry Rental Trust, 2004), 566-567; Paul Christoffel describes a similar scheme operating in the 1950s. See: Paul Christoffel, ‘Education, Health and Housing in the Taihape Inquiry District, 1880-2013’, (Wellington: Waitangi Tribunal, 2016), pp. 271-273.

³⁰⁷ J.M.P. Cornwall, ‘Maori Housing Review: A Review of Maori Housing Activities – Changes in Housing Policies which could Better Meet Maori Housing Needs,’ (Wellington: State Services Commission, 1982).

³⁰⁸ Judith MacDonald, ‘Racism and Rental Accommodation,’ (Auckland: Social Research Development Trust, 1986).

cultural values in Housing design,' despite some engagement by the Corporation in this area since the 1970s.³⁰⁹

The major legislative change to private renting came with the Residential Tenancies Act 1986. There are no specific historical claims associated with this Act, but claimants have suggested that its wording was too open to interpretation regarding landlords' obligations to provide insulated and comfortable housing.³¹⁰ Many of these concerns, and other issues surrounding racism in the rental market raised by the claim, were raised shortly after the bill was enacted. The 1991 report by the Māori Women's Housing Research group itemised a range of barriers to accessing adequate rental accommodation that Māori women faced in the late 1980s and early 1990s, including: affordability; discrimination; poor stock (especially in rural areas); tenant liability; high costs of repairs and maintenance; inappropriate design; and poor service provision.³¹¹ The authors of that report noted that the release of the report coincided with 'a major reform of the welfare state targeting three of the areas that this research has focussed upon – housing, Maori Affairs and social welfare.'³¹²

1993 to 2017

Claims also raise issues with the state housing sales and reforms of the 1990s, including market rents, connecting these reforms to the sale of state housing from 2008 to 2017 as a factor that has contributed to economic hardship and homelessness.³¹³ There is an extensive literature on this era of welfare reform and housing reform that will serve as useful background. 'A State Housing Database: 1993 – 2009' produced by Motu Economic and Public Policy Research examines the levels and density of state housing across major urban areas in Aotearoa New Zealand.³¹⁴ There are no findings on Māori renters in this report or discussion of whether the dataset contains information on ethnicity. However, the key longitudinal study of Māori housing patterns covering

³⁰⁹ Ruha Goodwillie, 'Designing Housing Compatible with Cultural Values: Maori Perspectives,' (Housing Corporation of New Zealand, 1990), pp. v, 3 -4.

³¹⁰ Racism Against Maori Amended Statement of Claim (Wai 2494), #1.1.1(d).

³¹¹ Maori Women's Housing Research, "for the sake of decent shelter" (Wellington: Maori Women's Housing Research, 1991).

³¹² Maori Women's Housing Research, "for the sake of decent shelter" (Wellington: Maori Women's Housing Research, 1991), p. 3.

³¹³ On state housing sales in the 1990s and 2010s see: The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a). For Market rents see: The Holistic Māori Health Approach Claim Wai 2697, #1.1.1(a).

³¹⁴ Alex Olssen, Hugh McDonald, Arthur Grimes and Steven Stillman, 'A State Housing Database: 1993 – 2009' (Wellington: Motu Economic and Public Policy Research Working Paper 10-13, 2010).

the 1980s to the 2010s provides further data to trace the influence of successive waves of free-market reform and rental assistance on Māori rental patterns into more recent decades.³¹⁵ The authors of the Motu discuss ‘future research possibilities’ using the dataset, although it is not clear whether further waves of data have been collected since the report’s release in 2010.³¹⁶

Major collected works such as *Redesigning the Welfare State in New Zealand* contain contextual coverage of the reforms and Schrader’s *We Call it Home* provides more detailed analysis of the introduction of market rents and state housing sales and the legacies of these policies.³¹⁷ The response of urban Māori to the 1992 Housing Restructuring Act is also considered in detail by the article by Charles Waldegrave et al., ‘Urban Māori Responses to Changes in State Housing Provision.’³¹⁸ Many of the reforms from this period such as the accommodation supplement are still in place and have generated a robust literature on their effectiveness from a policy standpoint.³¹⁹ Other significant government reforms during this period, such as the increased visibility of Māori and the Treaty in housing policy making have received less attention, but researchers could reasonably examine policy documents and archives to assess the difference between the aspirations and outcomes.³²⁰

Claimants have raised issue with the government’s funding of community housing providers, and with the lack of consultation over the Social Housing Reform Programme.³²¹ There are a range of studies on Community Housing Community Housing Providers (CHPs) but relatively little

³¹⁵ ‘Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people’ (Wellington: Statistics New Zealand, 2016).

³¹⁶ Alex Olssen, Hugh McDonald, Arthur Grimes and Steven Stillman, ‘A State Housing Database: 1993 – 2009’ (Wellington: Motu Economic and Public Policy Research Working Paper 10-13, 2010).

³¹⁷ See especially: Lawrence Murphy, ‘Housing Policy,’ in Jonathan Bason, Paul Dalziel and Susan St John (eds), *Redesigning the Welfare State in New Zealand* (Oxford: Oxford University Press, 1999); For general histories of state housing see: Ben Schrader, *We Call it Home: A History of State Housing in New Zealand* (Auckland: Reed, 2005); Alexander Davidson, *A Home of One’s Own: Housing Policy in Sweden and New Zealand from the 1840s to the 1990s*, (Stockholm: Almqvist and Wiksell, 1994). Gael Ferguson’s *Building the New Zealand Dream* is the indispensable text for housing policy and services until the 1990s.

³¹⁸ Charles Waldegrave et al., ‘Urban Māori Responses to Changes in State Housing Provision,’ *Social Policy Journal of New Zealand* 14 (2000), pp. 114-129.

³¹⁹ Alan Johnson, ‘The Effects of the Accommodation Supplement on the Rental Housing Market’ (Wellington: The Human Rights Commission, 1993); ‘Key Findings: Quantitative Report into the Accommodation Supplement’ (Wellington: Department of Social Welfare and Ministry of Housing, 1996); Lawrence Murphy, ‘New Zealand’s Housing Reforms and Accommodation Supplement Experience,’ *Urban Policy and Research* 15:4 (1997): 269-79; Jan McAllister, Susan St John and Alan Johnson, ‘The Accommodation Supplement: The Wrong Tool to Fix the House,’ (Wellington: Child Poverty Action Group, 2019)

³²⁰ As an example of this approach to policy history see: Peter McBurney, ‘A History of the Whanganui River Māori Trust Board: Claimant Perspective Report’ (Wellington: Crown Forestry Rental Trust, 2007), pp. 84-88.

³²¹ Puketotara Block amended Statement of Claim (Wai 421), #1.1(g); The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

historical background to the development of the sector.³²² Some commentators have drawn a direct line between papakāinga and customary models of iwi and hapū support, the support provided by iwi trust boards, and some present day Māori community housing agencies. As Joe Hawke stated in before the Tribunal in 1978, '[s]ince successive Governments have shown themselves to be unwilling to provide the necessary finance for facilities and social services for the Māori people, the finances derived from this Trust Board would be used to [...] Provide housing for the Māori people.'³²³ Given the nature of the development of the sector, a longer history of Māori community housing providers will uncover funding related issues that date back to before the reform programme in 2010 and the passage of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013.³²⁴

Broader themes span this period, including the experiences of urban Māori, Māori homelessness and health in rental homes. Some of these topics are covered in Tribunal reports such as *The Napier Hospital and Health Services Report*. This report noted that socio-economic deprivation in Napier in the 1990s demonstrated a strong geographical association with poor health outcomes. In particular, decile mapping showed that the city's deeply deprived zone 'had a high concentration of State houses originating from the 1950s, many of which had been allocated to Māori and low-income households, although by the late 1980s the Housing Corporation had begun to upgrade its housing stock and had sold some into private ownership.' Within this area, Māori were over represented in the most deprived decile area.³²⁵

Claimants have also raised issue with the lack of monitoring and implementation of 'He Whare Āhuru He Oranga Tāngata – The Māori Housing Strategy 2014-2025'.³²⁶ While a significant document to this inquiry, it has received relatively little attention or critical assessment.³²⁷

³²² To observe the sometimes-complex ways in which these providers have developed from quite humble roots see: 'CORT Community Housing: 30 Years', (Auckland: CORT Community Housing, 2017).

³²³ 'The Report on the Hawke Claim on Fisheries Regulations' (Wellington: Waitangi Tribunal, 1978).

³²⁴ See: 'A New Direction for Social and Affordable Housing in New Zealand: Government's Response to the Report of the Housing Shareholders' Advisory Group,' (Wellington: Cabinet Social Policy Committee, November 2010); Ministry for Social Development, 'Regulatory Impact Statement Legislation to support the Social Housing Reform Programme,' (Wellington: Ministry for Social Development, 2014); the Act covered a broad range of social housing measures, including provisions for income related rent subsidies for CHPs.

³²⁵ *The Napier Hospital and Health Services Report*, (Wellington: Legislation Direct, 2001), pp. 340-5.

³²⁶ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a); Housing for Urban Māori (Henare) Claim (Wai 2878), #1.1.1. See: The Ministry of Innovation Business and Employment, 'He Whare Āhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025' (Wellington: Ministry of Innovation Business and Employment, 2014).

³²⁷ See: Amy Diamond, 'The Māori Housing Network,' Parity 32:10 (December 2019): 61-62.

2.5 The Rental System and Special Housing Needs Sector Since 2017

This section discusses coverage of contemporary claim issues. In the three years to September 2019, the list of eligible applicants for social housing on the housing register grew by 300 percent.³²⁸ That month also saw the passing of the Kāinga Ora Homes and Communities Act.³²⁹ The Act, which established Kāinga Ora Homes and Communities as a new Crown entity to take over the functions of Housing New Zealand Corporation, was part of a wider programme of changes to the housing sector that includes reforms to the rental market as a whole. Significant changes to the rental housing sector since the 2017 election have included:

- The halting of state housing sales;
- An increase to the state housing building programme started in the last two years of the National government;
- The cessation of Housing New Zealand Corporation's requirements to return an annual dividend and the incorporation of its functions within Kāinga Ora Homes and Communities;
- The introduction of the Emergency Housing Special Needs Grant (EH SNG);
- An increase in funding for the Housing First programme to address homelessness;
- The announcement of a \$300 million package to address homelessness;
- The introduction of healthy homes standards covering private rentals, boarding houses, state houses and community housing; and
- A range of measures in the 2020 budget to address homelessness (\$100 million) and Māori housing and welfare, including \$40 million for the Māori and Iwi Housing and Innovation Fund - Te Maihi o te Whare Māori.

The government asserts that these changes in policy and legislation will address both the shortages in the public housing rental sector that have led to overcrowding and other markers of homelessness in recent years, as well as the discrepancy experienced in the quality of housing by renters and owner-occupiers. Beyond cabinet committee papers, Hansard, government policy documents, press releases and news reports, there is little policy analysis on how effectively these measures will address the housing crisis.³³⁰

³²⁸ For Housing Register Figures compiled by the Ministry of Social Development, see: 'Housing Register', *Ministry of Social Development*; <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/housing/index.html>, [accessed 4 June 2020].

³²⁹ Kāinga Ora Homes and Communities Act (2019); https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_88098/k%C4%81inga-ora-homes-and-communities-bill, [accessed 20 February 2020].

³³⁰ In February 2020, the recommendations of the UN Special Rapporteur for Housing provided a high-level analysis recommending a human rights-based housing strategy. The rapporteur encouraged 'disruptive' government

Except for the Healthy Homes Guarantee Bill (no 2), these changes have not substantially altered the governing legislation for all residential tenancies, the Residential Tenancy Act 1986. That Act provides for the rights and obligations of tenants and landlords as well as disputes resolution through the Tenancy Tribunal. However, the Kāinga Ora Homes and Communities Act provides a new governing framework for social housing through the board of that agency.³³¹ In her introduction to the Bill in the House in May 2019, Nanaia Mahuta, the Associate Minister of Housing and Urban Development (Māori Housing) noted that:

Kāinga Ora reflects our Government’s commitment to take a hands-on approach to tackling homelessness and unaffordable housing. Kāinga Ora will be our housing delivery arm right across the housing continuum. Kāinga Ora reflects a new approach to housing and urban development. It reflects a number of our commitments. Public and affordable housing are at the heart of our housing agenda.³³²

Much of the Act’s recognition of Māori and the Treaty of Waitangi pertains to the urban development role of the agency, as discussed in Chapter 1.³³³ There are implications for the Treaty, Māori and social housing in the roles and duties of the agency’s board. Section 10 (2) of the Act notes that the governing board of Kāinga Ora as a whole must ‘have knowledge and experience of, and capability in’ the ‘perspectives of Māori’ and ‘the Treaty of Waitangi (Te Tiriti of Waitangi) and its principles’.³³⁴ Three of the eight foundational board members have extensive experience in these areas.³³⁵

policies such as the freezing of rental increases and the reopening of capital gains tax to stop speculation in the housing market. An accompanying statement that elaborated on the Rapporteur’s lengthy statement on the Treaty, also included the suggestion to the Waitangi Tribunal’s Housing Policy and Services Kaupapa Inquiry that it ‘be informed by the United Nations Declaration on the Rights of Indigenous Peoples, which provides a right to be actively involved in housing programmes affecting them and to administer those through their own institutions.’ A human rights framework for housing has been raised by the Opuia Lands and Waterways Claim, see: Wai 120 #1.1 (c). See also: Leilani Farha, ‘End of Mission Statement: Visit of the Special Rapporteur on the right to adequate housing to New Zealand’ (Wellington: United Nations Human Rights Special Procedures, February 2020); Margaret MacDonald, ‘Submission to the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living,’ (Wellington: New Zealand Human Right’s Commission, 2020).

³³¹ See: Phil Twyford, ‘Establishing the national urban development authority,’ (Wellington: Ministry of Housing and Urban Development, 2020); Cabinet Economic Development Committee, ‘Minute of Decision: Establishing the Housing Commission and Legislating to Empower Complex Urban Development Projects,’ pp. 2-4. <https://www.hud.govt.nz/assets/Urban-Development/Housing-and-Urban-Development-Authority/d8da2280a7/MHUD-website-12-DEV-18-MIN-0265-Minute-markedup-FINAL.PDF> [accessed 9 February 2020].

³³² Nanaia Mahuta, ‘Parliamentary Debates (Hansard) for Kāinga Ora—Homes and Communities Bill — First Reading, 30 May 2019’, *New Zealand Parliament*; https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20190530_20190601_40, [accessed 9 September 2019].

³³³ See: Kāinga Ora Homes and Communities Act, s.4.

³³⁴ Kāinga Ora—Homes and Communities Act 2019.

³³⁵ Ngairimu Blair, Robin Hapi and Penelope Hulse have extensive knowledge in either one or both of these areas. See: ‘Our Structure’, *Kāinga Ora*; <https://Kāingaora.govt.nz/about-us/our-structure/>, [accessed 4 June 2020].

Recently published works on the decade prior to these reforms provide some useful background in discussing how earlier policies both succeeded and failed in meeting the government's market goals. They also usefully review the impact these policies had on some of the key measures, such as security of tenure, that are discussed below.³³⁶ While these policy driven studies offer little discussion of how Māori have experienced the marketisation and financialisation of the rental sector, the authors fill a gap in the historical shifts in policy.

2.6 Housing Disparities for Māori

Until 2017, Crown policy was marked by a move away from the expansion of the state housing model to greater reliance on private rentals and tools such as the accommodation supplement to answer the needs of New Zealanders under housing stress. Claimants have stated that Māori have been disproportionately affected by these reforms as pathways into home ownership have become more limited for Māori.³³⁷ Statistics New Zealand provides coverage of these issues drawing attention to two key trends that highlight a broader pattern:

- Between 1986 at the outset of Crown reforms and 2013, there has been a 40 percent decline in the proportion of Māori living in a dwelling owned by the household (and disproportionately compared to non-Māori);³³⁸
- Over the same period, the proportion of Māori living in private rentals increased more than for the total population (up 88.3 percent and 42.7 percent respectively).³³⁹

Claimants cite the over-representation of Māori in social housing and homelessness statistics as background to the crisis in housing and the current capacity of social housing. They note:

- As of 31 December 2018, the Ministry of Social Development calculated that 3,389 Māori applicants on the social housing register comprise 44 percent of all applicants by ethnicity;³⁴⁰

³³⁶ Two recent revaluations include: Jordan King, 'National's Social Housing Policy Legacy in Social Housing,' *New Zealand Sociology* 34:4 (2019): 227-252; Lawrence Murphy, 'Neoliberal Social Housing Policies, Market Logics and Social Rented Housing Reforms in New Zealand,' *International Journal of Housing Policy*, 20:2 (2019), pp. 2-23.

³³⁷ Ngati Tara (Gabel) Amended Statement of Claim (Wai 1886), #1.1.1(b); Te Mahurehure (Egen) Amended Statement of Claim (Wai 2005), #1.1.1(e); Ngati Mahanga, Ngati Tamaoho and Ngati Apakura (Tahapeehi) Lands Amended Statement of Claim Wai 1992, 1.1.1(b); The housing and social services (Dennis) Statement of Claim (Wai 2699), #1.1.1.

³³⁸ 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people' (Wellington: Statistics New Zealand, 2016), p. 14.

³³⁹ 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people' (Wellington: Statistics New Zealand, 2016), p. 7.

³⁴⁰ 'Social Housing Quarterly Report' (Wellington: Ministry of Social Development, December 2018). NB: As of September 2019, Māori made up 60 percent of emergency housing recipients. See: 'Homelessness Action Plan 2020', (Wellington: Ministry of Housing and Urban Development, 2020), p. 19.

- Māori comprise 57 percent of all Emergency Housing Special Needs Grants (EH SNG) made, with Pākehā comprising 21 percent;³⁴¹ and
- Homelessness among Māori, when compared to Europeans, is 5:1: (13,000 Māori from 41,000 persons identified as homeless from 2013).³⁴²

Further context to these overview statistics is provided by the 2013 census which shows that of the Māori population living in rental accommodation:

- 57 percent of Māori are renters according to recent statistics;³⁴³
- 76.6 percent of the Māori population in rented accommodation lived in private rentals, compared to 83.0 percent of the general population occupying rental accommodation;³⁴⁴ and
- Māori make up 36 percent of public housing tenants, a figure that is more than double the percentage of Māori in the general population.³⁴⁵

³⁴¹ 'Social Housing Quarterly Report' (Wellington: Ministry of Social Development, December 2018).

³⁴² Kate Amore, 'Māori Homelessness: Basic Statistics,' *Parity*, September 2016.

³⁴³ Phil Twyford, 'Māori Housing Conference, Turangawaewae, 14 November 2018,' *Beehive.govt.nz*, <https://www.beehive.govt.nz/speech/Māori-housing-conference-turangawaewae>, [accessed 4 June 2020].

³⁴⁴ '2013 Census ethnic group profiles: Māori', *Statistics New Zealand*; http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/ethnic-profiles.aspx?request_value=24705&tabname=Housing, [accessed 20 January 2020].

³⁴⁵ Phil Twyford, 'Māori Housing Conference, Turangawaewae, 14 November 2018,' *Beehive.govt.nz*; <https://www.beehive.govt.nz/speech/Māori-housing-conference-turangawaewae>, [accessed 4 June 2020].

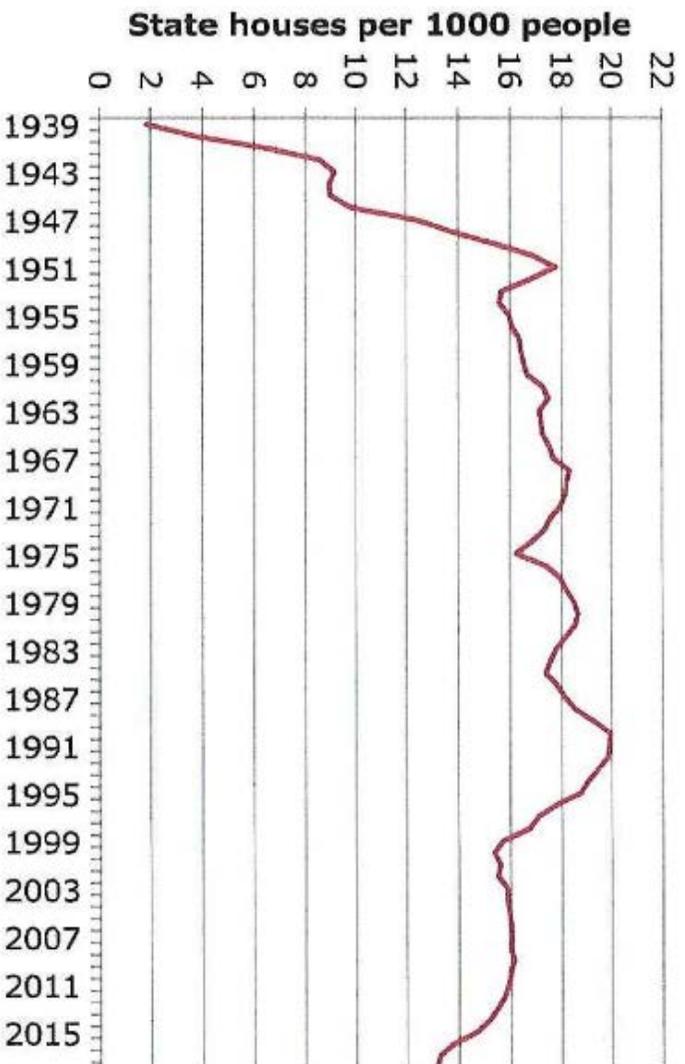


Figure 4: Estimated total houses managed by the State (including leases) per 1000 population 1939-2018

Source: McAlister, J; St. John, S. and Johnson, A. (2019) 'Accommodation Supplement: The wrong tool to fix the house', Child Poverty Action Group

Te Puni Kōkiri has provided analysis of this data. These disparities in home ownership, and the overrepresentation of Māori in rental accommodation and homelessness statistics have produced a particular feedback cycle. Te Puni Kōkiri's 2010 study showed that Māori adults found it significantly harder to transition out of rental accommodation compared to European New Zealanders, a situation which is only likely to have worsened in the intervening decade as house prices have risen faster than wages for Māori. Māori were shown to be more likely to live in rented homes under the age of 40, while the equivalent age for Europeans was recorded at 30. That statistic had further ramifications for young family members; Māori children under the age of 10 were more likely to live in rented accommodation than owner-occupied homes.³⁴⁶ James Berry notes that for Housing Corporation tenants, more than half of all Māori household members were children under the age of 20 years living with their families.³⁴⁷

³⁴⁶ 'Māori Housing Trends Report,' (Wellington: Te Puni Kōkiri, July 2010), p. 3.

³⁴⁷ 'Māori Housing Trends Report,' (Wellington: Te Puni Kōkiri, July 2010), p. 2.

There is a limited range of studies that carry the quantitative or qualitative analysis through to a local level.³⁴⁸ Useful sources for tracing disparities geographically include deprivation atlases. These have been useful in district Tribunal inquiries which ‘found that deprivation, as measured by area-based composite indexes, correlates with measures of health status.’³⁴⁹ However, these atlases provide limited statistics on deprivation areas by ethnicity, though this information can be inferred from other census data.³⁵⁰

2.7 Access to Housing Services

There is a growing body of literature from government, non-government organisations and academic research centres on access to state housing and special needs housing. Sources on access to housing tend to focus on several dominant themes. The first of these is access to minimally adequate housing, or measured in the literature on homelessness as the lack of access to minimally adequate housing (LAMAHA). The current literature on the Māori experience of state rental stock and private rental market is more limited. It has recently been acknowledged by a housing researcher at Otago University that the Māori experience of renting has been insufficiently explored.³⁵¹

Government research provides coverage on problems accessing adequate housing. These identify dampness, cramped conditions, problems keeping residences warm and ongoing maintenance issues as key problem areas. Themes in this reporting include the range of problems encountered, responsiveness of landlords and agencies, and the burden of disease and illness that falls on low income Māori families.³⁵² Previous research has indicated that state housing renters fare better than those in private rental. Recent data showed that the experience of Māori did not back up this assumption. A 2010 report from the Ministry of Social Development showed that more than half

³⁴⁸ James Berry, et al., ‘Kimihiā Ngā Whare Māori Ōranga Pai: Towards Healthy Māori Rental Housing Māori Renter’s Views on Renting in the Wellington Region,’ (Wellington: Otago University Department of Health, 2017), p. 1.

³⁴⁹ P Crampton, Clare Salmond, and Russell Kirkpatrick et al., *Degrees of Deprivation in NZ: An Atlas of Socioeconomic Difference*, (Auckland: David Bateman, 2000), p. 16, cited in *The Napier Hospital and Health Services Report*, (Wellington: Legislation Direct, 2001), p. 342.

³⁵⁰ See for example: P. White et al., ‘The Atlas of Socioeconomic Deprivation in New Zealand 2006,’ (Wellington Ministry of Health, 2006); Peter Crampton, Clare Salmond and Russell Kirkpatrick, *Degrees of Deprivation in New Zealand: An Atlas of Socioeconomic Difference* (Auckland: David Bateman, 2000, 2nd ed.).

³⁵¹ J. Berry et al., ‘Kimihiā Ngā Whare Māori Ōranga Pai: Towards Healthy Māori Rental Housing Māori Renter’s Views on Renting in the Wellington Region,’ (Wellington: University of Otago, 2017).

³⁵² See: M. Claire Dale, Mike O’Brien, Susan St John, ‘Our children, our choice: priorities for policy’ (Auckland: Child Poverty Action Group, 2013), 15; ‘Thematic snapshot report to the UN Committee on the Rights of the Child: Inadequate Housing in New Zealand and its impact on children’ (Wellington: University of Otago, 2016).

of all Māori who rent experienced two or more housing issues, with central government tenants reporting the highest rate at almost 70 percent. Central government tenants also had the highest proportion with at least one major issue at 47 percent, compared with 40 percent of those with a local government landlord and 33 percent for private sector rentals.³⁵³

The possible linkages between renting poor quality housing and poor health has been extensively studied and understood as an important dimension of inadequate housing. According to many international studies, there are significant associations between renting and higher rates of long-standing illness, poorer rates of self-reported health, GP consultation and self-assessed health checks.³⁵⁴ Rental housing quality has been linked to higher rates of self-reported health problems, depression and lower rates of whānau wellbeing for Māori.³⁵⁵ He Kāinga Oranga/Housing and Health Research Programme has discussed the relationship between rented housing of a lower quality and poor health outcomes, with one study finding that Māori renters suffered from higher rates of hospitalisation and disease when compared to the general population.³⁵⁶ Recent legislative changes outlined above, backed by research on New Zealand's inadequate rental stock, provide some reference points to this problem.

Claimants have raised access to programmes as a key issue for homelessness and the failure in government provision which has led claimants to fill the gap in emergency housing provision without Crown support.³⁵⁷ A February 2018 study by Alan Johnson et al. reported that individuals with severe housing needs face critical barriers to services and high rates of being turned away from services.³⁵⁸ The general results of a 2019 study also found that the homeless population have high levels of interaction with a range of government agencies.³⁵⁹ The authors asserted that these interactions have not guaranteed housing outcomes for those left to navigate the system. That

³⁵³ Michael Flynn, Sherry Carne, and Ma'anaima Soa-Lafoa'i, 'Māori Housing Trends Report 2010,' (Wellington: Housing New Zealand Corporation, July 2010), p. 130.

³⁵⁴ Charles Waldegrave and Michaela Urbanová, 'Social and Economic Impacts of Housing Tenure' (Wellington: Family Centre Social Policy Research Unit, 2016), p. 7.

³⁵⁵ 'Social Policy Evaluation and Research Unit, Families and Whānau Status Report 2018,' (Wellington: Ministry of Social Development: 2018), p. 112.

³⁵⁶ M. Baker, P. Howden-Chapman, K. Saville-Smith, 'He Kāinga Oranga /Housing and Health Research Programme Housing, Crowding and Health Study: Characteristics of cohort members and their hospitalisations February 2003 to June 2005.' (Wellington: Wellington School of Medicine and Health Sciences, 2006).

³⁵⁷ The Housing and Social Services (Dennis) Amended Statement of Claim (Wai 2699), #1.1.1(a).

³⁵⁸ Alan Johnson, Philippa Howden-Chapman, and Shamubeel Eaqub, 'A Stocktake of New Zealand's Housing', (Wellington: Ministry for Business, Innovation and Employment, February 2018), p. 35.

³⁵⁹ Nevil Pierse et al., 'Service usage by a New Zealand Housing First cohort prior to being housed,' *JSM - Population Health* 8 (2019), pp. 1-10.

study, identifying the high percentage of Māori in its cohort and amongst the homeless population generally, singled out the apparent inadequacy of ‘joined-up government’ policy measures, particularly top-down approaches to homelessness and access to services.³⁶⁰

Claimants have alleged that the burden of housing homeless has fallen on Māori. There is scattered coverage of this issue and much of the coverage of the work of marae in housing homeless populations come from news sources.³⁶¹ However, several studies contribute to this area. Hurimoana Dennis’s 2019 Master’s thesis examines the Manaaki Tangata Programme developed at Te Paea Memorial Marae to address homelessness.³⁶² Dennis’s work is supplemented by a further report on the programme ‘Ahakoa te Aha Mahingia te Mahi: In service to homeless whānau in Tāmaki Makaurau.’³⁶³ There is some commentary in the report that suggests that the programme ‘calls attention to the structural impediments, including the practices and attitudes of government agencies and some social service providers, that have previously failed to address the needs of vulnerable whānau’.³⁶⁴ Pita King et al. have discussed the issue of homelessness by examining ‘the establishment of a gardening project involving homeless Māori as part of the iwi’s (tribe) reconciliation of Takaparawhau, encompassing Ōrākei marae.’³⁶⁵ Some of the literature on the provision of housing services for homeless Maori by Maori will likely cross over with the wider literature on Maori Community Housing Providers discussed elsewhere in the pre-casebook discussion paper.

While much of the coverage on access to rental housing focusses on supply, claimants have also alleged discrimination contributes to difficulties in gaining access to suitable rental properties.

³⁶⁰ Nevil Pierse et al., ‘Service usage by a New Zealand Housing First cohort prior to being housed,’ *SSM - Population Health* 8 (2019), p. 7. See also: ‘Housing Affordability Inquiry’ (Wellington: New Zealand Productivity Commission, 2017).

³⁶¹ See for example: Michael Neilson, ‘Te Paea Marae model of manaakitanga ‘key’ to tackling homelessness crisis,’ *New Zealand Herald*, 19 September 2018; Chris Harrowell, ‘Auckland Marae Helped more than 300 Homeless into Homes,’ 20 September 2018;

³⁶² Hurimoana Dennis, ‘Aue te Mamae: Exploring Te Paea Memorial Marae’s ‘Te Manaaki Tangata Programme’, as an indigenous response to homelessness in Tāmaki Makaurau,’ (Masters of Applied Practice, Unitech Institute of Technology, 2019).

³⁶³ Jenny Lee-Morgan et al., ‘Ahakoa te Aha Mahingia te Mahi: In service to homeless whānau in Tāmaki Makaurau,’ (Mangere Bridge: Te Paea Memorial Marae, 2019).

³⁶⁴ Jenny Lee-Morgan et al., ‘Ahakoa te Aha Mahingia te Mahi: In service to homeless whānau in Tāmaki Makaurau,’ (Mangere Bridge: Te Paea Memorial Marae, 2019), 50.

³⁶⁵ Pita King et al. ‘Emplaced Cultural Practices through which Homeless Men Can Be Maori,’ in Evelyn J. Peters, Julia Christensen (eds), *Indigenous Homelessness: Perspectives from Canada, Australia and New Zealand* (Winnipeg: University of Manitoba Press, 2016) 364-385; Pita King et al. ‘Older men gardening on the marae: Everyday practices for being Māori,’ *AlterNative: An International Journal of Indigenous Scholarship*, 11(1), 14–28.

While coverage of the issue of discrimination in the private rental market is relatively undeveloped, studies exist that discuss the relationship between ethnicity and difficulties renting even when a range of other factors are accounted for. Contemporary and historical studies claim that for Māori, the difficulty in accessing housing is frequently related to racism within the private rental system.³⁶⁶ Major reports from the Office of Race Relations produced in the late 1980s and 1990s focussed on discrimination against Māori in the rental market.³⁶⁷ Relevant contributing studies to this area includes discussion of decreased rates of home ownership based on appearing Māori.³⁶⁸ A 2006 study that found Māori were 13 times more likely to report discrimination when buying or renting a property than other New Zealanders.³⁶⁹ Two studies discuss the rental Housing discrimination experienced by Māori renters was associated with higher risks of smoking and poor mental health.³⁷⁰ It appears that there has been no significant research in this area in the past decade.

Claimants have alleged that difficulties in accessing adequate services is tied to the Crown's failure to engage Māori. Coverage on this subject in the domain of housing is not extensively developed. There is some scattered sources concerning the central role of marae in the homelessness crisis, including a study on whānaungatanga, wairuatanga and manaakitanga in rehabilitation and overcoming marginalisation.³⁷¹ The difficulties faced by the Waipareira Trust in the late 1990s as documented by the Waitangi Tribunal may provide useful background material as to the historical experience of Māori service.³⁷² More generally, the Crown has developed extensive guidelines and publications on Crown Māori relations, though there is little in the area of service provisions for

³⁶⁶ Connected to this, claimants have noted that Māori ex-prisoners also face difficulty in securing adequate housing and that policies and practices have also been detrimental to women and children escaping domestic abuse. Māori Women's Refuge Claim (Wai 1885), #1.1.1 (c).

³⁶⁷ J. Macdonald, 'Racism and Rental Accommodation: A report of the Office of the Race Relations Conciliator,' (Auckland: Social Research and Development Trust, 1986); 'No longer available: A study of racial discrimination and private rental accommodation,' (Wellington: Race Relations Office, 1991).

³⁶⁸ C.A. Houkamau and C.G. Sibley, 'Looking Māori predicts decreased rates of home ownership: Institutional racism in housing based on perceived appearance,' *PLOS One* 10:3 (2015).

³⁶⁹ R Harris, M Tobias, M Jeffreys, K Waldegrave, S Karlsen, J Nazroo, 'Effects of self-reported racial discrimination and deprivation on Māori health and inequalities in New Zealand: cross-sectional study,' *The Lancet* 367 (2006): 2005–2009.

³⁷⁰ R. Harris, M. Tobias, M. Jeffreys, K. Waldegrave, S. Karlsen and J. Nazroo. 'Racism and health: the relationship between experience of racial discrimination and health in New Zealand' *Social Science and Medicine* 63:6 (2006), pp. 1428–1444; R Harris, M Tobias, M Jeffreys, K Waldegrave, S Karlsen, J Nazroo. 'Effects of self-reported racial discrimination and deprivation on Māori health and inequalities in New Zealand: cross-sectional study'. *The Lancet* 367 (2006): 2005–2009.

³⁷¹ The major source in this regard comes from news reporting. See also: P. King, D. Hodgetts., M., Rua, and T. T. Whetu, 'Older Men Gardening on the Marae: Everyday practices for being Māori,' *AlterNative: An International Journal of Indigenous Peoples*, 11:1 (2015), pp. 14–28.

³⁷² *Te Whānau o Waipareira Report* (Wellington: GP Publications, 1998).

Māori in the rental market.³⁷³ The range of solutions claimants have asserted vary but they include consultation prior to policy changes (as in the area of social housing reforms which transferred some state responsibilities for social housing to NGO providers) through to acknowledgement of urban Māori authorities as Treaty partners in delivering housing services.³⁷⁴

Whānau Ora is discussed as the key programme in the delivery of ‘wrap around’ approach to whānau services, including housing. Its work has also been discussed in relation to Māori homelessness.³⁷⁵ There is a broad literature on Whānau Ora discussing the history of the initiative dating back to 2002, and the Taskforce on Whānau-Centred Initiatives report in 2009.³⁷⁶ According to the Auditor-General’s report on the initiative’s first four years, the 2009 Taskforce report provided ‘advice on a new way of interacting with Māori providers of community-based services to meet the social needs of Māori whanau.’³⁷⁷ The 2009 Taskforce report also includes a number of recommendations on the inclusion of housing across social services domains, and there is some scattered analysis of the Taskforce’s findings on housing within the Auditor-General’s report. Recent reports on housing produced by Whānau Ora outlining its integrated approach to social services include ‘Te Whare Āhuru ki Ruapehu Housing Project and Whakakaha Whānau.’³⁷⁸ There does not appear to be any significant coverage of Whānau Ora’s national strategy or overview of its local and regional projects and partnerships. There is however a significant body of literature on its operation, collaboration and responsiveness to

³⁷³ A range of these documents can be found at: ‘Publications about Crown-Māori Relations’, *Te Puni Kōkiri*, <https://www.tpk.govt.nz/mi/a-matou-mohiotanga/crownmaori-relations>, [accessed 8 March 2020]. More details on the establishment of Te Arawhiti’s portfolio, applicable in a general sense, are outlined in: ‘Proposed final Scope of the Crown/ Māori Relations portfolio and a Crown/Māori Engagement Framework and Guidelines,’ *Te Arawhiti*, <https://tearawhiti.govt.nz/assets/Maori-Crown-Relations-Roopu/c879175460/Proposed-final-scope-of-the-Crown-Maori-Relations-portfolio-and-a-Crown-Maori-Engagement-Framework-and-Guidelines.pdf>, [accessed 8 May 2020]; ‘Crown/ Māori Relations Portfolio: Proposed final Scope, Engagement Framework and Guidelines,’ *Te Arawhiti*, CAB-18-Min-0456, 17 September 2018; https://tearawhiti.govt.nz/assets/Publications/Final-Scope-Cabinet-Minute_19-Feb-2020.pdf, [accessed 8 May 2020].

³⁷⁴ ‘Puketotara Block Claim’ (Wai 421); The Housing (Tāmihere and Hall) Claim Wai 2813, 1.1.1 at 11; Housing for Urban Māori (Henare) Claim (Wai 2878), #1.1.1.

³⁷⁵ Keri Lawson-Te Aho et al. ‘A principles framework for taking action on Māori/Indigenous homelessness in Aotearoa/New Zealand’. *SJM Population Health* 8 (2019), pp. 1-10.

³⁷⁶ See for example: Mason Durie et al. ‘Whānau Ora: Report of the Taskforce on Whānau-Centred Initiatives,’ (Wellington: Taskforce on Whānau-Centred Initiatives, 2009); Office of the Auditor-General, ‘Whānau Ora: the First Four Years,’ (Wellington: Office of the Auditor-General, 2015).

³⁷⁷ Office of the Auditor-General, ‘Whānau Ora: the First Four Years,’ p. 9.

³⁷⁸ Georgina Martin, Hector Kaiwai, and Haze White, ‘Te Whare Āhuru ki Ruapehu Housing Project and Whakakaha Whānau’ (Wellington: Whanau Ora, 2019).

disparities between Māori and the general population.³⁷⁹ A smaller body of research discusses Whānau Ora in relation to issues of Māori living standards and housing.³⁸⁰

Homelessness policy and research has expanded over the past decade after efforts were made to extend the policy research in this area.³⁸¹ In 2007, homelessness researcher Kate Amore suggested that a more researched-informed approach policy making on homelessness was required.³⁸² Since then the effort to understand and define homelessness or severe housing deprivation has received more attention from researchers and government.

An important work in this approach was the 2013 report ‘Severe housing deprivation: The problem and its measurement’ published by Statistics New Zealand.³⁸³ In research commissioned by Statistics New Zealand, Amore et al. developed a new methodology for measuring homelessness (or what they refer to as ‘severe housing deprivation’). In the 2013 paper severe housing deprivation refers to people living in severely inadequate housing (housing which provides the basics in habitability, privacy and control, and security of tenure) due to a lack of access to a minimally adequate housing. The resulting definition was applied to census and administrative data from 2001 and 2006 to derive statistical information about severely housing deprived populations in New Zealand. The research made findings on the amount of severely housing deprived Maori and recommendations regarding the statistical measurement of housing deprivation.

³⁷⁹ Rodney Dormer, ‘Whānau Ora and the Collaborative Turn,’ in *The International Journal of Public Administration* 37:12 (2014), pp. 835-845; New Zealand Productivity Commission, ‘More effective social Services,’ (Wellington: New Zealand Productivity Commission, 2015), 326-347 and Appendix C; Amohia Boulton, Jennifer Tamehana, Tula Brannelly, ‘Whānau-Centred Health and Social Service Delivery in New Zealand,’ *MAI Journal* 2:1 (2015): 18-31; Amohia Boulton, ‘Whānau Ora: A culturally-informed, social policy innovation,’ *New Zealand Sociology* 34: 2 (2019): 23-48; Verna Smith et al., ‘Whānau Ora: An indigenous policy success story,’ in Johannah Leutjens, Michael Mintrom and Paul ‘t Hart (eds), *Successful Public Policy: Lessons from Australia and New Zealand* (Canberra: Australian National University Press, 2019); Lisa Chant, ‘Whānau Ora Hauora: Māori models for kotahitanga/co-operative co-existence with non-Māori,’ in *AlterNative: An international Journal of Indigenous Peoples* (2011), pp. 111-122.

³⁸⁰ Sasha McMeeking, Hamuera Kahi, Komene Kururangi, ‘Implementing He Ara Waiora in alignment with the Living Standards Framework and Whānau Ora: recommendatory report,’ (Christchurch: University of Canterbury, 2019); R. Egan, K.A. Hicks, M. Dalziel, ‘Healthy homes through Whanau Ora, New Zealand,’ in J Green, K Tones, R Cross, R. & J Woodall (eds.) *Health Promotion: Planning and Strategies* (London: Sage, 2015).

³⁸¹ Steve Richards, ‘Homelessness in Aotearoa New Zealand: Issues and Recommendations’ (Wellington: Regional Public Health, 2009).

³⁸² Kate Amore’s study of policy making and homelessness from over a decade ago may help to trace some of the evolution of homelessness policy making. See: Kate Amore, ‘Lost in Translation? The relationship between homelessness research and policy in Wellington, New Zealand,’ (BMedSci Thesis: University of Otago, 2007).

³⁸³ Kate Amore, H. Viggers, MG. Baker and Philippa Howden-Chapman, ‘Severe housing deprivation: The problem and its measurement,’ *Official Statistics Research Series*, 6 (Wellington: Statistics New Zealand, 2013).

In updating this project, Amore et al (2020) have used 2018 census data to estimate the size and selected characteristics of the severely housing deprived (homeless) population. Unlike many of the reports submitted as part of the Crown statistics programme for this kaupapa inquiry, the report does not have a sole focus on Maori. However, the report suggests that Māori are disproportionately affected by severe housing deprivation. Of a total of 41,644 severely housing deprived people in New Zealand, 12,819 were Māori (or 32.3 percent of all housing deprived people and four times the European homelessness rate).³⁸⁴

Homelessness and Severe Housing Need are addressed in direction one of 'He Whare Auhuru He Oranga Tangata – The Maori Housing Strategy' (2014). The direction states that the Crown is committed to ensuring that 'the most vulnerable Maori have secure tenure, and access to safe quality housing with integrated support services.'³⁸⁵ Upon its release, the Strategy was intended to cover the period 2014 to 2025. Direction one includes five action areas and priorities involving vulnerable whanau and groups:

- Increase the availability of tenant education and support for Māori and their whānau who face difficulties in sustaining their housing tenure;
- Increase access to client-centred services, which include tenancy management;
- Develop suitable housing options for vulnerable individuals and whānau based on Māori values;
- Include tenancy management into existing wrap-around services where appropriate; and
- Increase the amount of housing for vulnerable groups based on Māori values.³⁸⁶

There is little in the way of published government review and assessment documents on the Strategy.³⁸⁷ In 2016, The National Maori Housing Conference reported on the direction and suggested that 'Conference delegates felt that the voice of the most vulnerable people is not being heard.' Delegates recommended better alignment and organisation of government agencies was

³⁸⁴ Kate Amore, Viggers H, Baker, MG, and Philippa Howden-Chapman, *Severe housing deprivation in Aotearoa New Zealand 2018* (Wellington: He Kainga Oranga, 2020), p. 4.

³⁸⁵ The Ministry of Innovation Business and Employment, 'He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025' (Wellington: Ministry of Innovation Business and Employment, 2014), 6-10.

³⁸⁶ The Ministry of Innovation Business and Employment, 'He Whare Āhuhuru He Oranga Tāngata – The Māori Housing Strategy 2014 to 2025' (Wellington: Ministry of Innovation Business and Employment, 2014), 8.

³⁸⁷ See for example: Te Puni Kōkiri, *The Māori Housing Network Investment Strategy 2015-2018* (Wellington: Te Puni Kōkiri, 2015).

needed to avoid institutional fragmentation, bad policy and disjointed strategy.³⁸⁸ The outcome of an April 2018 summit between government ministers, Maori housing providers and community groups to discuss the strategy and homelessness issues has not been covered in any depth.³⁸⁹

A recent policy-targeted approach to Māori homelessness, ‘A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand,’ has incorporated principles of Māori self-determination in conjunction with the work of government programmes Whānau Ora and Housing First. The paper suggests that ‘addressing Māori homelessness must be anchored in rights-based and culturally aligned practice empowered by Māori worldviews, principles and processes.’³⁹⁰

There is limited material on the Housing First programme. Lawson-Te Aho discusses some of the international origins of the programme and the needs to specifically address Māori homelessness needs in Aotearoa New Zealand.³⁹¹ The Ministry of Social Welfare notes that the programme builds from the premise that employment, substance abuse, and physical and mental health issues are best addressed once people are housed.³⁹² There is limited information on the extent and provision of the programme throughout New Zealand.³⁹³ MSD notes that the programme was piloted in 2014 in Hamilton, before extending to Auckland in 2017 and Tauranga, Christchurch and Wellington from 2018.³⁹⁴ But there is little information on the regional development of the

³⁸⁸ National Māori Housing Conference 2016, ‘Report on Conference Proceedings and Outcomes

29 September – 1 October 2016’ (Tauranga Moana: Tauranga Moana National Māori Housing Conference Committee, 2016), 10.

³⁸⁹ John Boynton, ‘Māori housing issues raised with govt’ RNZ, 23 April 2018, <https://www.rnz.co.nz/news/te-manu-korihi/355800/maori-housing-issues-raised-with-govt>.

³⁹⁰ Keri Lawson-Te Aho et al., ‘A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand,’ *SSM - Population Health* 8 (2019).

³⁹¹ Keri Lawson-Te Aho et al., ‘A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand,’ *SSM - Population Health* 8 (2019), pp. 3-4.

³⁹² ‘Budget 2018 - Housing First for homelessness,’ (Wellington Ministry for Social Development, 2018), <https://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/budget-2018-housing-first.pdf>, [accessed 4 June 2020].

³⁹³ An ongoing study currently being undertaken by He Kainga Oranga has collected a seemingly significant dataset on a Housing First cohort which identifies a high proportion of Maori participants. Depending on further inquiries, this study could provide an overview of the HF programme at a regional level. See: Nevil Pierse et al., ‘Service usage by a New Zealand Housing First cohort prior to being housed,’ *SSM - Population Health* 8 (2019), pp. 1-10.

³⁹⁴ Budget 2018 - Housing First for homelessness,’ (Wellington Ministry for Social Development, 2018), <https://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/budget-2018-housing-first.pdf>, [accessed 4 June 2020].

initiative or policy discussion of how it fits within a wider framework of Māori homelessness housing options, including Whānau Ora.

There are no studies that comprehensively explore the relationship of local and central government homelessness programmes. There is uneven coverage of Maori homelessness issues by local government programmes. Wellington City Council's 'Te Mahana: Ending homelessness in Wellington A strategy for 2014–2020' contains a range of objectives to address Maori and Treaty partnership issues.³⁹⁵ More research is required to gain a full overview of central and local government interaction on Maori homelessness across regions and cities. In the case of Auckland City Council, for example, there are some detailed policy documents that cover homelessness and Maori homelessness issues, such as the 2015 report 'An insight into the experience of rough sleeping in Central Auckland,' and 'Ira Mata, Ira Tangata: Auckland's Homeless Count' (2018).³⁹⁶ However, there is no comprehensive, and publicly available policy overview document addressing homelessness and Maori homelessness in particular.³⁹⁷ Claimants may address their experiences of local conditions and responses in briefs of evidence. There are some locality-specific studies of Maori homelessness that provide other perspectives on local issues.³⁹⁸

There is little published evidence on the policy framework informing the government's most recent efforts to address homelessness. As part of the \$300 million package to address homelessness announced in 2020, the government has recently identified the need for support at key moments of financial stress and hardship. A joint action plan released by the Ministry of Social Development and the Ministry of Housing and Urban Development in 2020 outlines a promise to address 'individuals, families and whānau at risk of experiencing homelessness at crucial points... [creating] access to stable housing and support services, to stay housed and improve wellbeing.' A promised

³⁹⁵ Wellington City Council, 'Te Mahana: Ending homelessness in Wellington A strategy for 2014–2020' (Wellington: Wellington City Council, 2020).

³⁹⁶ Sophia Beaton et al., 'An insight into the experience of rough sleeping in Central Auckland,' (Auckland: Auckland City Council, 2015); Auckland City Council, 'Ira Mata, Ira Tangata: Auckland's Homeless Count,' (Auckland: Auckland City Council, 2018).

³⁹⁷ A brief synthetic overview of Auckland City Council's response and engagement with central government can be found in: Amanda Kelly, 'Auckland Council's Role in Addressing Homelessness' *Parity*, 30:8 (October), pp. 32-33.

³⁹⁸ K. Bukowski, K. 'Forgotten Women: A study of women and homelessness in Auckland, New Zealand,' (Auckland: University of Auckland Master's Thesis, 2009); Shiloh Groot, et al. 'Homeless lives

in New Zealand: The case of central Auckland,' in M. Levy, L.W. Nikora, B Masters-Awatere, Rua and W. Waitoki (Eds), *Claiming Spaces: Proceedings of the 2007 National Māori and Pacific Psychologies Symposium*, 2018;

dimension of that policy and programme includes a kaupapa Māori approach, '[e]nabling the housing aspirations of Māori, partnering with Māori to build on successful Māori-led approaches, and placing whānau at the centre of all that we do will be critical to the success of the action plan. Kaupapa Māori principles and partnerships underpin the development of the plan and will drive the design and delivery of actions to seek measurable change for whānau, hapū, and iwi.' It claims that a 'kaupapa approach to homelessness means responding not just to the physical realities of homelessness, but the cultural, emotional and spiritual disconnections from Kāinga and whenua.'³⁹⁹ There is no extensive policy discussion of the government's recent strategy on homelessness.

2.8 Security of Tenure

Security of tenure is an issue raised in claims. The 2018 wellbeing statistics prepared by Statistics New Zealand provide data on the issue. The report suggests that across all ethnic groups, Māori have the highest rates of disrupted occupancy and the lowest rates of continuous occupancy. These figures indicate that only 35 percent of Māori lived in one household in the previous five years, compared to 47 percent of the total population. At the other end of the spectrum, the figures indicate that over 16 percent of the Māori population had lived in five or more dwellings over the same five-year period, compared to less than 10 percent of the total population. These statistics combine all living arrangements in their sample.⁴⁰⁰

As noted the data above is drawn from Statistics New Zealand's security of tenure measures by ethnicity table. It has not been possible using this data in its current table format to discern whether the wider data set can also measure the type of occupation (e.g. owner-occupier, private rental occupier, social housing rental occupier). It is important to note that this kind of detailed analysis would only be possible to determine with access to the raw survey data.

While there are some studies on Māori housing that record the different types of tenure, in general most tend to combine private rental and social housing together. It is frequently the case that comparative ethnic studies of housing experiences (generally falling within larger housing

³⁹⁹ 'Homelessness Action Plan 2020,' (Wellington: Ministry of Housing and Urban Development, 2020), p. i.

⁴⁰⁰ 'Wellbeing statistics 2018 (housing quality and tenure security); Table 12 Selected housing quality and tenure security measure by ethnicity', *Statistics New Zealand*; <https://www.stats.govt.nz/information-releases/wellbeing-statistics-2018>, [accessed 4 June 2020].

demography studies measured across, age, sex, ethnicity and income bracket) do not to distinguish between the type of tenure at all. Three conclusions were identified from sources examined:

- Māori are overrepresented in the rental mobility statistics;
- Most mobility occurs in the private rental market; and
- For renters, the terms of tenure in social housing are more stable.⁴⁰¹

International research also discusses the relationship between residential mobility and high rents, with tenure insecurity being linked to tenants in the private rental market.⁴⁰² Besides these economic factors, research by Sin and Stillman has explored the impact of cultural ties, especially for non-mānua whenua urban Māori, which they state play a role in the mobility patterns of individuals and families.⁴⁰³ No sources were located that weigh up the causes of this.

Claimants also state that there is a wider social disadvantage that accrues to young Māori over time as insecure tenure becomes entrenched. Claimants allege that a fractured and disrupted experience of core services leads to poor outcomes in health, welfare and education.⁴⁰⁴ A 2014 study indicated that measures are worse for Māori children:

Nearly one in three children born to Māori mothers (31%) experienced early life mobility compared to 25% of those born to European mothers, 25% of those born to Pacific mothers and 22% of those born to Asian mothers [...] The highest proportion of mobility was seen for children of Māori mothers living with non-kin adults [...] residential mobility serves as a marker for reduced continuity of access to key services, health care in particular, and also for adverse child outcomes later on.⁴⁰⁵

John Tamihere's claimant brief of evidence suggests a relationship between a lack of secure tenure and educational disadvantage, especially amongst poorer Māori and Pasifika families.⁴⁰⁶ A recent Otago University study suggests that there is an association between residential mobility

⁴⁰¹ Margaret MacDonald, *Submission to the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, (Wellington: Human Rights Commission, 2016), p. 2.

⁴⁰² Mark Bennett, 'Security of Tenure for Generation Rent: Irish and Scottish Approaches' *Victoria University of Wellington Law Review* 47:3 (2016): 363-384; Elinor Chisholm, Philippa Howden Chapman and Geoff Fougere, 'Renting in New Zealand: perspectives from tenant advocates,' *Kōtuitui: New Zealand Journal of Social Science* 12:1 (2017), pp. 95-110.

⁴⁰³ Isabelle Sin and Steven Stillman, 'Economic Liberalisation and the Mobility of Minority Groups: Evidence from Māori in New Zealand,' (Wellington: Motu Economic and Public Policy Research, 2015). See also: Manuhua Barcham, 'The Politics of Maori Mobility' in John Taylor and Martin Bell (eds), *Population Mobility and Indigenous Peoples in Australasia and North America* (London: Routledge, 2004).

⁴⁰⁴ See: The Holistic Māori Health Approach Claim (Wai 2697), #1.1.1(a).

⁴⁰⁵ 'Growing Up in New Zealand Residential Mobility Report 1: Moving house in the first 1000 days' (Auckland: The University of Auckland, 2014), p. 24.

⁴⁰⁶ See for example: Brief of Evidence of John Henry Tamihere: (Wai 2750, #A1), 30 August 2018, pp. 1-2.

experienced by preschool age children and increased emotional and behavioural difficulties.⁴⁰⁷ That finding builds on a growing body of research including a 2014 Child Poverty Action Group study showing that for many decile 1 and 2 children, residential mobility proved a significant additional factor impeding their educational success. The study suggested that low rates of home ownership and high levels of private rental housing means that transience disproportionately affects Māori and Pasifika students.⁴⁰⁸

The 2020 Homelessness Action Plan discusses how key moments of transition for young Māori without secure tenure or whānau arrangements have been shown to lead to homelessness. It was observed that for young people transitioning from Oranga Tamariki's care (a group that is comprised of 57 percent Māori), transition from childhood under state care and independent adulthood is a major pressure point leading to homelessness.⁴⁰⁹

Claimants have also stated that older Māori have been disproportionately affected by Crown policy which has encouraged landlords into the market with no concern for secure tenure.⁴¹⁰ Other claimants have addressed the whakamā caused by Crown rental policy for elderly Māori, with specific references made to poor standards of housing and failure to support social housing providers.⁴¹¹ There is sufficient coverage on the renting experience of elderly Māori to supplement this research and draw out wider trends.⁴¹² A useful thread of research has examined the concept of 'ageing in place' for older Māori and the benefits that accrue from secure tenure in living

⁴⁰⁷ Kim Nathan, Oliver Robertson, Polly Atatoa Carr, et al., 'Residential mobility and socioemotional and behavioural difficulties in a preschool population cohort of New Zealand children', *Journal of Epidemiology and Community Health* 73 (2019), pp. 947-953.

⁴⁰⁸ Donna Wynd, 'The Revolving Door: Student mobility in Auckland schools' (Auckland: Child Poverty Action Group, 2014).

⁴⁰⁹ 'Homelessness Action Plan 2020,' (Wellington: Ministry of Housing and Urban Development, 2020), p. 24.

⁴¹⁰ Puketotara Block Claim amended statement of claim (Wai 421), #1.1 (g).

⁴¹¹ The Housing Kaumatua (Takuirā) statement of claim (Wai 2732) #1.1.1; Te Runanga o Kirikiriroa Housing (Tupuhi) amended statement of claim (Wai 2807), #1.1.1(a).

⁴¹² Fiona Cramm and Morehu Munro, 'Life When Renting for Older Maori,' *AlterNative: An International Journal of Indigenous Peoples* 16:1 (March 2020), pp. 64-75; Fiona Cramm, 'Older Māori: Downsizing experiences, outcomes and needs,' (Auckland: Katoa, 2016).

situations.⁴¹³ This, in turn, is supported by a general findings on tenure security for the elderly in New Zealand,⁴¹⁴ and wider research on living standards for older Māori.⁴¹⁵

Studies also exist with respect to overcrowding. Household crowding has been falling in the general population over recent decades.⁴¹⁶ Yet studies suggest that the prevalence of crowding in Māori and Pasifika households, at 20 percent and 40 percent respectively, far exceeds that of other ethnic groups, in which crowding only affected five percent of households. Data from 2013 shows that Māori and Pasifika children were more affected by household crowding than children of other ethnic groups with over 40 percent of Pasifika children and 25 percent of Māori children lived in crowded houses in 2013.⁴¹⁷ This data is supported by regional reporting by District Health Boards and two significant longitudinal studies, collectively covering the period 1986-2006.⁴¹⁸ This depth of research, especially at a regional level, is rare for tenure security issues, and reflects the importance of overcrowding to health policy.

Twenty years ago, the Crown identified transience as a common factor in the lives of Māori living with mental illness.⁴¹⁹ While mental health implications of homelessness stretch beyond the

⁴¹³ Mere Kēpa, Janine Wiles and Kirsty Wild, 'Resilient Ageing in Place: Older Maori Report and Recommendations,' (Auckland: University of Auckland, 2011). There is a wide body of international and national research on ageing in place as a key to enabling autonomy, independence, as well as social and family connection, although frequently this literature addresses older homeowners. See for example: J.J. Callahan, (ed.), *Ageing in Place* (Amityville, NY: Baywood, 1992); Janine L. Wiles et al. 'The Meaning of "Ageing in Place" to Older People,' *The Gerontologist* 52:3 (2011), pp. 357-366.

⁴¹⁴ Kimberly Howell, 'Senior Housing: Issues Identification Paper (Auckland: Auckland Council: Affordable Housing, Community and Social Policy, 2016); Bev James, Nina Saville-Smith, 'Tenure insecurity and exclusion: Older people in New Zealand's rental market' (paper presented at the European Network of Housing Researchers Conference, Uppsala, Sweden, 2018).

⁴¹⁵ C. Cunningham, M. Durie, D. Ferguson, E. Fitzgerald, B. Hong, J. Horwood, and B. Stevenson, 'Ngā Āhuetanga Noho o te Hunga Pakeke Māori: Living standards for older Māori,' (Wellington: Ministry of Social Development, 2002); Tanya Allport, Georgina Martin, and Haze White, 'Kaumātuaanga: The Needs and Wellbeing of Older Māori' (Auckland: Wai Research/Te Whānau o Waipareira Trust, 2018).

⁴¹⁶ 'Ethnicity and crowding: A detailed examination of crowding among ethnic groups in New Zealand 1986–2006,' (Wellington: Statistics New Zealand, 2012).

⁴¹⁷ 'Household crowding', *EHINZ: Environmental Health Indicators New Zealand*, <https://www.ehinz.ac.nz/indicators/indoor-environment/household-crowding/>, [accessed 4 June 2020].

⁴¹⁸ 'The Distribution of Household Crowding in New Zealand: An analysis based on 1991 to 2006 Census data,' (Wellington: He Kāinga Oranga /Housing and Health Research Programme, University of Otago, 2012); 'Ethnicity and crowding: A detailed examination of crowding among ethnic groups in New Zealand 1986–2006,' (Wellington: Statistics New Zealand, 2012).

⁴¹⁹ In June 2000 Cabinet directed the Ad Hoc Cabinet Committee on Mental Health to "identify the extent of homelessness and transience amongst people with mental illness, and to identify housing options to meet their needs, and to consult with Te Puni Kōkiri to ensure a Māori perspective is fully considered." Robin Peace, Susan Kell, Lynne Pere, Kate Marshall, Suzie Ballantyne, 'Independent Housing Needs Part 1 A Summary of the Research,' (Ministry of Social Development, Wellington, 2002), p. 1. Also cited in the Holistic Māori Health Approach Claim, Wai 2697, #1.1.1(a).

domain of social housing and the private rental market, research has identified important overlaps between poor mental health and insecure tenure in the life histories of homeless populations. Coverage (in part due to the patchiness of available sources on mental health, homelessness and secure tenure) only supports a broad analysis of public policy responses to mental health incorporating ‘joined up’ multi-agency approaches, key non-governmental stakeholder engagement and the importance of Māori approaches in restoring wellbeing and dignity.⁴²⁰

Continuing of the theme of mental health, there are a range of general national level studies that cover homelessness and mental and physical health.⁴²¹ A key study in research on homelessness in Aotearoa New Zealand, ‘Severe housing deprivation: The problem and its measurement’ suggested that severe housing deprivation was very likely to have negative health, social, and economic consequences. The study makes findings about work, study, and occupational outcomes of the severely housing deprived, including that:

- Almost half of the adult severely housing deprived population was working in paid employment, studying, or both;
- Severely housing deprived people were 3.4 times likely to be unemployed and 1.8 times more likely to not be in the labour force;
- Employed severely housing deprived adults were more likely to be working in unskilled and manual jobs relative to the general population;
- Severely housing deprived adults had a low level of education compared with the general population.⁴²²

⁴²⁰ Diana Johnson, ‘Looking past the mess: Māori homelessness and mental healthcare,’ (Hamilton: Master’s thesis, University of Waikato, 2009); Diana Johnson., D Hodgetts, and L.W. Nikora, ‘A humanistic approach to addressing the needs of Māori homeless people with mental health concerns,’ *Journal of Humanistic Psychology*, 53:1 (2013), pp. 94-113.

⁴²¹ Alice Mills, K. Thom, A. Maynard, C. Meehan, J. Kidd, D. Newcombe, D. Widdowson, ‘Meeting the housing needs of vulnerable populations in New Zealand. Transforming Cities thematic research initiatives’ (Auckland: University of Auckland, 2015); S. Isogai, and N. Stanley-Clarke, ‘Measuring iterative homelessness in mental health in Aotearoa New Zealand. ‘parity, 30:8 (October), 2017, 54-57; S. Isogai, ‘In search of ‘home’ for wellness: Mental health and social workers’ views on homelessness in mental health,’ *Aotearoa New Zealand Social Work*, 28:3, 2017, 67-78. For elderly and health see: J. Humm, ‘Elderly at 43: On health and homelessness.’ *Parity* 30:8 (October 2017), 52-3.

⁴²² Amore K, Viggers H, Baker, MG, & Howden-Chapman, P (2013). *Severe housing deprivation: The problem and its measurement*, Official Statistics Research Series, 6, p. 54.

It recommended further research into links between severe housing deprivation and health and wellbeing outcomes.⁴²³ There is no further breakdown of these statistics by ethnicity. The 2020 ‘Severe housing deprivation in Aotearoa New Zealand, 2018’ study does not include health and wellbeing outcomes in its report.

These general studies are supplemented by studies into physical and mental health needs of Māori experiencing homelessness. A 2012 study by Diane Johnson et al. suggested that ‘Despite positive calls for renewed efforts to support recovery and mental wellness among Maori, gaps remain in our understanding of Māori homeless people’s access to and experiences of mental health services. Furthermore, little is known about the experiences and practices of mental health care professionals when working with this client group.’⁴²⁴ Kiri Lawson-Te Aho has suggested more recently that despite progress made by Whānau Ora, ‘safe, affordable, warm, health affirming housing anchored in Māori cultural structures, values and principles is a key policy and practice challenge for those working within the Māori homelessness space.’⁴²⁵

Two claims have raised a range of crown practices and policies that they claim have exacerbated security of tenure issues for Māori ex-prisoners.⁴²⁶ The Housing ex-prisoners (Heteraka) claim have raised a number of issues including: a lack of support and prioritisation for Māori ex-prisoners trying to gain state housing; the impact of the housing crisis on this group; and a failure to enact policies that would allow ex-prisoners to return to housing on their tūrangawaewae despite proposals within the rohe of Ngātiwai. A recent Crown initiative, Creating Positive Pathways for People with a Corrections History, has received \$13 million funding for social housing and support services over five years beginning in the 2017/18 financial year and covers transitional accommodation for Māori ex-prisoners.⁴²⁷ There is a limited range of sources available to explore the national aspects of these claims.⁴²⁸ Much of the national research on this area only touches on

⁴²³ Amore K, Viggers H, Baker, MG, & Howden-Chapman, P (2013). *Severe housing deprivation: The problem and its measurement*, Official Statistics Research Series, 6, p54.

⁴²⁴ Diana Johnson., D Hodgetts, and L.W. Nikora, ‘A humanistic approach to addressing the needs of Māori homeless people with mental health concerns,’ *Journal of Humanistic Psychology*, 53:1 (2013): 94- 113.

⁴²⁵ Kiri Lawson-Te Aho et al., ‘A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand,’ *SJM - Population Health* 8 (2019), 2.

⁴²⁶ The Housing Released Prisoners (Clark) Claim (Wai 2742) #1.1.1; the Housing ex-Prisoners (Heteraka) Claim (Wai 2739) #1.1.1.

⁴²⁷ The Treasury, ‘Budget 2017 Information Release’ July 2017 <https://treasury.govt.nz/sites/default/files/2017-11/b17-3658489.pdf> [accessed 5 June 2020].

⁴²⁸ A Marsden Funded research project ‘Going Straight Home: Housing for People Leaving Prison’ led by Alice Mills and Cinnamon Lindsay is currently underway and may provide some investigation into kaupapa Māori and mana wāhine. See for example: Grace Gordon and Alice Mills, ‘Homes for Ex-Prisoners: Housing Provision and

Māori ex-prisoners.⁴²⁹ Some high level information can be found on social services programmes with housing components for Māori ex-prisoners such as Tai Aroha, Whare Oranga Ake, Manapou Wahine, E Hine and Tiaki Tangata Programme.⁴³⁰ More research using government agency sources would be required to understand the regional coverage of these programmes. Much of the background to these claims means that researchers will also benefit from sources on tikanga and social integration as they relate to ex-prisoners, as well as a wide body of international research on the role of ex-prisoner housing in reducing recidivism.⁴³¹

From a planning perspective, claimants have suggested that policy does not accommodate the needs of low-income renters through inclusionary housing policy.⁴³² Gentrification is a key aspect of the international literature on housing.⁴³³ However, there are relatively few sources on its impact on renters in New Zealand, and its focus is almost entirely on Auckland case studies. One study has classified three waves of gentrification since the 1980s, the most recent being classified as ‘new build gentrification’.⁴³⁴ More recent policy research explores the impact of Auckland’s Unitary Plan on renters, and the tenure implications for Māori and other low-income renters experiencing eviction.⁴³⁵

Support after Release in New Zealand’

https://cdn.auckland.ac.nz/assets/arts/documents/compass_seminars_2016_homes_for_ex_prisoners.pdf
[accessed: 05 June 2020].

⁴²⁹ Helen Johnston, ‘Creating Positive Pathways: A long-term housing initiative for people released from prison,’ *Practice: The New Zealand Corrections Journal* 6:2 (2018); ‘Supported accommodation services for released offenders in New Zealand - a review’ *Practice: The New Zealand Corrections Journal* 5:2 (2017).

⁴³⁰ Jemma Faure, ‘Housing supports and services in New Zealand: A cross-agency response,’ *Practice: The New Zealand Corrections Journal* 7:1 (2019); Neil Campbell, ‘The Department of Corrections’ tikanga-based programmes,’ *Practice: The New Zealand Corrections Journal* 4:2 (2016).

⁴³¹ Kim Workman, ‘The Social Integration of Māori Prisoners,’ *Aotearoa New Zealand Social Work* 26:1 (2014), pp. 39-44; Annaliese Johnston, ‘Beyond the Prison Gate: Reoffending and Reintegration in Aotearoa New Zealand,’ (Manukau: the Salvation Army Social Policy Unit, 2016); for international studies see: C. O’Leary, ‘The role of stable accommodation in reducing recidivism: what does the evidence tell us?’ *Safer Communities* 12:1 (2013), pp. 5-12; Mills, A. Gojkovic, D. Meek, R. and Mullins D, ‘Housing ex-prisoners: the role of the third sector,’ *Safer Communities* 12:1 (2013), pp. 38-49; V. Cooper, “‘It’s all considered to be unacceptable behaviour’”: Criminal Justice practitioners’ experience of statutory housing duty for (ex) offenders,’ *Probation Journal* 63:4, pp. 433-451;

⁴³² The housing Tamaki ki Tonga (Tukua) Statement of Claim (Wai 2748), #1.1.1.

⁴³³ Gary Bridge et al., *Mixed Communities: Gentrification by Stealth?* (Bristol: Policy Press, 2012); Loretta Lees et al. *Global Gentrifications: Uneven Development and Displacement* (Bristol: Policy Press, 2015); Susannah Bunce, *Sustainability Policy, Planning and Gentrification in Cities* (Routledge: New York 2018).

⁴³⁴ Laurence Murphy, ‘Third wave gentrification in New Zealand: The case of Auckland,’ *Journal of Urban Studies* 45:12 (2008), pp. 2521-2540.

⁴³⁵ Vanessa Cole ‘Why landlords and investors love the Auckland Unitary Plan, and why you shouldn’t,’ *Economic and Social Research Aotearoa* 1 (2017), pp. 1-13.

The significant research in this area supports a national level focus. Discussion of Māori housing is largely concerned with disparities between ethnicities and sources containing regional variation is missing from these national figures. BRANZ survey showed that Auckland residents were more likely to have moved because their landlord has sold their house when compared to the national average.⁴³⁶ While the range of issues above encompass a large range of tenure security issues, comparative international studies have suggested that tenancy law appears to have a significant impact on the duration of tenancies.⁴³⁷

2.9 Rental Affordability and Severe Housing Deprivation for Māori

Affordability has structured key policy decisions in the contemporary domain of government housing policy over the past three decades. Differences in rental costs between state housing and private rentals became a feature in the shift to market rents during the 1990s. Affordability was again raised with the transition to income related rents later in the decade.

Historical data measuring housing affordability for renters against ethnicity is available in the Housing Economic Survey. This states that Māori spend more on housing than the general population due to a greater exposure to the private rental market. It records that from 1988 to 2013, Māori were more exposed to affordability-related stress (measured as housing costs above 30 percent of housing income).⁴³⁸ It also records that between 2007 and 2013 there were significant increases in housing-cost ratios for Māori who did not own a home.⁴³⁹

The interplay of factors determining a household's ability to meet rental demands is well accepted but there is a limited amount of research to analyse how social and geographic factors, such as the relative pressures on rural and urban populations, household composition and mental health, might impact affordability. A recent research programme funded by Te Puni Kōkiri acknowledges the need for a more regional approach to understand and support the effective allocation of

⁴³⁶ Karen Witten et al., 'The New Zealand Rental Sector,' (Wellington: BRANZ, 2017).

⁴³⁷ N. Wharton. and L. Craddock, 'A comparison of security of tenure in Queensland and in Western Europe,' *Monash University Law Review* 37 (2010): 10–15; Sarah Bierre, 'Security of tenure for renters,' *Renters United!*; <https://www.rentersunited.org.nz/security-of-tenure-for-renters/>, [accessed 10 March 2020].

⁴³⁸ 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people,' (Wellington: Statistics New Zealand, 2016), 44; for other measures currently in use see: 'Housing Affordability Measure (HAM),' *Ministry of Housing and Urban Development*; <https://www.hud.govt.nz/news-and-resources/statistics-and-research/housing-affordability-measure-ham/experimental-housing-percentage-measure/>, [accessed 4 June 2020].

⁴³⁹ 'Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people,' (Wellington: Statistics New Zealand, 2016), pp. 44.

funding for those in severe housing need.⁴⁴⁰ When compared with national studies, there is far less material in this respect. In addition to this regional approach, other demographic studies have sought to understand relative disadvantage within the Māori population. These have suggested that sole parents were at greater risk of not making rent and faced multiple forms of disadvantage compared with other family arrangements, while Māori who suffered mental health issues were more likely to be represented in the homeless population.⁴⁴¹

A concise statement on how housing affordability can produce other layers of disadvantage is offered by Yates et al., who note that ‘housing affordability problems arise when households are forced into decisions that adversely affect them and that they would not make had they not been in housing stress.’⁴⁴² Multiple studies address this possible association. Recently, a 2018 study suggested that housing was the most prevalent form of disadvantage for Māori but that the pattern of disadvantage did not end there. Adults in Māori families were almost twice as likely as adults in European families to face further forms of disadvantage across a further seven domains including:

- Income;
- Material wellbeing;
- Employment;
- Education;
- Health; and
- Safety and connectedness.

The raw data informing this study may allow for a closer analysis of how Māori families in social housing and private rental fare across these domains.

Claimants have gone further than this study, drawing a direct causal link between high rental costs and limited spending on basics like food, healthcare, childcare and manaakitanga.⁴⁴³ While the

⁴⁴⁰ Bev James, ‘Māori housing need, stock, and regional population change in Te Tai Tokerau: Research Needs, Landscape and Future Proofing, Report prepared for Te Puni Kōkiri,’ (Wellington: Ministry of Social Development/Housing New Zealand, May 2019), 2; A more historical approach to the regional includes Laurence Murphy, ‘Economic restructuring, housing policy and Māori housing in Northland, New Zealand,’ *Geoforum* 26:4 (November 1995), pp. 325-336.

⁴⁴¹ Sole Māori parents also experienced more housing risk than European and Asian sole parents. See: ‘Families and Whānau Status Report 2018’, (Wellington: Ministry of Social Development, 2018), p. 3.

⁴⁴² Yates et al., ‘Housing Affordability: a 21st Century Problem, National Research Venture 3: housing affordability for lower income Australians,’ (Melbourne: AHURI, 2007), cited in Charles Waldegrave and Michaela Urbanová, ‘Social and Economic Impacts of Housing Tenure,’ (Wellington: Family Centre Social Policy Research Unit, 2016), p. 7.

⁴⁴³ Ngapuhi Te Tiriti of Waitangi Amended Statement of Claim (Wai 966), #1.1.1 (d); Opuā Lands and Waterways Amended Statement of Claim (Wai 120), #1.1(c); The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a).

study considered Māori to be least affected by concerns over safety and connectedness, claimants in this inquiry have suggested that going without utilities and like telephone and internet is a common experience.⁴⁴⁴ Other national and international sources also discuss the impact of household poverty on access to the internet.⁴⁴⁵

There is coverage of the relationships between affordability and poor health though it is noted that there is often a complex nexus of factors involved that needs to be accounted for and understood before such a relationship can be established. Recent national studies, including two studies from He Kāinga Oranga/Housing and Health Research Programme discuss the association between crowding on the spread of infectious disease, including: lower respiratory tract infections such as pneumonia and RSV bronchiolitis; meningococcal; gastroenteritis; Haemophilus influenzae; Hepatitis A; Helicobacter pylori infection; and tuberculosis.⁴⁴⁶ The ethnicity data for COVID-19, as of the end of level three in the first wave, does not immediately seem to show that Māori or Pasifika households have been disproportionately affected.⁴⁴⁷ However, a recent paper from Te Pūnaha Matatini Centre for Research Excellence, currently under peer review, asserts that closer analysis suggests higher COVID-19 infection fatality rates (IRF) for Māori when age and underlying health conditions are taken into account. The current modelling does not include crowded housing as a factor.⁴⁴⁸

There is a much wider body of sources that discuss the best policy mechanisms to address affordability in the rental market. Recent measures to address affordability have been driven by a more active role in supplying state and other forms of social housing. At a policy level, recent discussion has focussed on the effectiveness of the accommodation supplement and its role in

⁴⁴⁴ The Holistic Māori Health Approach Amended Statement of Claim (Wai 2697), #1.1.1(a).

⁴⁴⁵ Maggie Hartnett, 'Differences in the digital home lives of young people in New Zealand Social Policy,' *British Journal of Educational Technology* (March 2016); John Dunbar, 'Poverty stretches the digital divide,' *The Center for Public Integrity*, 23 March 2012; <https://publicintegrity.org/accountability/poverty-stretches-the-digital-divide/> [accessed 4 June 2020].

⁴⁴⁶ M. Baker, N. McNicholas, Garrett N., N. Jones, J. Stewart, V. Koberstein and D. Lennon, 'Household crowding a major risk factor for epidemic meningococcal disease in Auckland children,' *Paediatric Inf Dis*, 19:10 (2000), pp. 983- 90; M. Baker, J. Zhang, P. Howden-Chapman, T. Blakely, K. Saville-Smith, and J. Crane, (2006), 'Housing, crowding and health study: Characteristics of cohort members and their hospitalisations, February 2003 to June 2005. Interim report,' (Wellington: He Kāinga Oranga/Housing and Health Research Programme, 2006); M. Baker, R. Goodyear, L. Telfar Barnard, P. Howden-Chapman, 'The distribution of household crowding in New Zealand: An analysis based on 1991 to 2006 Census data' (Wellington: He Kāinga Oranga/Housing and Health Research Programme, 2012).

⁴⁴⁷ 'COVID-19 – current cases', *Ministry of Health*, 8 May 2020; <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-current-situation/covid-19-current-cases>, [accessed 8 May 2020].

⁴⁴⁸ Nicholas Steyn et al., 'Estimated Inequalities in COVID-19 Infection Rates by Ethnicity in Aotearoa New Zealand,' (Auckland: Te Pūnaha Matatini, April 2020), pp. 1-14.

creating unaffordability within the rental market.⁴⁴⁹ Claimants have alleged the inadequacy of the supplement and other forms of housing assistance.⁴⁵⁰

Claimants allege that the Crown has failed to adequately support Māori social housing providers, especially in regard to start-up funding.⁴⁵¹ There are a range of sources that cover funding issues in recent years. He Whare Āhuru He Oranga Tāngata – The Māori Housing Strategy included a number of directions addressing the need for increased funding for Māori Community Housing Providers in 2014. That year, Te Matapihi released a scoping report that recommended that further investment was required to support the establishment of Māori Housing Providers in Auckland.⁴⁵²

Sources were not located concerning the level of funding, policy detail and the responsiveness of the Crown to Māori housing providers in recent years, and especially in the wake of the government's COVID-19 response. In March 2020, a major public housing funding review, including the experiences of Community Housing Providers (CHP) was released.⁴⁵³ No discussion was given over to the specific experiences of Māori housing providers or the subsequent suggestions as to 'shovel ready' housing projects.⁴⁵⁴ However, there is some reporting suggesting that the \$900 million funding for Māori in the wake of COVID-19 would build on \$40 million committed over four years in the 2019 budget.⁴⁵⁵ A wider review of Māori community housing providers may be necessary to inform the discussion of financing in the sector.

⁴⁴⁹ Janet McAlister, Susan St John and Alan Johnson, 'The Accommodation Supplement: The wrong tool to fix the house' (Auckland: Child Poverty Action Group, 2019).

⁴⁵⁰ Ngapuhi Te Tiriti o Waitangi statement of claim Wai 966, #1.1.1 (d).

⁴⁵¹ Puketotara Block Claim amended statement of claim (Wai 421), #1.1 (g); claim alliance includes Wai 593, 869, 1247, 1383, 1890.

⁴⁵² 'Affordable Housing for Māori in Tamaki Makaurau. Part Two – Scoping Study: Establishing a Maori Housing Provider,' (Auckland: Te Matapihi, 2014).

⁴⁵³ 'Public Housing Funding Review 2019', (Wellington: Ministry of Housing and Urban Development, March 2020). The associated website will be updated with statistical information regularly.

⁴⁵⁴ 'Public Housing Funding Review: Meeting with Community Housing Providers,' (Wellington: Community Housing Aotearoa, May 2020).

⁴⁵⁵ Nania Mahuta, 'Press Release: Māori - Government partnership gives whānau a new housing deal', *Beehive.govt.nz*, <https://www.beehive.govt.nz/release/m%C4%81ori-government-partnership-gives-wh%C4%81nau-new-housing-deal>, [accessed 20 May 2020].

2.10 Conclusion

Based on these sources, it is considered that there is sufficient coverage of the experience of state rental policy for Māori, although research into the experience and policy response to Māori in private rental accommodation will require more extensive archival research.

This assessment indicates that although there is sufficient material on Māori housing in general, significant gaps exist in the record of Māori experience of the state rental stock and private rental market. Together these sources provide a historical overview, but it will require significant work to draw together this analysis and fill the gaps within this literature. The historical interactions between the provision of the state housing rental system and the private housing market has not been well documented in historical research in relation to Māori. Sources will need to be drawn together from a range of archival sources, as well as Tribunal reporting.

While the 1970s were noted for the paucity of governmental reports covering Māori housing issues, in the lead-in to the contemporary space, Māori rental issues began to receive more attention. Reports are often driven by a focus on disparities in housing at a national level. Drawing together the sources on consequences of policy and reforms at a regional level will require more extensive use of archives. Some of the most significant changes to the housing sector have occurred within the rental space, and so any analysis will need to proceed from an outline of these policy changes. There is less coverage on the specific policies that responded to Māori need (for example the changes to rural state housing policy and ex-prisoner housing), as well as calls by Māori for greater responsiveness to Māori aspirations.

Since the 1990s there has been an increasing coverage of Māori housing issues at a national policy level. There is a range of sources on the post-1992 experience of social housing and private rental accommodation for Māori but there are significant gaps suggesting that further research into the records held by government agencies may be required from the 1990s onwards. This is particularly true of sources and policy documentation relating to the recent changes to Kāinga Ora. The Crown could be approached to provide relevant records.

As discussed above there are significant gaps in the research on Māori homelessness, especially in relation to historical coverage. There is little coverage of the overlap between historical patterns of Māori homelessness and nineteenth and early twentieth century vagrancy laws or twentieth century legislation directed at 'indigent' Māori. Gaps in contemporary research will be easier to address through claimant briefs of evidence and technical witnesses called by the claimants, as well

as unpublished Crown documents that have not yet been made available. There is sufficient coverage of national policy by governmental, academic and public policy researchers. However, the most recent changes in homelessness policy and funding have not yet received attention. It should be noted that systems issues, especially the relationship between central and local government (the provision of homelessness programmes locally, and their recognition of Maori and Treaty issues) may require a more thorough survey at a local or regional level.

Access issues to data are covered separately below as they raise their own specific concerns. However, in general for research to progress on contemporary issues, cooperation with relevant ministries will need to be negotiated. Specific concerns that will need to be addressed will relate to access to sensitive materials and protocols around privacy. Further assistance in this contemporary domain will come from the Crown's collation of government reports and published material relevant to this inquiry.

Access to Data and Archives

As was pointed out at the October 2019 Judicial Conference, data on Māori housing suffers from key gaps.⁴⁵⁶ Following the conference, the Crown outlined a programme to compile a range of existing and new data on the housing experiences of Māori.⁴⁵⁷ Several of these studies, such as the housing affordability measure and the cohort analysis of housing affordability measure, promise to provide invaluable insights into the experiences of Māori renters.⁴⁵⁸ While acknowledging the utility and scope of this work to the housing inquiry, during the preparation of the pre-casebook review it has become apparent that critical data holes in the published sources on Māori housing are frequently the by-product of earlier research design and objectives rather than inherent gaps in the source dataset. As was the experience during the research phase of the health kaupapa inquiry, it is likely that further statistics will be required.

A more flexible and responsive approach to data is therefore recommended to supplement the Crown's inquiry statistics programme. In late February, the Crown signalled one approach in this respect, suggesting that the Māori Data Stocktake will identify 'what data is collected and held by

⁴⁵⁶ Cameron Hockly counsel for Wai 2716, Memorandum of counsel regarding clarification of the relationship between Te Matapihi Claim and Te Puea Memorial Marae Claim (Wai 2699) and the number of papakāinga that existed in the past and now, 28 Nov 19, #3.1.167.

⁴⁵⁷ Wai 2750, #3.1.166, Memorandum of Counsel for the Crown Regarding Timeframe for the Provision of Statistical Information, 23 October 2019.

⁴⁵⁸ Wai 2750, #3.1.166, Memorandum of Counsel for the Crown Regarding Timeframe for the Provision of Statistical Information, 23 October 2019.

government agencies, in order to assist the Tribunal in identifying what further statistical analysis could be done to support the Inquiry.⁴⁵⁹ Commissioned researchers would benefit greatly from using specific datasets and research tools to identify disparities and other indicators within the housing sector. Crown researchers in Māori housing policy have elsewhere identified the General Social Survey (GSS), the Integrated Data Survey (IDI) and Te Kupenga as key data tools.⁴⁶⁰ The IDI for example ‘is a large research database that contains information sourced from a range of government agencies. This information is linked at an individual and/or household level and then anonymised, allowing researchers to access rich data that can be used to answer complex questions about the relationships between different life domains and factors.’⁴⁶¹ In the housing inquiry, the Crown has indicated its willingness to work with claimants to work out their collective data needs, and cited the Iwi Data Leaders Group at Statistics New Zealand, and a conjoint project between HUD, Statistics New Zealand and MSD to develop better housing information relating to Māori.⁴⁶² Such assistance also would be invaluable to the data needs of commissioned researchers.

To assist with the research for this inquiry, it will be helpful to identify whether a more responsive approach to available datasets could be co-ordinated and negotiated by a Crown liaison. There are two options to ensure that data privacy and correct management of the data is maintained:

- Tribunal commissioned researchers gain direct access to the datasets held by Statistics New Zealand, under the condition that they meet safe framework guidelines.⁴⁶³ Specialist knowledge and training using the Whānau Rangatiratanga Measurement Frameworks may be required;⁴⁶⁴ or
- Tribunal commissioned researchers liaise with the Iwi Data Leaders Group and Statistics New Zealand to produce tables and figures in the course of their commission. Commissioned researchers would outline the key requirements of any data research.

⁴⁵⁹ Wai 2750, #3.1.178, 28 February 2020, p. 1.

⁴⁶⁰ ‘Social Policy Evaluation and Research Unit, Families and Whānau Status Report 2018,’ (Wellington: Ministry of Social Development, 2018), pp. 66-67.

⁴⁶¹ ‘Social Policy Evaluation and Research Unit, Families and Whānau Status Report 2018,’ (Wellington: Ministry of Social Development, 2018), p. 67.

⁴⁶² Wai 2750, #3.1.166, 23 October 2019, pp. 1-3.

⁴⁶³ For the Five Safe framework see: ‘Integrated Data Infrastructure’, *Statistics New Zealand*, <https://www.stats.govt.nz/integrated-data/integrated-data-infrastructure/>, [accessed 4 June 2020].

⁴⁶⁴ The Whānau Rangatiratanga Framework provides a platform and guide within a te ao Māori worldview for collecting, analysing and using data about whānau wellbeing. For information on the Framework, see: Kahukore Baker, ‘The Whānau Rangatiratanga Frameworks: Approaching whānau wellbeing from within Te Ao Māori,’ (Wellington: Social Policy Evaluation and Research Unit, 2016).

Chapter 3: Housing on Māori Land

3.1 Introduction

This chapter assesses the extent to which existing research covers claims relating to housing, including papakāinga or whānau housing, on Māori land (theme 3). These claims are distinct from those concerning the provision of other housing on general or Crown land because Māori land, both historically and today, is subject to different legislation. Critically, it also tends to be multiply-owned. This means that owners share land and the level of ownership is determined by individual shareholdings that are not necessarily equal. A key point of difference since the introduction of Te Ture Whenua Māori Act 1993 is that Māori land, unlike general land, is subject to provisions that make it very difficult to sell.⁴⁶⁵

Professor Jacinta Ruru explains that ‘multiple housing on Māori freehold land is often referred to as papakāinga or whānau housing’ and that ‘papakāinga as a noun means original home, home base, village, communal Māori land’.⁴⁶⁶ Jade Kake describes papakāinga housing as:

... a contemporary term for the village, generally on Māori land and occupied by people sharing common whakapapa. The word comes from ‘papa’ (short for Papatuanuku, the ancestral Earth Mother) and ‘kāinga’ (the communal village environment).⁴⁶⁷

Kake notes too that ‘usually a papakāinga includes housing alongside communal facilities, and generally it is on ancestral land’. It can also include both kaumātua homes and whānau housing.⁴⁶⁸ Te Puni Kōkiri, in its guide to papakāinga housing, states that it refers to ‘a group of houses, of three or more, on whenua Māori as a ‘community which may include broader support and occupant involvement’.⁴⁶⁹

This chapter begins with a summary of claims in this inquiry relating to housing on Māori land followed by an overview of the historical and current context with respect to legislation and government policy relating to housing on Māori land. This is followed by an assessment of the

⁴⁶⁵ Te Ture Whenua Māori Act 1993, preamble.

⁴⁶⁶ Jacinta Ruru, ‘Papakāinga and Whanau Housing on Māori Freehold Land’ in *Revised Legal Frameworks for Ownership and Use of Multi-dwelling Units*, Building Research Levy, 2017, p. 123.

⁴⁶⁷ Jade Kake, *Rebuilding the Kāinga: Lessons from Te Ao Hurihuri*, Bridget Williams Books, Wellington, 2019, p. 135.

⁴⁶⁸ Kake, p. 11.

⁴⁶⁹ Te Puni Kōkiri, ‘A Guide to Papakāinga Housing’, 2017, p. 3. Te Matapihi Housing Policy claimants (Wai 2716) note that in order to calculate the number of papakāinga in existence, a clear definition will need to be agreed (Wai 2750, #3.1.167, 27 November 2019).

extent of coverage in existing sources as they relate to claim issues of finance (and the ability to borrow), local government planning regulations including zoning and associated costs, the impact of rates arrears, infrastructure and security of tenure. This assessment includes the identification of gaps in coverage. The chapter concludes with a summary of the evidential coverage of claims relating to housing on Māori land.

3.2 The Claims

Nearly all claims in this inquiry raise issues with respect to housing on Māori land and most of these focus on the barriers to developing housing on Māori land. Claimants state that the Crown has created a system of land tenure and funding that has prevented them from building housing, including papakāinga housing on their land. They say that the Crown imposed legislation which forced Māori to replace their own papakāinga systems with ‘Pākehā social, cultural and housing norms’. This, they say, has forced them into substandard housing, largely centred in urban environments away from their tūrangawaewae. Claimants state too that the Crown has failed to consult them in respect to housing policy and schemes, particularly papakāinga housing schemes, on Māori land. It is also alleged that the Crown has breached the Treaty of Waitangi principles of ‘active protection, good faith and partnership by...failing to support and protect, and the active disestablishment of, papakainga housing’.

Claimants state that there are many legislative and policy barriers to developing housing (including papakāinga housing) on Māori land. Barriers identified are both historical and contemporary and relate to: the individualisation of Māori land titles; the lack of infrastructure on Māori land (including access (landlocked land), sewerage, drainage and utilities (such as electricity and water)); zoning restrictions; Crown ‘euro-centric’ housing policies; and access to finance.

Other contemporary barriers identified in claims include: the adequacy of remaining Māori land for housing; the impact of rates arrears; local authority regulations (including zoning); the costs associated with resource consent compliance; and provisions of Te Ture Whenua Māori Act 1993 relating to securing necessary tenure. Difficulties accessing bank loans (claimants state that approval rates on multiply-owned lands are very low) and the effectiveness and affordability of existing government schemes such as Kāinga Whenua (administered by Kiwibank and Kāinga Ora (previously Housing New Zealand)) and infrastructure development funding (administered by Te Puni Kōkiri) are also raised. Of all the barriers, the ability to secure finance and service loans is stressed the most.

As well, it is alleged that housing built under the jurisdiction of the Department of Māori Affairs (some of which were built on Māori land) was substandard and that there was a lack of consultation with Māori when Department of Maori Affairs' mortgages were transferred to the Housing Corporation under the Housing Assets Transfer Act 1993. It is also alleged that the Crown failed to adequately consult with Māori regarding the registration of historic sites on Māori land which then limits the amount of land available for Māori housing. Claimants also state that the Māori Housing Network currently managed by Te Puni Kōkiri is underfunded and 'incapable' of achieving outcomes for Māori.⁴⁷⁰

3.3 Key Sources

Gael Ferguson's *Building the New Zealand Dream* published in 1994 is the key published source for historical issues associated with housing on Māori land which is examined in the context of New Zealand housing policy generally. Socio-economic and local government reports prepared for various Waitangi Tribunal district inquiries also provide coverage. In particular Dr Terry Hearn's socio-economic report for the Porirua ki Manawatū inquiry focuses on the late nineteenth century to the mid-1970s and builds on Ferguson's work. Mark Krivan's MA thesis on the housing programme of the Department of Māori Affairs provides coverage of housing policy from 1935 to 1967. The Waitangi Tribunal, in its Tauranga Moana report on post-raupatu claims, discusses

⁴⁷⁰ Taumarere River and Te Moana o Pikopiko-I-Whiti claim (Wai 49/682); Whakatōhea Raupatu Claim (Wai 87)

Opuā Lands and Waterways Claim (Wai 120); Ruapani Lands claim (Wai 144); Horowhenua Block Claim (Wai 237); Whakarara Mountain claim (Wai 375); Combined claims of Te Waimate Taiamai ki Kaikohe Alliance (Wai 421, 593, 869, 1247, 1383, 1890); Ngāti Ira o Waioweka Rohe claim (Wai 558); Komiti Māori o Whirinaki for hapū of Whirinaki (Wai 700); Te Patuharakeke (Wai 745/1308); Waimiha River Eel Fisheries (King Country) claim (Wai 762); Sale of State Houses and Land claim (Wai 777); Te Tai Tokerau District Māori Council (Wai 861); Mangatū Block claim (Wai 874); Ngāpuhi Te Tiriti o Waitangi claim (Wai 966); Ngāti Kauwhata ki te Tonga surplus lands claim (Wai 972); Ngātiawa ki Kapiti (Wai 1018); Ūpokorehe claim (Wai 1092); Heihei claim (Wai 1314); Okapu F2 Land Block (Wai 1502); Pomare Kingi claim (Wai 1524); Land alienation and wards of the state (Harris) claim (Wai 1531); Te Orewai (Wai 1533); Descendants of Wiremu Pou (Wai 1537); Descendants of Hinewhare claim (Wai 1541); Ngāti Rua (Wood, Smith and Wood) claim (Wai 1661); Descendants of Te Uri o Ratima claim (Wai 1670); Ngāti Kawau (Collier and Dargaville) Claim (Wai 1673); Ngāi Tamahau (Biddle) claim (Wai 1781); Hapū o Te Rohe Pōtae o Whangaroa (Kingi) claim (Wai 1832); Whenua and Hapū of Te Tai Tokerau Settlement Issues (Nehua) claim (Wai 1837); Te Aeto Hapū claim (Wai 1843); Ngāti Tara (Gabel) claim (Wai 1886); Waitaha (Te Korako and Harawira) claim (Wai 1940); Ngāti Mahanga, Ngāti Tamaoho and Ngāti Apakura (Tahapechi) Lands claim (Wai 1992); Te Mahurehure (Egen) Lands claim (Wai 2005); Te Mahurehure hapū (Wai 2057); Ngāti Tai Lands (Cotter-Williams) claim (Wai 2063); Nga Wahapu o Mahurangi – Ngāti Whatua/Ngāpuhi claim (Wai 2206); Children of Te Taitokerau (Broughton) claim (Wai 2217); The Mohinui/Waiomio Development Scheme and other lands (Karaitiana) claim (Wai 2368); Te Whanau a Rataroa (Aldridge) claim (Wai 2376); Claim by John Pikari (Wai 2394); Donna Awatere Huata Claim (Wai 2494); South Taranaki District Council Rates (Rerekura whanau) claim (Wai 2679); The Holistic Māori Health Approach claim (Wai 2697); Te Matapihi (Wai 2716); Takuira claim (Wai 2732); Hepana claim (Wai 2731); Searancke claim (Wai 2744); Edwards claim (Wai 2741); Tomlins claim (Wai 2746); Kearns claim (Wai 2747); Patricia Dennis claim (Wai 2749); Tony Watene claim (Wai 2751); Harris claim (Wai 2756); Kururangi claim (Wai 2757); New Zealand Māori Council claim (Wai 2758); Mataatua District Māori Council claim (Wai 2759); Ned Tomlins and Neri Stone claim (Wai 2815); The Housing (Makoare) claim (Wai 2795); Housing (Baker) claim (Wai 2871); Elisabeth Lois Crawford (Wai 2877); Taueki claim (Wai 2856); Hiini claim (Wai 2868).

issues relating to housing on Māori land from the nineteenth century through to the early 1990s/2000s. Likewise, the Tribunal's Te Urewera report discusses housing issues from the 1930s to the early 2000s.⁴⁷¹

There is also a large quantity of primary sources, particularly from the twentieth century, held at Archives New Zealand that relate to housing on Māori land. These records range from Māori housing surveys, reports of the Māori Affairs Welfare Officers and the housing policy files of the Department of Māori Affairs, State Advances Corporation and its successor agency, the Housing Corporation (established in 1974 from an amalgamation of the State Advances Corporation and the Housing Division of the Ministry of Works).⁴⁷² These records include those relating to papakāinga housing schemes established during the 1980s and 1990s.

Key secondary sources for contemporary issues include the 2010 thesis by Brigid Te Ao McCallum Livesey entitled 'He Kāinga Hou ki te Hau Kāinga: Housing development on multiply-owned ancestral land in a high-growth area of New Zealand'; the performance audit entitled 'Government planning and support for housing on Māori land Ngā whakatakotoranga kaupapa me te tautoko a te Kāwanatanga ki te hanga whare i runga i te whenua Māori' from the Office of the Auditor-General prepared in 2011 and its follow up audit of 2014; the report of the New Zealand Productivity Commission inquiry into Housing Affordability of March 2012; Professor Jacinta Ruru's 'Papakāinga and Whānau Housing on Māori Freehold Land' chapter published in 2017 in *Revised Legal Frameworks for Ownership and Use of Multi-dwelling Units*; and *Rebuilding the Kāinga: Lessons from Te Ao Hurihuri* by Jade Kake published in 2019.⁴⁷³ Te Puni Kōkiri and Kāinga Ora also provide coverage of current policy and schemes aimed at developing housing on Māori land. The extent to which these existing sources cover issues raised in statements of claim is discussed below.

⁴⁷¹ Gael Ferguson, *Building the New Zealand dream*, Palmerston North, Dunmore Press, 1994; Terry Hearn, 'The social and economic experience of Porirua ki Manawatu Māori: an analysis and appraisal', a report commissioned by the Waitangi Tribunal, August 2019 (Wai 2200, #A219); Mark Krivan, 'The Department of Māori Affairs Housing Programme, 1935 to 1967' MA Thesis, Massey University 1990; Waitangi Tribunal, *Tauranga Moana, 1886-2006: Report on the Post-Raupatu Claims*, Volume II, Wai 215, Legislation Direct, 2010, pp. 753-776; Waitangi Tribunal, *Te Urewera*, Volume VI, Wai 894, 2015, pp. 438-441, 445-448, 565-574, 629-634.

⁴⁷² Ferguson, p. 237.

⁴⁷³ Brigid Te Ao McCallum Livesey 'He Kāinga Hou ki te Hau Kāinga: Housing development on multiply-owned ancestral land in a high-growth area of New Zealand', MA thesis 2010; Auditor-General, 'Government planning and support for housing on Māori land Ngā whakatakotoranga kaupapa me te tautoko a te Kāwanatanga ki te hanga whare i runga i te whenua Māori', 2011; Auditor-General, 'Government planning and support for housing on Māori land: Progress in responding to the Auditor-General's recommendations, December 2014'; New Zealand Productivity Commission 'Housing Affordability Inquiry', March 2012; Jacinta Ruru 'Papakāinga and Whānau Housing on Māori Freehold Land' in *Revised Legal Frameworks for Ownership and Use of Multi-dwelling Units*, 2017; and Jade Kake *Rebuilding the Kāinga: Lessons from Te Ao Hurihuri*, Bridget Williams Book, Wellington, 2019.

3.4 Historical Context – A Brief Overview

The legislation, policy and Māori experience with respect to housing on Māori land during the nineteenth and twentieth centuries was distinct from, and came with its own set of issues and challenges to, the development of housing on general and Crown land. Professor Ruru describes these issues as ‘multi-layered and complex’.⁴⁷⁴

It was recognised by the government at various times during this period that difficulties with building and improving houses on Māori land stemmed from Māori land being largely multiply-owned. This impacted on the ability of Māori to access finance as both the government and financial institutions were reluctant to use land owned by multiple people with undefined interests as security for their loans. Māori land was also largely rural which increased the cost of construction, repairs and infrastructure. This was compounded by the generally limited financial resources of Māori, the complex and often confused state of land titles and difficulties around security of title, housing regulations and local authority requirements.⁴⁷⁵

This section discusses the key legislation and policies relating to housing on Māori land up until the introduction of Te Ture Whenua Māori Act 1993. This Act introduced new legislative provisions and unlike most previous Māori land legislation, emphasised the retention of Māori land and not its sale. The historical period can be divided into three key phases: the late nineteenth century and early twentieth century; the period from the introduction of the Native Housing Act 1935 to the early 1980s; and the period from the establishment of the Papakāinga Housing Scheme and Low Deposit Rural Lending Scheme in the 1980s to the introduction of Te Ture Whenua Māori Act 1993. The section concludes with a discussion of partitioning, which was the main legislative means to provide the individual title usually necessary to secure finance for housing on Māori land up until 1993.

Late Nineteenth and Early Twentieth century

Historians such as Ferguson and Hearn record that owners of multiply-owned Māori land had limited access to the system of state advances provided to rural European settlers to develop their land for farming and housing purposes in the late nineteenth and early twentieth centuries.

⁴⁷⁴ Ruru, p. 36.

⁴⁷⁵ See for example ‘Report of Dr Pomare, Health Officer to the Māoris to Dr JM Mason, Chief Health Officer’, Wellington, AJHR 1905, H31, p. 56; Board of Native Affairs, ‘Report on Native Land Development’, 1937, AJHR 1938, G10, p. 6; and Hon. SG Holland, Prime Minister, ‘Statement on Housing Policy’, 1 December 1950, AJHR 1950, J6, pp. 10-12.

Legislation such as the Government Advances to Settlers Act 1894 enabled settlers to access loans for the development (that is, farming and housing) of European (general) land. Māori freehold land, however, was not included in the categories of land allowed to be used as security for loans under that Act. According to Hearn, the State Advances Amendment Act 1923 ‘eased the terms and conditions under which loans for housing purposes could be secured’ though only Māori who had individual title could apply.⁴⁷⁶

Similarly, late nineteenth and early twentieth century Māori specific legislation restricted access to mortgage finance to Māori. Between 1878 and 1886 it was illegal under section 4 of the Native Land Amendment Act 1878 for a mortgage to be raised on any land held by Māori ‘under memorial of ownership or Crown grant’. From 1897, legislation such as the Native Land Laws Amendment Act 1897, the Māori Land Amendment Act 1905 and the Native Land Settlement Act 1907 provided for ‘advances by way of mortgage’ though eligibility rules, such as being required to own land additional to that being mortgaged, limited those who could apply. Although the Native Land Act 1909 provided for loans to Māori land owners from agencies such as the State Advances Office, the office ‘could not accept Native freehold land as security’.⁴⁷⁷

From the 1920s, loans for developing Māori land were available from the Native Trustee and Māori Land Boards. Hearn notes that under the Native Trust Act 1920, the Native Trustee could provide loans though ‘landless Māori and those with interests in multiply-owned land would have been unable to meet the requirements.’ Māori Land Boards could, with the consent of the Native Minister under the Native Land Amendment and Native Land Claims Adjustment Act 1922, ‘make advances out of their own resources “For the farming, improvement, or settlement of any Native freehold land”’ using land as security. Hearn records that some boards, such as the Ikaroa Māori Land Board, made advances to Europeans as well as Māori for housing.⁴⁷⁸

Development schemes set up by Native Minister Apirana Ngata under the Native Land Claims Adjustment Act 1929, provided some capital for the construction of homes on Māori land. Although the focus of Māori land development schemes was farming, the legislation allowed the loan to be also used for the construction of buildings such as houses. Housing on development

⁴⁷⁶ Ferguson, p. 98; Hearn (Wai 2200, #A219), pp. 45-46, 56-58, 318-322, 358-359, 646.

⁴⁷⁷ Hearn (Wai 2200, #A219), pp. 54-57, 320-321.

⁴⁷⁸ Hearn (Wai 2200, #A219), pp. 321-323.

schemes was not owned by individuals but by the (usually) multiple owners of the land blocks within the development scheme.⁴⁷⁹

Native Housing Act 1935 to the 1980s

The Native Housing Act 1935 has been described as the ‘first legislation specifically designed to provide housing loans to Māori’. Under the 1935 Act, the Board of Native Affairs was empowered to make loans for the improvement of Māori housing including the provision of services such as ‘lighting, heating, sanitation, water-supply “or other conveniences”’; the construction of new homes; and the ‘purchase of land or interests in land’ for housing sites. Applicants were required to secure a deposit and prove they could repay the loan. They also had to secure a building site so if the house was being built on Māori land the owner was required to secure individual title to that piece of land. Owners could use Māori land (including undivided interests) as security for a mortgage. Therefore loans ‘became a charge against the land upon which it had been advanced’ and the Crown could ‘assume ownership of this land, or sell it, to recover the money advanced should the mortgagor default on his/her contract’. As the Waitangi Tribunal in its Tauranga Moana report observed, the Act was ‘meant to circumvent the difficulty faced [by Māori] in obtaining private housing finance on the security of multiply-owned land’.⁴⁸⁰

The 1938 amendment to the Act allowed the Crown to set aside Crown land and the Board of Native Affairs to acquire land for housing for Māori who were landless, held too few interests for a housing site or whose land was unsuitable or unavailable. It also enabled the Board to build houses for sale and lease and established a special housing fund to be administered by the Native Trustee for those who did not have the security necessary to secure a loan under the 1935 Act. The Special Housing Fund was used, for instance, to fund flats for kaumātua on Māori land (the fund was dis-established in 1977).⁴⁸¹

Housing loans similar to that provided by the 1935 Act were also offered to Māori via the ex-servicemen’s rehabilitation scheme following the First and Second World Wars.⁴⁸²

⁴⁷⁹ Hearn (Wai 2200, #A219), pp. 324-325; Ferguson, p. 100.

⁴⁸⁰ Hearn (Wai 2200, #A219), pp. 331-337; 342, 346-348, 350-351, 353, 355-356; Krivan, p. 32; Waitangi Tribunal, *Tauranga Moana*, p. 754.

⁴⁸¹ Hearn (Wai 2200, #A219), pp. 331-337; 342, 346-351, 353, 355-356, 394-396, 411-413, 462; Krivan, pp. 27 & 37; Waitangi Tribunal, *Tauranga Moana*, p. 754.

⁴⁸² Waitangi Tribunal, *Te Urewera*, Volume VI, p. 570.

Housing loans under the 1935 Act (renamed the Māori Housing Act from 1947) and its various amendments continued to be provided from the 1950s. This period saw the acceleration of Māori migration from rural areas to cities and towns. This was also the period where the Department of Māori Affairs undertook extensive surveys of Māori housing conditions including those settlements located on Māori land. During this time some Māori dwellings on Māori land were demolished and the Department of Māori Affairs introduced what Hearn describes as a ‘re-location’ policy whereby Māori were diverted ‘to those places where there were employment opportunities’. He states that this was formally adopted in 1960.⁴⁸³

In the 1970s, the Board of Maori Affairs introduced a rural housing improvement policy. This policy provided for loans of up to \$2,000 over a maximum of ten years to extend the life of existing houses.⁴⁸⁴

The Native Housing Act 1935 (renamed the Maori Housing Act from 1947), has been subject to almost 40 amendments so that in 2019, it is the chief executive of Te Puni Kōkiri who is now authorised to make advances to Māori for the construction and improvement of dwellings. The chief executive can also purchase land as a site for a dwelling and fund the ‘draining, cultivation, or general improvement of the land’ used for the dwelling and Māori land can still be used as security for the loan.

Lending Schemes, 1985 to 2008

In the 1980s and 1990s, two key government programmes aimed at assisting Māori with housing on Māori land were established. The Papakāinga Lending Scheme (1985-2008) was administered by the Housing New Zealand Corporation and aimed at individuals wishing to build houses on Māori land. Applicants required a 15 per cent deposit. The Low Deposit Rural Loan Scheme (1994 to 2008) was also administered by Housing New Zealand Corporation as well as contracted providers including Māori. Its focus was on the provision of loans to low-income households who could raise a 3 per cent deposit.⁴⁸⁵

⁴⁸³ Suzanne Woodley, ‘Porirua ki Manawatū Inquiry District: Local Government Issues Report’, a report commissioned by the Crown Forestry Rental Trust, June 2017 (Wai 2200, #A193), pp. 168-199. Hearn records that between 1902 and 1909, 1236 whare were demolished nationally, Hearn (Wai 2200, #A219), pp. 300-302, 330, 365-366, 450-452. Surveys are located at Archives New Zealand, Wellington (ACIH 16036 MA 1 30/15 series).

⁴⁸⁴ Hearn (Wai 2200, #A219), p. 381-382.

⁴⁸⁵ Auditor-General (2011), pp. 29-30.

Several more programmes were established in the early 2000s. The Rural Housing Programme (2001-2011) was formed to provide loans and grants to improve Māori housing particularly in the Northland, Bay of Plenty and East Coast regions. The focus of the Community Owned Rural Rental Housing Loans scheme (2002-2008), also administered by Housing New Zealand Corporation, was to assist Māori trusts with the provision of housing on Māori land. The Māori Demonstration Partnership fund (also known as MDP) created in 2008 and still in existence is a contestable fund providing ‘grants and low-cost loans to Māori organisations’. The Special Housing Action Zones programme set up in 2000 and also still in existence is a joint initiative between Te Puni Kōkiri and Housing New Zealand Corporation. The focus of the programme is on assisting Māori communities with advice and finance for housing developments.⁴⁸⁶

Partitioning and Zoning

Partitioning, whereby the interests of individual owners were separated out from the interests of the remaining owners, was the main legislative means up until 1993 for Māori to create the separate title to Māori land normally required to access finance for housing purposes. The Māori Land Court ordered partitions based on the number of shares held by individual owners. It also required titles to be up-to-date and the interests of those who had died passed to their descendants.⁴⁸⁷

The Māori Land Court was also required to take into consideration the zoning designation assigned over the partitioned land by the relevant local authority. The Town and Country Planning Act 1953 required each local authority to produce a district planning scheme that applied zones to land within their jurisdiction. Zones such as ‘rural, industrial, residential and commercial with a mix of permitted, conditional and prohibited usage for each’ regulated the way that land could be used. Local government reports prepared for district inquiries suggest that Māori land located in rural areas was typically zoned rural. However, a rural zoning designation came with restrictions around the amount of land that could be subdivided or partitioned for housing (often a minimum of between 10 and 50 acres). While the Māori Land Court still had jurisdiction to order partitions of Māori land, under the Māori Affairs Act 1953 the Court had to take into account borough and county planning schemes when doing so. From 1967, a partition of rurally zoned Māori land required the permission of the relevant county before it could be ordered by the Court. From 1977, the Town and Country Planning Act 1977 provided that district plans had to take into

⁴⁸⁶ Auditor-General (2011), pp. 26, 30-32.

⁴⁸⁷ Maori Affairs Act 1953, sections 173-186, 320, 432.

account the ‘relationship of the Māori people and their culture and traditions with their ancestral land’.⁴⁸⁸

3.5 The Current System – a Brief Overview

Māori freehold land today, which totals 1.4 million hectares, remains largely multiply-owned. The most recent data available (from 2019) indicates that the average Māori land block is 51.05 hectares in size with an average of 105 owners. This is an increase from 2011 when there was an average of 86 owners for every Māori land title. Recent research by Professor Jacinta Ruru records that ‘few residential lived-in homes currently exist on Māori freehold land compared to General land’. She notes that ‘the sheer average number of owners for this category of single title land obviously creates complex issues for residential building’. Before the process of building even begins, she explains, decisions must be made amongst the owners as to whether one owner can have a house built for their exclusive benefit; where the house should be built; whether ‘other owners are able to build houses on this land in the future’; who will own the house in the future and the security available to raise sufficient funds to build. She states that issues facing owners of Māori freehold land who wish to build one house are amplified for those wishing to build multiple homes such as papakāinga or whānau housing. Māori who wish to build housing on Māori land today must also do so in accordance with relevant provisions of Te Ture Whenua Māori Land Act 1993, the Resource Management Act 1991 and the Building Act 2004. These are discussed in turn below.⁴⁸⁹

As noted above, prior to 1993, Māori owners were required to apply to the Māori Land Court to partition their land in order to secure individual title to the area of the land on which they wished to build. While Māori can still apply for partitions, Professor Ruru explains that the Court has now become ‘much more resistant to partitioning land ... because retention of the land is generally favoured’ (historians have stated that partitioning is historically linked with the sale of Māori land). Instead, occupation orders under section 328 of Te Ture Whenua Māori Land Act 1993 have become the ‘key tool to empower an owner who wishes to build a home on part of the land’.⁴⁹⁰

Occupation orders can be made in relation to Māori freehold land or any general land owned by Māori to an owner or person entitled to succeed for ‘exclusive use and occupation of the whole

⁴⁸⁸ Jane Luiten, ‘Local Government on the East Coast’, a research report commissioned by HistoryWorks for the Crown Forestry Rental Trust, 2009 (Wai 900, #A69), p. 299; Woodley (Wai 2200, #A193), pp. 75-84.

⁴⁸⁹ Ruru, pp. 123-125, 133, 160; Auditor-General (2011), p. 27; data from Ministry of Justice, Office of the Chief Registrar Māori Land Court, ‘Māori Land Update – Ngā Āhuatanga o te whenua’, 2019. <https://maorilandcourt.govt.nz/your-maori-land/maori-land-data-service>.

⁴⁹⁰ Ruru, pp. 134-135.

or any part of that land as a site for a house'. This includes houses already built on the land concerned. The area of land subject to the occupation order is commensurate with the number of shares held by the owner seeking the order. This means that the owner must own enough shares in a block of land so that there is sufficient area for a house to be built. The Court can specify the period for which the occupation order is valid or whether the order ends at the time of a 'defined event'. If land is administered by a trust or Māori incorporation, occupation orders cannot be made without the consent of the trustees or management committee. Under section 329, the Court must consider the 'opinions of the owners as a whole', the effect it may have on the interests of the owners and 'the best overall use and development of the land'. The Court can also both review and cancel an occupation order. Occupation orders are also subject to regulations. These prescribe what information an applicant must supply to the Court and the details required in an occupation order namely the date of effect, area of land and any consideration payable.⁴⁹¹

Occupation orders are not required for those wishing to lease houses in a 'papakāinga multi-dwelling situation' as it is the lease that provides the right to occupy. In this situation the homes within the papakāinga are managed by a papakāinga trust. In addition to leases, occupation can be formalised under the Act by a licence to occupy (section 338 (12)) though this 'does not grant the holder any property rights.' Instead it 'grants the holder permission to enter the land and use it for a stated purpose'. This section of the Act applies to Māori reservations vested in trustees who, with the consent of the Court, can grant an occupation licence for any term not exceeding 14 years. The amount of land awarded under a licence to occupy can be more than the area corresponding with the number of shares held by the applicant. According to the Māori Land Court, a licence to occupy is the 'most common type of licence' ordered with respect to Māori land.⁴⁹²

Of note is that new provisions are currently being considered by Parliament in respect to occupation orders and occupation licenses (currently at the select committee stage). It is proposed that the Māori Land Court will be 'able to grant an occupation order to a member of a whānau trust' which they currently cannot do. The intention, according to Ministry of Justice and Te Puni Kōkiri officials, is to make it 'easier for whānau to use their land to achieve their housing aspirations'. It is also proposed that occupation licenses for papakāinga be granted for a longer

⁴⁹¹ Māori Occupation Orders Regulations 1994 (SR 1994/201), 12 September 1994, re-printed 12 November 2018.

⁴⁹² Māori Land Court 'Occupy or Build on your land', 11 January 2020. <https://Māorilandcourt.govt.nz/your-Māori-land/using-your-Māori-land/occupy-or-build-on-your-land/>. Accessed 8 May 2020.

period than 14 years. This change is intended to ‘remove a potential barrier to obtaining finance for papakāinga housing developments.’⁴⁹³

Vesting orders under section 164 of the Te Ture Whenua Māori Act 1993 can also provide the means to secure title for a home owner. A vesting order can be used to transfer shares from one owner to another or from trustees to an owner (the former with the approval of the Court).

Māori land owners wishing to build on Māori land also need to take into account requirements under the Resource Management Act 1991, the Local Authority Act 2002 and the Building Act 2004. As with the Town and Country Planning Acts described above, the Resource Management Act 1991 specifies that all territorial authorities such as district and city councils must prepare a district plan that makes provision for land use management. Māori land owners can be required to apply to the relevant local authority for a resource consent to build on Māori land if their development deviates from the district plan. This can also involve the payment of a development or financial contribution when additional infrastructure such as water supply, stormwater drains and roads are needed. A building consent is almost always required from the relevant local authority.⁴⁹⁴

Government agencies that provide assistance to Māori who wish to build housing on Māori land include Te Puni Kōkiri and Kāinga Ora (formerly Housing New Zealand Corporation (Housing Corp)) who administer the Kāinga Whenua Loan Scheme introduced in 2010. This is a joint initiative between Kāinga Ora and Kiwibank to assist Māori to own their own homes on multiply-owned Māori land that cannot be mortgaged. The point of difference between this and other bank loans is that the loan is secured against the house and not the land. Kāinga Ora states that this recognises one of the key differences between general and Māori land since 1993 – that it cannot easily be sold. Under the scheme, Kiwibank provides the loans and Kāinga Ora secures the loans. When the scheme was first established applicants had to be first-home buyers with a maximum income of a two-income household of \$85,000. No deposit or a low deposit was required. From 2012, this cap on income was increased to ‘\$120,000 for one borrower, and up to \$160,000 for two or more borrowers.’ Kiwibank can lend 100 per cent of the house building costs or purchase price of the house up to a maximum of \$200,000 ‘subject to certain conditions.’ These include getting agreements from fellow owners for a licence to occupy which is issued by the Māori Land

⁴⁹³ Te Puni Kōkiri and Ministry of Justice, ‘Whenua Māori Programme’, 2019, p. 7. <https://www.tpk.govt.nz/en/a-matou-mohiotanga/land>. Accessed 8 May 2020.

⁴⁹⁴ Ruru, pp. 143-144; Livesey (2010), 5.1.7.

Court (discussed further below), complying with local authority regulations (also discussed further below) and meeting banking requirements such as an adequate credit history. In 2013, the requirement to build a relocatable house was removed as long as there was ‘alternative security for the loan’. Kāinga Whenua loans also require a tripartite agreement between the owners of the land or the trust administering the land, the borrower and Kāinga Ora. The Auditor-General explains that this agreement means that the house remains a chattel of the borrower, not an improvement to the land (which would mean it would be owned by all the landowners). This allows it to be used as security for the loan and means that it can be repossessed if there is a default on the loan’.⁴⁹⁵

Also in 2013, the Kāinga Whenua Infrastructure Grant was introduced. This initially comprised \$12 million over three years to assist Māori with infrastructure costs such as roading and services. Other funds include the Māori Demonstration Partnership fund (2008-present) and the Māori Housing Fund (circa 2014-present).⁴⁹⁶

Over the last decade government agencies have produced reports on the challenges faced by owners of Māori land who wish to build houses on their land. These include the Auditor-General in 2011 and the New Zealand Productivity Commission in 2012. The Auditor-General examined whether programmes were ‘well designed’ and ‘implemented effectively’, whether planning was ‘appropriate and supportive’ and whether the cost of building houses on Māori land could be reduced. In 2014, the Auditor-General followed up on its 2011 audit noting that the Māori Housing Strategy, which was then being prepared, addressed ‘most of the recommendations’ in the 2011 report.⁴⁹⁷

⁴⁹⁵ Te Puni Kōkiri, ‘A Guide to Papakāinga Housing’, 2017.

<https://www.tpk.govt.nz/en/a-matou-mohiotanga/housing/a-guide-to-papakāinga-housing>; Kāinga Ora, ‘Kāinga Whenua Loans for Individuals: A guide to lending for housing on multiple-owned Māori land’, undated. <https://kaingaora.govt.nz/assets/Home-ownership/Brochures-and-forms/KO020-Kāinga-Whenua-A4-Brochure-Oct2019-v1b.pdf>; Kāinga Ora, ‘Kāinga Whenua Loans – for Māori land trusts’, 12 March 2020. <https://kaingaora.govt.nz/home-ownership/kainga-whenua/kainga-whenua-loans-for-māori-land-trusts/>; Kāinga Ora, ‘Introducing Kāinga Whenua’; Kāinga Ora, ‘A guide to lending for housing on multiple-owned Māori land’. <https://kaingaora.govt.nz/home-ownership/kainga-whenua/>. Accessed 29 May 2020; Auditor-General (2011), pp. 32, 81; Auditor-General (2014), p. 13; Kake, pp. 37-40.

⁴⁹⁶ On 1 October 2019, Kāinga Ora was established. It brought together Housing New Zealand, its subsidiary HLC and Kiwi Build. Kāinga Ora, *Close to Home*, September 2019, <https://kaingaora.govt.nz/assets/Publications/Close-to-home/Newsletters/HNZ16276-CloseToHome52-v7.pdf>; Kāinga Whenua Loans for individuals <https://kaingaora.govt.nz/home-ownership/kainga-whenua/kainga-whenua-loans-for-individuals/>; and Kāinga Whenua Loans – for Māori land trusts <https://kaingaora.govt.nz/home-ownership/kainga-whenua/kainga-whenua-loans-for-māori-land-trusts/>. Accessed 3 June 2020; Auditor-General (2011), p. 29.

⁴⁹⁷ Auditor-General (2011), p. 21; Auditor-General (2014); New Zealand Productivity Commission (2012); and Government press release, Tariana Turia, ‘Funding available for Māori housing initiatives’, 12 December 2013. <https://www.beehive.govt.nz/release/funding-available-māori-housing-initiatives>. Accessed 31 May 2020.

He Whare Āhura He Oranga Tāngata – The Māori Housing Strategy, published in 2014, aimed to improve housing outcomes for Māori and grow the Māori housing sector. This included providing Māori with the ‘option of living on their own land’. The report discussed barriers to this and identified three action areas for the period from 2014 to 2025, and two priorities for the period from 2014 to 2017 with respect to housing on Māori land:

Action areas 2014-2025

- Develop tools and models to support Māori organisations to set up sustainable housing projects on their land.
- Ensure government funding assistance is effectively used to support sustainable housing schemes on Māori land.
- Increase access to private sector funding for building on Māori land, including through Kāinga Whenua loans.

Priorities 2014-2017

- Complete and implement a review of government funding assistance for housing development on Māori land.
- Increase uptake of Kāinga Whenua loans.⁴⁹⁸

In October 2015, the Māori Housing Network was launched. This was also in response to the Auditor-General’s report and He Whare Āhura He Oranga Tāngata – The Māori Housing Strategy. The network was set up by Te Puni Kōkiri to ‘support Māori-led initiatives and develop greater Māori capability in the sector’. The intention was for Te Puni Kōkiri to be a ‘one-stop shop’ to support and provide advice on Māori led housing initiatives. This includes Māori land owners who wish to build on Māori land.⁴⁹⁹

3.6 Evidential Coverage

The following section discusses the evidential coverage provided by existing sources on issues related to housing on Māori land raised in statements of claim. As discussed above, most claims focus on barriers to building on Māori land. Barriers identified by claimants include finance and

⁴⁹⁸ Ministry of Business, Innovation and Employment, *He Whare Āhura He Oranga Tāngata: The Māori Housing Strategy Directions 2014 – 2025*, Wellington, 2014, pp. 1, 29-30.

⁴⁹⁹ Government press release, Ururoa Flavell, ‘Māori Housing Network to build on Māori housing success’, 4 October 2015 <https://www.beehive.govt.nz/release/m%C4%81ori-housing-network-build-m%C4%81ori-housing-success>. Accessed 31 May 2020; Te Puni Kōkiri, ‘Māori Housing Network’, Updated 7 October 2019, <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>. Accessed 31 May 2020.

the ability to borrow; local government planning regulations; rates; infrastructure; security of tenure; and affordability. As it is apparent that barriers are a significant issue in this inquiry, it is the focus of much of the following discussion. Claims associated with, and evidential coverage of, each issue is discussed in turn below.

3.6.1 Finance and the Ability to Borrow

The Claims

The majority of the claims relating to housing on Māori land state that access to finance is one of the main barriers to building housing on Māori land both historically and today. Claimants state that there is difficulty securing finance on multiply-owned land and mainstream banks are reluctant to lend. Claimants are critical of the current Kāinga Whenua scheme which is one of the main avenues open to owners of Māori land to access finance. They state that approval rates for housing loans on multiply-owned Māori land are low. Claimants say too that more focus should be on funding for repairs and maintenance. Claimants state that the standard of houses built on Māori land under legislation such as the Native (later Maori) Housing Act 1935, the key avenue for finance in the twentieth century, has been poor. Claimants have raised issues with respect to housing provided for development schemes. Claimants state too that there was a 'lack of consultation' with Māori regarding the transfer of Department of Māori Affairs mortgages to the Housing Corporation New Zealand (Housing Corp) under the Housing Assets Transfer Act 1993. Claimants also argue that the Māori Housing Network is underfunded and institutionally incapable of achieving outcomes for Māori.⁵⁰⁰

The following discussion focuses on the extent to which key legislation and policy up until the present day regarding the provision of finance for building homes on Māori land is covered in existing sources. The discussion is chronological and divided into six sections: the period prior to 1935; development schemes; the Native Housing Act 1935 and amendments; Department of Māori Affairs loans 1950s-1985; lending Schemes 1985-2010; and current schemes including Kāinga Whenua loans.

⁵⁰⁰ For example Opuā Lands and Waterways Claim (Wai 120); Ngāpuhi Te Tiriti o Waitangi claim (Wai 966); Heihei claim (Wai 1314); Whenua and Hapū of Te Tai Tokerau Settlement Issues (Nehua) claim (Wai 1837); Komiti Māori o Whirinaki for hapū of Whirinaki (Wai 700); Hapū o Te Rohe Pōtae o Whangaroa (Kīngi) claim (Wai 1832); Combined claims of Te Waimate Taiaimai ki Kaikohe Alliance (Wai 421, 593, 869, 1247, 1383, 1890); Waitaha (Te Korako and Harawira) claim (Wai 1940); Descendants of Te Uri o Ratima claim (Wai 1670); the Mohinui/Waiomio Development Scheme and other lands (Karaitiana) claim (Wai 2368); John Pikari claim (Wai 2394); Donna Awatere Huata Claim (Wai 2494); Ned Tomlins and Neri Stone (Wai 2815);

Pre-1935

Access to finance for housing on Māori land up until 1935 is well covered by Ferguson and Hearn in his socio-economic report for the Porirua ki Manawatū inquiry. Ferguson discusses the exclusion of Māori from the system of government loans provided to rural settlers to develop their land for farming and housing purposes in the late nineteenth and early to mid-twentieth century. Ferguson states that access to capital for Māori was ‘thwarted by the refusal of governments and finance companies to adapt their lending systems to recognise Māori understanding of land occupation and use rights’. She discusses the reluctance of the State Advances Office and other financial institutions to lend on Māori titles stating that ‘only landowners who owned partitioned land and had a single certificate of title were eligible for State Advances fund’. As discussed in the historical context section of this chapter, partitioning was the legal means for owners of Māori land to secure single title to their interests in a block of land. The extent to which partitioning issues are covered by existing research is discussed further below.⁵⁰¹

Hearn provides details of the ‘lending systems’ referred to by Ferguson. He discusses how ‘the Crown for many years sought to limit or at least to control the ability of Māori to mortgage land’ through both Māori land law and government lending policies. He covers the exclusion of Māori freehold land from the classes of land eligible for loans on first mortgages provided under the Government Advances to Settlers Act 1894, the Government Advances to Settlers Act 1906 and the Government Advances to Settlers Amendment Act 1908. He describes how legislation such as the Native Land Amendment Act 1878, Native Land Laws Amendment Act 1897, Māori Land Settlement Act 1905, the Māori Land Claims Adjustment and Land Laws Amendment Act 1906, the Native Land Settlement Act 1907 and the Native Land Act 1909 restricted the extent to which Māori land could be used as security for loans. He also discusses efforts during this period by Māori leaders such as Apirana Ngata and Wi Pere to change this legislation and policy and their observations that the government stance of not lending to Māori until they had ‘proper titles to their lands’ which would take ‘long years’ meant that Māori land development could not progress.⁵⁰²

⁵⁰¹ Ferguson, p. 98; See Security of Tenure section.

⁵⁰² Hearn (Wai 2200, #A219), pp. 54-58. ‘Māori Congress’, *Dominion*, 16 July 1908, p. 6 quoted in Hearn (Wai 2200, #A219), p. 57. Note that under the Government Advances to Settlers Act 1894 ‘Native land held on lease under the West Coast Settlement Reserves Act, 1892’ was eligible for loans as was land held under lease from a Māori Land Board under the Māori Land Settlement Act, 1905 under the Government Advances to Settlers Act 1906.

Hearn describes too what he described as limitations with respect to the provision of loans to Māori for housing and land development under subsequent legislation. He covers the Housing Act 1919 which he notes did not specifically exclude Māori but ‘the terminology and definitions employed by the legislation ensured that few would benefit’. The Act, he said ‘was clearly intended to benefit urban-based workers with low incomes but incomes sufficient to meet mortgage repayments. It was not intended to assist the unskilled and the poor’. He also notes that while the State Advances Amendment Act 1923 ‘eased’ some of the terms and conditions required of applicants, by 1929 just 53 of the 25,268 State Advances Office loans had been secured by Māori (£15,677 compared to £16.472 million).⁵⁰³

Development Schemes

Development schemes set up by Native Minister Apirana Ngata under the Native Land Claims Adjustment Act 1929 provided some capital for the construction of homes on Māori land. Although the focus of Māori land development schemes was farming, the legislation also specified that funding could be used for the construction of buildings such as houses. Funding provided under the scheme became a charge on the farm.⁵⁰⁴

Coverage of the provision of funding for housing as part of development schemes is provided in a number of research reports prepared for district inquiries. These include David Alexander in his land development specific report for the Urewera inquiry and Terry Hearn in his socio-economic report for the Porirua ki Manawatū inquiry. While both concentrate on development schemes specific to the district under examination, they both provide coverage of how the scheme worked in practice, the scale and speed of house building and the standard of the houses built. Alexander also discusses Māori requests to build homes on development scheme farms using the Native Housing Act 1935. This was due, he said, to better interest rates and the wish to provide security of tenure for the nominated occupiers. Under the development scheme housing model, houses were ‘owned by all the owners of the section under development’ and occupiers paid rent to live in them. Alexander explains how in the 1950s, the Department of Māori Affairs began a process of negotiations and assessments to allow occupiers to purchase the houses outright, although many were in disrepair by this time.⁵⁰⁵

⁵⁰³ Hearn (Wai 2200, #A219), pp. 59, 315-317.

⁵⁰⁴ Hearn (Wai 2200, #A219), pp. 324-325; Ferguson, p. 100.

⁵⁰⁵ David Alexander, ‘The Land Development Schemes of the Urewera inquiry District’, 2002, (Wai 894 #A74) pp. 1, 76, 113-115, 338, 403-404; Kathryn Rose, ‘A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960’, a commissioned research report for the Crown Forestry Rental Trust, 2003 (Wai 894 #A119), p.147. Other discussion of the provision of housing from development schemes include: Paul Christoffel, ‘Education, Health and

Kathryn Rose also discusses the condition of houses built under the scheme in the 1950s in her report for the Urewera inquiry and covers protest by Māori who were removed from their homes located on the Waihou Development Scheme. She records that the occupier ‘believed that the house belonged to him and that it was built for him’.⁵⁰⁶

Ferguson and Krivan provide further coverage of how development schemes operated nationally. Krivan covers the schemes effectiveness arguing that many more Māori benefitted from this scheme than that set up under the Native Housing Act 1935 (discussed below) and linked the provision of new houses with an improvement of the health of the owners.⁵⁰⁷

The Waitangi Tribunal has examined the effectiveness of the schemes implemented in Te Urewera and Tauranga Moana inquiries. The Te Urewera Tribunal concluded that the main way Urewera Māori were assisted with housing by the Crown during this period was through this scheme. The Tribunal found too that the houses built under the scheme were ‘extremely basic’ noting that the focus was ‘farm development rather than housing’ and funding was limited.⁵⁰⁸

Native Housing Act 1935 and Amendments

Together, Ferguson, Hearn in his socio-economic report for the Porirua ki Manawatū inquiry, and Krivan provide full coverage of the Native Housing Act 1935. This was the key twentieth century legislation relating to Māori housing. These authors provide background to the introduction of the Act, its implementation, the key requirements, the extent to which the scheme was funded, its effectiveness and the 1938 amendment. Under the original 1935 Act, the Board of Native Affairs was empowered to make loans of up to £750 for the construction of new homes; the improvement of existing housing including the provision of services such as ‘lighting, heating, sanitation, water-supply or other conveniences’; and the ‘purchase of land or interests in land’ for housing sites. Māori were required to have secured a building site so that if the house was to be built on Māori land it had to have individual title. The scheme enabled Māori land (including undivided interests) to be used as security for a mortgage and for the land to be vested in the Crown to satisfy non-payment of the advance. The 1938 amendment allowed the Crown to set aside Crown land and

Housing in the Taihape Inquiry District, 1880-2013’, commissioned by the Waitangi Tribunal, 2016 (Wai 2180, #A41), p.262; Emma Stevens, ‘Socio-Economic Consequences of Land Loss for Māori in the Whanganui, Rangitikei, Manawatu and Horowhenua Districts, 1870–1960’, a commissioned research report for the Crown Forestry Rental Trust, 1997,(Wai 903, #A32 & Wai 2200, #A179), pp.133-135;

⁵⁰⁶ Kathryn Rose (Wai 894 #A119), pp. 147, 202, 207, 212.

⁵⁰⁷ Krivan, pp. 5, 46; Ferguson, pp. 100-101.

⁵⁰⁸ Waitangi Tribunal, *Te Urewera*, volume VI, p. 566.

the Board of Native Affairs to acquire land for housing under the Act to provide for Māori who were landless, held too few interests for a housing site or whose land was unsuitable or unavailable. The amended Act also enabled the Board to build houses for sale and lease and established a special housing fund to be administered by the Native Trustee for those who did not have the security necessary to secure a loan under the 1935 Act.⁵⁰⁹

Hearn discusses the way that the Board of Native Affairs operated in practice including the conditions imposed by the Board, issues around interest rates, the use of standardised housing plans and the average amounts of loans received. Hearn sets out the amount lent under the Act up until 31 March 1941 and the number of houses constructed (557 nationally) noting that the annual allocation by the government for loans under the Act was ‘about a fifth of the estimated requirement’. He makes comparisons between this Act and legislation available to settlers since 1894, particularly with respect to the availability of longer-term table mortgages. Hearn analyses the effectiveness of the Special Housing Fund and discusses the debate between the Departments of Health and Native Affairs around the quality of the housing built under the Act with the former arguing that they were ‘too small and lacking adequate conveniences, while the number being built was “totally inadequate”’. The quality of houses built by the Department of Māori Affairs is an issue raised in statements of claim.⁵¹⁰

Hearn also reviews the analysis of the Act and its implementation by other historians including Graham Butterworth, Michael King and Mark Krivan. He records Butterworth’s data on the number of new houses built under the scheme and his conclusion that ‘while the housing problem for Māori remained serious, “major progress had been made by 1951”’. Hearn covers Krivan’s assessment who argued that ‘the primary consideration in granting a housing loan was the applicant’s ability to repay the money advanced’. Krivan states that as many Māori were landless by this point or lived in urban areas, this limited the number of Māori who could benefit from the scheme. Krivan also covers the requirement for Māori to have individual title, the impact of the Second World War on the scheme and the revision of lending policy in late 1947. This entailed the introduction of a 30-year table mortgage whereas previously loan repayment was required to be made in 15 years. The modification of the Special Housing Fund to provide interest-free loans is

⁵⁰⁹ Hearn (Wai 2200, #A219), pp. 331-337; 342, 346-351, 353, 355-356, 394-396, 411-413, 462.

⁵¹⁰ Hearn (Wai 2200, #A219), pp. 331-337; 342, 346-351, 353, 355-356, 394-396, 411-413, 462.

also covered. Krivan also provides full data on the number of houses provided through the scheme to 1989.⁵¹¹

Ferguson notes the difference in approach by the Board and the State Advances Corporation with respect to housing on general land. She too points out the difficulties faced by Māori who could not afford to save a deposit and how land development schemes ‘continued to be the source of most new houses for Māori.’⁵¹² The Waitangi Tribunal’s *Te Urewera* report records that there appeared to be few Te Urewera Māori who were assisted by both the loan scheme (though there is evidence of applications being refused) and the special housing fund, with the latter described as ‘too small’.⁵¹³ The Waitangi Tribunal in its *Tauranga Moana* report also covers the scheme noting that the number of houses built under the 1935 and 1938 Acts was low in that district up until at least 1950.⁵¹⁴

Ex-servicemen Rehabilitation Housing Schemes

Dr Terry Hearn in his rehabilitation report for the Military Veterans Kaupapa Inquiry (Wai 2500) covers the housing assistance provided to Māori ex-service personnel after both world wars. He discusses the requirements of the scheme and the number of applications for housing assistance. Hearn concludes, with respect to the first war scheme, that given the requirement to have undeveloped Crown sections, ‘it is likely that few [Māori] benefitted’ from the scheme. This issue is being considered as part of the Veterans Kaupapa inquiry (Wai 2500).⁵¹⁵

Māori Affairs Loans, 1950-1985

Kathryn Rose, in her socio-economic report for the Whanganui land inquiry discusses the affordability of the deposit required to purchase or improve houses under the Native Housing Act 1935. Rose notes that in the 1950s, the barrier of raising a deposit remained a persistent issue. Māori Welfare Officers in Whanganui she said, ‘regularly commented on ... the difficulties

⁵¹¹ Hearn (Wai 2200, #A219), pp. 361-362; Krivan, pp. 31-36; 41-42, 47-48, 65-66, 92, 115, 128, 133-135. The other sources referred to by Hearn included: GV Butterworth, ‘A rural Māori renaissance. Māori society and politics 1920 to 1951,’ *Journal of the Polynesian Society* 81, 2, 1972; Michael King, *Māori: a photographic and social history*, Auckland: Heineman, 1983; rev.ed. Auckland: Reed, 1996.

⁵¹² Ferguson, pp. 163-165.

⁵¹³ Waitangi Tribunal, *Te Urewera*, Vol VI, pp. 568-569.

⁵¹⁴ Waitangi Tribunal, *Tauranga Moana*, pp. 754-755.

⁵¹⁵ Terry Hearn, ‘The economic rehabilitation of Māori military veterans’, a report commissioned by the Waitangi Tribunal for the Military Veterans Kaupapa inquiry (Wai 2500, #A248), pp. 231-232, 419-427; Hearn (Wai 2200, #A219), pp. 382-385.

Whanganui Māori faced ... sav[ing] the required 10 percent deposit' for a loan.⁵¹⁶ The Waitangi Tribunal's Tauranga Moana report also covers issues of affordability noting that 'the expense of rebuilding was often too great an obstacle for people on low incomes'.⁵¹⁷

Krivan provides coverage of the 1950s and 1960s including what he describes as 'major administrative changes' of that period. These include the establishment in 1952 of a new Board of Māori Affairs sub-committee to deal with most housing related matters including making decisions on applications. This coincided with the appointment of T.T. Ropiha, the first Māori Under Secretary for Māori Affairs, whose approach, Krivan describes as 'sympathetic'. Krivan also provides coverage around the delegation of decision making to district level, requests for an increase in funding, the housing component of the 1961 Hunn Report and the extent to which housing improved after its publication. Krivan covers the extent to which a policy of cost-recovery for loans was pursued by the Department of Maori Affairs from its inception through to the 1960s. The Waitangi Tribunal's Tauranga Moana report covers the experience of Tauranga Māori in the 1950s and 1960s when applying for Māori Affairs loans.⁵¹⁸

In addition to existing reports that describe this period, there are a series of Department of Māori Affairs housing files and State Advances Corporation files (1940-1976) located at Archives New Zealand that, if consulted, would likely provide further coverage of finance issues.⁵¹⁹

Transfer of Māori Affairs Mortgages, 1993

An issue raised in the claim by the descendants of Te Uri o Ratima (Wai 1670) concerns a 'lack of consultation' with Māori regarding the transfer of Department of Māori Affairs mortgages to the Housing Corporation New Zealand (Housing Corp) under the Housing Assets Transfer Act 1993. They say that the loans were then transferred to Westpac 'under the Home Mortgage Company which had a commercial ethos (using rights under the mortgage agreement), whereas Māori Affairs assisted with cases of mortgage arrears.'⁵²⁰

⁵¹⁶ Kathryn Rose, 'Whanganui Māori and the Crown: Socio-Economic Issues' A report commissioned for Crown Forestry Rental Trust, 2004, (Wai 903, #A61#), p. 557.

⁵¹⁷ Waitangi Tribunal, *Tauranga Moana*, p. 753.

⁵¹⁸ Krivan, pp. 27, 33, 40, 42, 46, 49, 67, 77, 81-86, 112-113, 124; Waitangi Tribunal, *Tauranga Moana*, p. 757.

⁵¹⁹ File references for relevant records of the State Advances Corporation located at Archives New Zealand (Wellington) include: AELE 19203 SAC1/273 35/232 part 1 Housing - Māori housing - General file, 1940-1954; AELE 19203 SAC1/273 35/232 part 2 Housing - Māori housing - General file, 1955-1973; AELE 19203 SAC1W2801/46 35/232/8 part 1 Housing Policy - Housing for Maoris - Māori and Island Affairs Department – Policy, 1974-1976.

⁵²⁰ Descendants of Te Uri o Ratima claim (Wai 1670).

The preamble to the Housing Assets Transfer Act 1993 states that its purpose was to transfer ‘certain mortgages, land, and housing-related assets of the Crown’ to Housing Corp. This included mortgages and securities under the Maori Housing Act 1935 and the 1938 amendment that secured repayment for money borrowed for housing. It also included land set apart under the 1938 Act. The transfer of mortgages originally set up by the Department of Māori Affairs to Housing Corporation New Zealand that were then transferred to the Home Mortgage Company is briefly mentioned by the Acting Chief Executive for the Housing New Zealand Corporation, Greg Orchard, in his 2006 evidence for the Tauranga inquiry. Mr Orchard explained to the Tribunal that Housing Corporation New Zealand had transferred all its mortgages to ‘a number of institutions, one of which is the Home Mortgage Company, a subsidiary of Westpac Bank’.⁵²¹

Further details about this legislation and the background to its enactment have not been located. Primary sources do exist at Archives New Zealand that may provide further understanding as would the relevant parliamentary debates. The impact of the 1993 legislation, the transfer of loans to other parties and the extent to which Māori were consulted is an evidential gap. It is possible that Housing Corporation New Zealand records exist that could provide more understanding of these issues. A request could be made to the successor to Housing Corporation New Zealand, Kāinga Ora, to locate relevant records.

Lending and Funding Schemes, 1985 to 2020

Since 1985, over ten government programmes aimed at assisting Māori to build housing on Māori land have been set up. The first major scheme developed in the 1980s was the Papakāinga Lending Scheme (1985 to 2008). It was administered by the Housing New Zealand Corporation. Other schemes during this period include the Low Deposit Rural Loan Scheme (1994 to 2008), the Special Housing Action Zones programme (2000 to present), the Rural Housing Programme (2001 to 2011), Community Owned Rural Rental Housing Loans (2002-2008), the Māori Demonstration Partnership fund (2008 to present) and the Māori Housing Fund (circa 2014 to present). The Kāinga Whenua scheme, set up in 2010, is discussed in a separate section as it is the focus of a number of claims.⁵²²

In addition, the Native Housing Act 1935, (renamed the Māori Housing Act from 1947 and subject to almost 40 amendments) remains in force so that in 2019, it is the chief executive of Te Puni

⁵²¹ Waitangi Tribunal, *Tauranga Moana*, p. 768; Memorandum Filing Response from Housing New Zealand Corporation to Written Questions from Claimant Counsel, 27 November 2006 (Wai 215, paper #2.629).

⁵²² Auditor-General (2011), p. 29.

Kōkiri who is now authorised to make advances to Māori for the construction and improvement of dwellings. The chief executive can also purchase land as a site for a dwelling and fund the ‘draining, cultivation, or general improvement of the land’ used for the dwelling (section 3) and Māori land can still be used as security for the loan (section 4). Te Matapihi claimants state that this Act is ‘currently unused’ and suggest that this may provide a ‘possible avenue to address the issues facing Māori in housing today’.⁵²³ No direct reference to the Māori Housing Act 1935 during the last few decades has been located in the contemporary sources viewed, though it is referred to in the current list of 71 Acts administered by Te Puni Kōkiri.⁵²⁴

Ferguson covers the period during the 1970s and early 1980s leading to the establishment of the Papakāinga Lending Scheme. This includes a discussion of the 1971 Commission of Inquiry into Housing, the transfer of the Department of Māori Affairs lending function to the Housing Corporation and what she describes as the ‘resistance’ of the Housing Corporation to ‘any idea of special programmes for Māori’ until the mid-1980s. This was despite the ‘opposing viewpoint’ of Whatarangi Winiata for the New Zealand Māori Council. The 1983 report of Professor Winiata discussed ‘many of the obstacles to Māori housing’. Professor Winiata was critical of the Department of Maori Affairs stating that its neglect of Māori housing was reflected in its housing budget underspend in 1981-1982. He also discusses the difficulties for Māori servicing home loans and included a series of recommendations aimed at improving access to home ownership.⁵²⁵

Further coverage of the period is provided by Murray Bathgate’s 1987 and 1988 reports on the work of the Housing Corporation in meeting Māori housing needs. He discusses the detrimental impact on rural Māori housing of the reluctance of lending institutions to provide loans for housing on multiply-owned land and the requirement to have individual title as security for loans. He states that there was ‘no real investment in Maori rural housing since the 1940s’. He discusses the 1985 amendment to the Maori Housing Act which ‘empower[ed] the Board of Maori Affairs to lend to Maori trusts, corporate bodies and non-Maori persons’ to improve housing conditions for Māori. He also discusses the provision of loans for kaumātua flats near marae and loans for the development of papakāinga housing on multiply-owned Māori land from the mid-1980s.⁵²⁶

⁵²³ Wai 2716 #1.1.1

⁵²⁴ <https://www.tpk.govt.nz/en/mo-te-puni-kokiri/what-we-do/legislation>. Accessed 6 June 2020.

⁵²⁵ Ferguson, pp. 268-269, 271-272; Whatarangi Winiata, ‘Māori Home Ownership: Housing Submissions, New Zealand Māori Council,’ 1983; Report of the Commission of Inquiry into Housing, 1971.

⁵²⁶ Murray Bathgate, ‘The Housing circumstances of the Māori people and the work of the Housing Corporation in meeting their needs’, Housing Corporation of New Zealand, Wellington, 1987, pp. 13, 24-30; Murray Bathgate, ‘Housing Needs of the Māori Community’, Housing Corporation of New Zealand, Wellington, 1988,

The Auditor-General's 2011 report details the criteria for the Papakāinga Lending Scheme established in 1985, noting that it provided for joint Māori owners to form a trust to guarantee loans with homes as security (not the land). Applicants required a 15 per cent deposit. Ferguson concluded that while there appeared to be few issues with the scheme itself 'major problems of continuing poverty and unemployment meant that relatively few Māori could take advantage of the available loan funds.' The Waitangi Tribunal's *Tauranga Moana* report covers the effectiveness of the scheme both in the Tauranga inquiry district and nationally. The Tribunal noted that by the beginning of 1992 the number of recipients of the loans nationally totalled 901 but that a 'decrease was evident after that' (down from 257 in 1990-1991 to 48 nationally in 1997-1998). The Auditor-General recorded in 2011 that between 2000 and 2009, 44 loans were approved.⁵²⁷

Although there is some coverage of the scheme and policies of this period in existing secondary sources, an examination of Archives New Zealand (Wellington) Department of Māori Affairs and Department of Building and Housing files from the early 1980s to the early 1990s would likely provide further detail. Similarly, the records of Phil Goff, who was Housing Minister during this time and involved with the scheme's development, are located at Archives New Zealand and could provide more coverage.⁵²⁸

The Low Deposit Rural Loan Scheme (1994 to 2008) was also administered by Housing New Zealand Corporation as well as contracted providers including Māori. Its focus was on the provision of loans to low-income households who could raise a three per cent deposit. It was also assessed by the Auditor-General in 2011.⁵²⁹ This scheme is not as fully documented in existing sources as others but it was discussed by Dover Samuels in a speech in his capacity as Associate Minister for Housing in May 2006. He explained that it had been available in parts of the North Island since 1994/1995 and since then had expanded across the North Island. He said that it was the only 'existing product' that provides for:

- People wanting to develop multiply-owned Māori land for housing purposes
- Low to modest income households wanting to build

⁵²⁷ Auditor-General (2011), p. 29; Ferguson, pp. 268-269; Waitangi Tribunal, *Tauranga Moana*, pp. 767-771.

⁵²⁸ See for example ABJZ 869 W4644/88 30/15/1, part 2 and part 3; ABJZ 869 W4644/249 73/22/3; and AAPD 16209 W3359/42 series located at Archives New Zealand Wellington.

⁵²⁹ Auditor-General (2011), pp. 29-30, 83

- Low income households in rural and provincial areas that fall below the Welcome Home Loan lending criteria.⁵³⁰

Mr Samuels advised that since the scheme began in 1994/1995 about 1400 loans had been approved and more than 10,000 people had attended home ownership skills workshops held around the country. Between 2004 and 2006, the scheme had ‘expanded further to Pacific pilots in Wellington and Auckland’ with 400 attending home ownership education workshops and 25 families owning their own homes.⁵³¹

The Rural Housing Programme (2001-2011) is discussed in the New Zealand Productivity Commission’s 2012 report on housing affordability. This programme was designed to assist Māori with ‘essential repairs, and in extreme cases, source a new home to replace houses that were not cost effective to repair’ particularly in the Northland, Bay of Plenty and East Coast regions. The focus of the programme was not, however, on housing on Māori land. In contrast, the focus of the Community Owned Rural Rental Housing Loans scheme (2002-2008), also administered by Housing New Zealand Corporation, was on assisting Māori trusts with the provision of housing on Māori land.⁵³²

The Māori Demonstration Partnership fund (also known as MDP) created in 2008 and still in existence is a contestable fund providing ‘grants and low-cost loans to Māori organisations’ who were required to contribute 50 per cent of the cost of the project. This could comprise land, funds or labour. Coverage of the fund’s criteria, focus and effectiveness is provided by the Auditor-General in 2011 and 2014 and the Productivity Commission in 2012. It was part of the Housing Innovation Fund and managed by Housing New Zealand Corporation at the time of the 2011 audit. The Productivity Commission recorded that it had ‘approved 44 new dwellings in 2009/2010 and 40 housing units in 2010/2011’ and noted ‘bureaucratic difficulties in accessing’ it. Professor Ruru also discusses the effectiveness of the scheme stating that there were ‘high upfront costs before Māori trusts receive any funding and the MDP fund is administered less as a partnership

⁵³⁰ Dover Samuels, ‘Low Deposit Rural Lending Forum Lakeland Resort, Taupo’, 20 May 2006, <https://www.beehive.govt.nz/speech/low-deposit-rural-lending-forum-lakeland-resort-taupo>.

⁵³¹ Dover Samuels, ‘Low Deposit Rural Lending Forum Lakeland Resort, Taupo’, 20 May 2006, <https://www.beehive.govt.nz/speech/low-deposit-rural-lending-forum-lakeland-resort-taupo>.

⁵³² New Zealand Productivity Commission, p. 248

and more like a standard contestable fund'. More recent information on the current effectiveness of the fund, however, has not been located.⁵³³

The Special Housing Action Zones programme (also known as SHAZ) set up in 2000 and also still in existence is, the Auditor-General records, a joint initiative between Te Puni Kōkiri and Housing New Zealand Corporation. The focus of the programme is on assisting Māori communities with advice and finance for housing developments. The Auditor-General audited its effectiveness in 2011. In 2015, Te Puni Kōkiri recorded that the fund comprised \$1.9 million.⁵³⁴

Other current housing funds include the Whānau Housing Response Fund which supports community housing repair programmes and emergency housing pilots, and the Whānau Housing Support fund for the 'purchase of specialist practical and technical advice to advance whānau and Māori organisations' housing aspirations'. These are both administered by the Māori Housing Network (discussed below).⁵³⁵

Māori Housing Fund

The Auditor-General provided some coverage in 2014 of The Māori Housing Fund administered by the Ministry of Business, Innovation and Employment. The purpose of the fund is to 'support the repair and rebuild of rural housing, the improvement of housing on Chatham Islands, and the development of Māori social housing providers.' Funding comprised \$16 million over four years from 1 July 2014. Several programmes have been attached to this fund. The first is the Pūtea Māori programme established as a targeted fund for Māori in 2012. This comprised a 'capital grant for social affordable and assisted home ownership housing, principally on Māori land'. The funding comprised \$4.24 million in 2011/12 and \$13.8 million in 2012-15. The Kāinga Whenua Project Capability programme is also attached to the fund. It comprised \$500,000 for 2012-2015. Initially it was set up to help with project development costs (with \$500,000 specially for Pūtea Māori applicants) but in December 2013 'the Pūtea Māori component was separated and renamed Kāinga Whenua' (discussed below). Recipients of the Social Housing Fund have included Te Matapihi he Tirohanga mō te Iwi Trust and Community Housing Aotearoa⁵³⁶

⁵³³ Auditor-General (2011), pp. 32, 77; New Zealand Productivity Commission, pp. 250, 253, 313. Ruru, pp. 156-158.

⁵³⁴ Auditor-General (2011), pp. 26, 29-32, 77. Te Puni Kōkiri, 'Māori Housing Network: Introduction', December 2015 <https://www.tpk.govt.nz/docs/mhn/Maori-Housing-Network-Introduction.pdf>. Accessed 21 June 2020.

⁵³⁵ Te Puni Kōkiri, 'Māori Housing Network: Our process, our funds', December 2015

⁵³⁶ Auditor-General (2014), pp. 7, 11-12.

Today the Māori Housing Fund appears to be part of the Māori Housing Network administered by Te Puni Kōkiri (discussed below).⁵³⁷

The Māori Housing Network

Claimants state that the Māori Housing Network is underfunded and institutionally incapable of achieving outcomes for Māori. Claimants also state that the network can ‘only provide assistance in relation to the existing policy and legislative framework’ and that it does not ‘allow Māori a direct input in the development and implementation of policy’.⁵³⁸

As noted previously, the Māori Housing Network was created in October 2015 by Te Puni Kōkiri in response to the Auditor-General’s 2011 audit which recommended that agencies involved in the provision of housing advice and support ‘co-ordinate what they do locally by’:

- having one agency act as a single point of contact for Māori who want to build housing on their land;
- agreeing a shared process that sets out who will work with Māori who want to build on their land, and when; and
- having staff with the relevant expertise and knowledge available to provide high-quality information and advice.⁵³⁹

The Māori Housing Network was set up to ‘support Māori-led initiatives and develop greater Māori capability in the sector’. The intention at its inception was for Te Puni Kōkiri to be a ‘one-stop shop’ to support and provide advice on Māori led housing initiatives including Māori land owners who wish to build on Māori land.⁵⁴⁰

⁵³⁷ Te Puni Kōkiri, Māori Housing Network web page, updated 7 October 2019, <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>. Accessed 7 June 2020. Te Puni Kōkiri, ‘Māori Housing Network: Our Process, our funds’; Te Puni Kōkiri, ‘The Māori Housing Network: Investment strategy 2015-2018’, 2015; <https://www.tpk.govt.nz/docs/mhn/tpk-maorihousinginvestmentstrategy-2019.pdf>; Te Puni Kōkiri, ‘The Māori Housing Network: Investment strategy 2018-2021’, 2018 <https://www.tpk.govt.nz/docs/mhn/tpk-maorihousinginvestmentstrategy-2019.pdf>. Accessed 7 June 2020.

⁵³⁸ See for example Hapū o Te Rohe Pōtae o Whangaroa (Kingi) claim (Wai 1832); Combined claims of Te Waimate Taiamai ki Kaikohe Alliance (Wai 421, Wai 593, Wai 869, Wai 1247, Wai 1383, Wai 1890); The Housing (Hiini) claim (Wai 2868).

⁵³⁹ Auditor-General (2014), p. 6.

⁵⁴⁰ Government press release, Ururoa Flavell, ‘Māori Housing Network to build on Māori housing success’, 4 October 2015 <https://www.beehive.govt.nz/release/m%C4%81ori-housing-network-build-m%C4%81ori-housing-success>. Accessed 31 May 2020.

Sources providing coverage of the network include Te Puni Kōkiri's website, its December 2015 information guide and the network's investment strategies for 2015-2018 and 2018-2021. These sources discuss the network's role, focus and funding. In 2015, funds administered by the Māori Housing Network comprised the Special Housing Action Zones fund (\$1.9 million); Kāinga Whenua Infrastructure Grants (\$2.8 million); the Māori Housing Fund (\$4 million); the Whānau Housing Response Fund (\$3.3 million); and the Whānau Housing Support Fund (\$2.4 million).⁵⁴¹

Te Puni Kōkiri provides coverage of the amount and focus of the funding approved by the network. It says that more than \$100 million has been approved to:

- Repair homes owned and occupied by whānau Māori, - usually multiple homes within a community
- New houses for whānau, usually on papakāinga – papakāinga workshops, papakāinga planning, infrastructure, and construction of rental homes
- Build the capability of whānau, hapū, iwi and rūpū to respond to Māori housing aspirations.⁵⁴²

Te Puni Kōkiri's update as at 7 October 2019 discusses the demand for funding through the network, noting that it had 'increased exponentially'. It also records that as demand has exceeded available funding it has been unable to fund every proposal submitted 'as much as we would like to'. Kake also covers the demand for funding stating that there are 'extreme constraints on the number of projects that can be funded in any given year'.⁵⁴³

As well, Te Puni Kōkiri has documented some of the housing initiatives the network has been involved with such as in Tauranga Moana.⁵⁴⁴

⁵⁴¹ Te Puni Kōkiri, 'Māori Housing Network', updated 7 October 2019, <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>. Accessed 7 June 2020. Te Puni Kōkiri, 'Māori Housing Network: Our Process, our funds', December 2015; Te Puni Kōkiri, 'The Māori Housing Network: Investment strategy 2015-2018', 2015; <https://www.tpk.govt.nz/docs/mhn/tpk-maorihousinginvestmentstrategy-2019.pdf>; Te Puni Kōkiri, 'The Māori Housing Network: Investment strategy 2018-2021', 2018 <https://www.tpk.govt.nz/docs/mhn/tpk-maorihousinginvestmentstrategy-2019.pdf>. Accessed 7 June 2020.

⁵⁴² Te Puni Kōkiri, 'Māori Housing Network', updated 7 October 2019 <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>. Accessed 7 June 2020.

⁵⁴³ Te Puni Kōkiri, 'Māori Housing Network', updated 7 October 2019 <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>. Accessed 7 June 2020; Te Puni Kōkiri 'Papakāinga development: Reconnecting with whanau and whenua', 18 December 2019, <https://www.tpk.govt.nz/en/mo-te-puni-kokiri/our-stories-and-media/papakāinga-development-reconnecting-with>. Accessed 7 June 2020; Kake, p. 40.

⁵⁴⁴ Te Puni Kōkiri, 'Māori Housing Network', updated 7 October 2019 <https://www.tpk.govt.nz/en/whakamahia/maori-housing-network>; Te Puni Kōkiri 'Papakāinga development:

The effectiveness of the network is discussed in the ‘Impact evaluation of the Māori Housing Network’. This was an independent report prepared for Te Puni Kōkiri by Litmus in January 2018. The evaluation assessed how much the network had invested in Māori housing projects; what the investment had been spent on; how effectively the investment was targeted; and the impacts of the investments made. It concluded that the network had ‘made an important contribution to improving Māori housing and improving whānau wellbeing’.⁵⁴⁵

Kake provides coverage around the amount of government subsidy ‘generally required to make developments on Māori land financially viable’. She states that informal estimates indicate that a 50-90 percent subsidy is required.⁵⁴⁶ Coverage of Māori input into housing policy and practice was not located.

Kāinga Whenua Loans and Infrastructure Grants

Claimants state that the current Kāinga Whenua loan scheme has not assisted with building houses on Māori land. They say that it does not provide for those with low incomes and that many Māori cannot afford to pay back the loans. Claimants state too that as a result of living and working in Auckland, household incomes were over the Kāinga Whenua loan threshold and therefore they were not eligible for a loan.⁵⁴⁷

The Kāinga Whenua loan scheme was set up in February 2010 to provide loans to Māori for constructing, buying or relocating houses on Māori land. Some of the loan can be used to fund infrastructure and from 2013, the loan can be used for home repairs and maintenance. As noted above, it is a joint scheme between Housing New Zealand (now Kāinga Ora) and Kiwibank and an ‘extension of the Welcome Home Loan programme (a no-deposit or low-deposit loan for first home buyers).’ Initially the scheme was for individuals but eligibility was extended to Māori trusts

Reconnecting with whanau and whenua, 18 December 2019, <https://www.tpk.govt.nz/en/mo-te-puni-kokiri/our-stories-and-media/papakainga-development-reconnecting-with>. Accessed 7 June 2020.

⁵⁴⁵ Litmus, ‘Impact evaluation of the Māori Housing Network’ prepared for Te Puni Kōkiri, January 2018, pp. 3-4. <https://www.tpk.govt.nz/en/a-matou-mohiotanga/housing/impact-evaluation-of-the-maori-housing-network> Accessed 7 June 2020.

⁵⁴⁶ Kake, p. 41.

⁵⁴⁷ See for example Opuā Lands and Waterways Claim (Wai 120); Komiti Māori o Whirinaki for hapū of Whirinaki (Wai 700); Ngāpuhi Te Tiriti o Waitangi claim (Wai 966); Heihei claim (Wai 1314); Okapu F2 Land Block (Wai 1502); Descendants of Kereopa Paetau claim (Wai 1509); Descendants of Wiremu Pou (Wai 1537); Ngāti Tara (Gabel) claim (Wai 1886); Ngāti Mahanga, Ngāti Tamaoho and Ngāti Apakura (Tahapeehi) Lands claim (Wai 1992); Te Mahurehure (Egen) Lands claim (Wai 2005); Ngāti Tai Lands (Cotter-Williams) claim (Wai 2063); Nga Wahapu o Mahurangi – Ngāti Whatua/Ngāpuhi claim (Wai 2206); Claim by John Pikari (Wai 2394); Wikotu claim (Wai 2743); Searancke claim (Wai 2744); Tomlins claim (Wai 2746); Kearns claim (Wai 2747).

and other collectives in 2012. In 2013, land received by iwi and hapū as part of Treaty settlements also became eligible for Kāinga Whenua loans.⁵⁴⁸

Details of the scheme including criteria and how to apply are provided in recent Kāinga Ora and Te Puni Kōkiri guides as well as by the reports of the Auditor-General in 2011 and 2014. The Auditor-General's 2011 audit report and 2014 follow-up report assessed the affordability of the scheme. In 2011, the Auditor-General found the loans to be 'either unaffordable or not available for most individual Māori households' and noted the loans were not 'well matched to the incomes of Māori households.' The Auditor-General further explained that the income cap in particular excluded many from applying. The report noted that because the market for selling Māori land was limited, this meant individual owners had to trade-off 'financial gain against social and cultural well-being'. In 2012, the Productivity Commission's inquiry report largely reiterated what the Auditor-General had said, concluding that whatever the new conditions were following a review of the scheme, it was 'unlikely to meet the needs of the many Māori in rural New Zealand who would struggle to service a mortgage' though did recommend some improvements. This included not having to build houses on piles which the Commission said 'increase[d] costs by 5-10%'. The Commission also provided coverage around the then Housing New Zealand's restrictions on the number of Kāinga Whenua loans (250) that could be insured.⁵⁴⁹

The Auditor-General's follow-up audit of 2014 provided another assessment of the scheme noting that there was 'promising activity' with respect to changes to the criteria for loans that had occurred in 2012 and 2013. In addition to the approval of 11 loans, 19 Kāinga Whenua infrastructure grants (introduced since the 2011 report) had been agreed. This covered the cost of connecting 'housing to infrastructure services such as water and power'. The Kāinga Whenua Project Capability Programme set up in December 2013, and administered by Ministry of Business, Innovation and Employment to help cover project development costs, is also covered in this report. The Māori Housing Strategy priorities with respect to increasing use of Kāinga Whenua loans are also discussed.⁵⁵⁰

More recently, Professor Ruru has discussed the scheme's affordability, reiterating that low-income Māori are unable to service loans of the size required under the scheme.⁵⁵¹ Recent media reports

⁵⁴⁸ Kake, pp 37-39; Auditor-General (2011), pp. 32, 78.

⁵⁴⁹ Auditor-General (2011), pp. 32, 77-81, 85; New Zealand Productivity Commission, pp. 238, 251-253.

⁵⁵⁰ Auditor-General (2014), pp. 3, 5, 12.

⁵⁵¹ Ruru, pp. 152-155.

also detail Māori frustration with the scheme particularly around satisfying banking criteria such as a satisfactory credit history and dealing with multiple agencies.⁵⁵² Kake, writing in 2019, states that access to finance is one of the ‘most problematic’ issues for Māori wishing to build on Māori land.⁵⁵³

There is some coverage around the uptake of the scheme. Figures provided by the Auditor-General indicate that between February 2010 and 3 December 2010 one loan was approved and between July 2011 and August 2014 ten individual loans totalling \$1.85 million were approved as well as one loan for a collective. *Te Karere* reported in March 2016 that in the five years since the scheme’s inception 18 loans had been approved. The latest data located at the time of writing shows an increase in successful applicants. Housing Corporation New Zealand (now Kāinga Ora) reported in 2019 that 42 Kāinga Whenua loans had been settled with nine ‘in the process of being drawn down’ and five pre-approved. As a result of what Kake describes as the ‘persistent low uptake of the scheme’, she suggests that financing the development of housing on Māori land requires a ‘fundamental rethink’.⁵⁵⁴

All of the aforementioned sources can be utilised to provide an overview of how the scheme has operated in the past. The gap in coverage is in respect to how it is operating today. This additional research could comprise claimant briefs of evidence regarding lived Māori experience of applying for the scheme. Additional information from Te Puni Kōkiri and its Māori Housing Network including the number of queries regarding loans, number of loans applied for and the number approved would also provide further coverage.

Summary

Existing sources provide full coverage of the availability of finance for owners of Māori land up until very recently. These sources can be used to provide an overview of finance nationally with archival sources available to aid completeness. The gap is in respect to the effectiveness and

⁵⁵² For example *Te Karere TVNZ* entitled ‘Whānau grapple with inefficient Kāinga Whenua loan process’ 14 March 2016, <https://www.youtube.com/watch?v=UltEgqf5mlE>; and Waatea News, Kāinga Whenua: Clayton’s housing programme, It’s there but it’s not there, 28 August 2018 https://www.waateanews.com/waateanews/x_news/MTk5ODQ/National%20News/Kāinga-Whenua:-Clayton%27s-housing-programme,-It%27s-there-but-it%27s-not-there. Accessed 13 March 2020

⁵⁵³ Kake, p. 37.

⁵⁵⁴ *Te Karere TVNZ* entitled ‘Whānau grapple with inefficient Kāinga Whenua loan process’ 14 March 2016, <https://www.youtube.com/watch?v=UltEgqf5mlE>. Accessed 13 March 2020; ‘Housing New Zealand Annual Report, 2018-2019’, New Zealand Government, 2019, p.28, <https://kaiingaora.cwp.govt.nz/assets/Publications/Annual-report/HNZ16284-Annual-Report-2019-v22b.pdf>. Accessed 13 March 2020; Auditor-General (2011), p.32; Auditor-General (2014), pp. 10-11; Kake, p.40.

responsiveness of the loan and funding schemes today. The Māori Housing Strategy prioritised the review of government funding assistance for housing development on Māori land in 2014. These reviews would be a useful source and the Crown could be asked to provide these for coverage. In addition, the Crown could be asked to provide relevant records relating to the transfer of Maori Affairs mortgages in 1993. Claimant briefs of evidence of lived experience applying for finance could also address this gap.

3.6.2 Local Government planning regulations including zoning

The Claims

Local government planning restrictions particularly around zoning and resource consents has been raised as an issue in a number of statements of claim. Claimants state that local authority regulations are a barrier to building housing on Māori land both historically and today and have prevented them from building housing, including papakāinga housing. Claimants are also critical of the Resource Management Act 1991, stating that it does not contain papakāinga-specific provisions making it difficult to attain consents for papakāinga development. Claimants also state that Māori are trying to move back to the ‘remnants’ of their ancestral lands but are not able to do so due to lack of affordability and compliance costs.⁵⁵⁵

Town and Country Planning Act, 1953 & 1977

Town planning legislation and policy including its impact on housing on Māori land is discussed in many of the local government reports prepared for Tribunal district inquiries. Jane Luiten, Bruce Stirling and Suzanne Woodley discuss the implementation of the Town and Country Planning Act in 1953 which introduced zoning. This Act required every local authority to produce a district planning scheme that applied zones to land within their jurisdiction. This included Māori land. Zones such as ‘rural, industrial, residential and commercial with a mix of permitted, conditional and prohibited usage for each’ regulated the way that land could be used. Māori land located in rural areas was often zoned rural. However, a rural zoning designation came with restrictions around the amount of land that could be subdivided or partitioned for housing (usually restricted

⁵⁵⁵ See for example Combined claims of Te Waimate Taiaimai ki Kaikohe Alliance (Wai 421, Wai 593, Wai 869, Wai 1247, Wai 1383, Wai 1890); Ngati Kauwhata ki te Tonga surplus lands Amended Statement of Claim (Wai 972); The Horowhenua Block Amended Statement of Claim (Wai 237); The Otaraua & Rahiri Hapu ki Waikanae Lands claim (Wai 1018); Descendants of Kereopa Paetau claim (Wai 1509); Ngāti Tara (Gabel) claim (Wai 1886); Te Whanau a Rataroa (Aldridge) claim (Wai 2376); Searancke claim (Wai 2744); Tomlins claim (Wai 2746) Kearns claim (Wai 2747); The Housing (Makoare) Statement of Claim (Wai 2795), The Mau Whānau Amended Statement of Claim (Wai 2761); Patricia Dennis claim (Wai 2749); Taueki claim (Wai 2856).

to a minimum of 10 and 50 acres). While the Māori Land Court still had jurisdiction to order partitions of Māori land, from 1953 (under the Māori Affairs Act of that year), the Court had to take into account district planning schemes. From 1967, the Māori Land Court had to have the permission of the local authority to order a partition.⁵⁵⁶

Woodley discusses the impact of the legislation on the ability of Māori living in the Oroua, Kairanga and Horowhenua counties between 1953 and the 1980s to subdivide their rurally zoned land for the purpose of housing. For example, the Oroua and Kairanga counties initially restricted the size of a subdivision to 10 acres, which increased to 50 acres in the 1970s and the Horowhenua County restricted subdivisions to five and later to 10 acres during the same period. She also provides examples where partition applications were declined by the Māori Land Court due to restrictions imposed by local authorities. Woodley, Luiten and Stirling also cover the involvement of the Ministry of Works in this process.⁵⁵⁷

The Waitangi Tribunal's *Tauranga Moana* report discusses the impact of residential zoning on Māori land in Tauranga which saw the subdivision of Maungatapu and the transfer of most sections out of Māori ownership. The Tribunal notes that despite the zoning of the Matapihi block as residential, the land remained in Māori ownership although the owners struggled with the building of homes.⁵⁵⁸

The Resource Management Act 1991 and The Building Act 2004

As discussed above, owners of Māori land wishing to build housing on Māori land must do so in accordance with local authority requirements as prescribed by the district plan that every local authority is required to prepare under the Resource Management Act 1991. District plans set out how all land, including Māori land, within the boundaries of a local authority can be used. Where construction of housing deviates from the land use (or zone) specified by the district plan, owners must apply for a resource consent. Professor Ruru notes that under section 108 of the Resource Management Act 1991 'a resource consent condition may require a financial contribution, which can be money and/or land but never Māori land'. Livesey explains that infrastructure fees can be charged 'either under the Resource Management Act [1991], in which case they are called "financial

⁵⁵⁶ Luiten (Wai 900, #A69), pp. 298-320; Woodley, (Wai 2200, #A193); and Bruce Stirling 'Eating Away at the Land, Eating Away at the People: Local Government, Rates, and Māori in Northland', research report commissioned by the Crown Forestry Rental Trust, 2008 (Wai 1040, #A15), pp. 44-48.

⁵⁵⁷ Woodley (Wai 2200, #A193), p. 827; Luiten (Wai 900, #A69), pp. 298-320; and Stirling (Wai 10140, #A15), pp. 44-48, 515, 686.

⁵⁵⁸ Waitangi Tribunal, *Tauranga Moana*, pp. 757-761.

contributions”, or under the Local Government Act [2002] in which case they are referred to as “development contributions.” Owners are also required to apply for a building consent, regardless of whether the housing development deviates from the district plan or not.⁵⁵⁹

The Auditor-General and Livesey have discussed contemporary zoning and planning issues with respect to Māori land. The Auditor-General’s audit report of 2011 explains that resource consents are an issue for Māori because district plans do not always consider Māori land as an option for housing, particularly in rural areas. Therefore, an alteration to the district plan is often required. The process to alter the district plan, or the consent process, varies depending on the local authority. The Auditor-General’s assessment of resource and building consent processes and development or financial contributions over nine local authorities found that different approaches taken by local authorities to the zoning of Māori land had a significant impact on regulatory costs and flexibility in development design. The Auditor-General also assessed the local authorities with the highest development and financial contributions. The two who had the most Māori land under their jurisdiction were the same two out of the three that also charged the most. The report concluded that this was because ‘contributions were driven by the location and state of present infrastructure, anticipated growth and the difficulties arising from relatively low population densities.’ The Auditor-General reported that total planning costs averaged around 4.5 per cent of total development costs. The Auditor-General concluded that ‘without adequate financial support, the upfront costs required by local authority consent processes can pose a significant challenge for Māori landowners.’⁵⁶⁰

The Auditor-General also discussed what are described as ‘particular challenges and features of Te Tai Tokerau’ which included relatively higher development contributions. This was due to the higher cost of providing reticulated water and wastewater services due to ‘low population densities in the rural areas.’ The report also cited Māori land owners who said that these costs were reasons why some housing developments did not progress.⁵⁶¹

The report also discussed local authorities that have ‘specific planning regulations for Māori land that are intended to help make it easier for Māori to build housing on their land’ and recorded that in 2009, 60 per cent of local authorities provided in their district plans for Māori land. The Auditor-

⁵⁵⁹ Livesey (2011), 5.1.7, 5.2.3, 6.2.7, 6.4.3, 6.4.4; Ruru (2017), p. 143.

⁵⁶⁰ Auditor-General (2011), pp. 10, 26 63-69.

⁵⁶¹ Auditor-General (2011), pp. 38, 70.

General recommended that ‘local authorities build appropriate flexibility into their district plans to allow housing to be built on Māori land’.⁵⁶²

Livesey also covers costs relating to planning and consenting costs including development and financial contributions and compares these across four housing developments. She also explains the legislative requirements and notes that Kāinga Whenua loans do not cover consent costs.⁵⁶³

In 2014, the Auditor-General followed up on its 2011 report. The Auditor-General chose not to evaluate the district plans of all local authorities but instead focused on Auckland Council who had prepared a unitary plan that was ‘expected to provide greater flexibility for housing and a wider range of development options for Māori land’. This also included the provision of an integrated Māori development plan that would ‘allow applicants to apply for consent to develop land beyond the specified controls for that land’s use’.⁵⁶⁴

Professor Ruru discusses the Resource Management Act 1991 in relation to housing on Māori land. She provides some coverage about how the legislation can affect Māori. She states that one of the ‘biggest challenges facing papakāinga development can be an arduous consenting process, as most planning documents focus on a single house per plot paradigm’. Professor Ruru examines the Auditor-General’s reports with respect to cost and provides further analysis on Auckland Council’s Integrated Māori Development Plan. She notes that as it operates on a ‘non-notified basis ... [it] significantly reduces both the risk and cost of developing’.⁵⁶⁵

Ms Kake also discusses development contributions and the cost of resource and building consents. She uses more recent examples of Māori housing proposals to demonstrate the cost to Māori land owners of local government compliance. She cites the example of a Far North papakāinga development where owners had to convince the District Council planner that getting the required consent of owners of surrounding Māori land blocks was not practical given the large number of owners and distance from the development. She also discusses local authorities that have taken a ‘co-ordinated approach to facilitating development on Māori land’ including assistance with development contributions.⁵⁶⁶

⁵⁶² Auditor-General (2011), pp. 10, 26 63-69, 71.

⁵⁶³ Livesey (2011), 5.1.7, 5.2.3, 6.2.7, 6.4.3, 6.4.4.

⁵⁶⁴ Auditor-General (2014), pp. 3-4, 8-9.

⁵⁶⁵ Ruru, pp. 142-144, 169-170.

⁵⁶⁶ Kake, pp. 55-58.

Summary

Existing sources provide sufficient coverage for a general overview of policy and practice relating to local authority regulations in the twentieth century. In addition, there are policy files of the Ministry of Works and Department of Maori Affairs available at Archives New Zealand that could provide further insight into policies and the experience of Māori nationally. There is also some coverage of planning and resource issues up until the mid-2010s. The gap is current information on the extent to which local authorities agree to grant resources consents for Māori housing when the development deviates from the district plan and the effectiveness and responsiveness of local authorities to Māori.

Compliance affordability is covered to a certain extent by existing sources that can be utilised for an overview of the issue from 2010. Some additional research into the extent to which local authorities nationally are currently approaching compliance cost may also be useful to provide further evidential coverage of claims. Potential sources include district plans and council reports and records. While a full analysis of all current district plans would likely prove too time consuming, a sample could be identified in consultation with claimants to examine further. Claimant briefs of evidence on the issues can also provide further coverage.

3.6.3 Rates

The Claims

Claimants allege that the Crown has failed to provide an adequate housing policy for Māori freehold land that has accrued rates arrears and that these historical rates arrears are a barrier to building houses on Māori land. These debts have also resulted in an ‘abandoned lands policy’ that allows local governments to place a charging order on Māori freehold land interests and therefore is subject to the threat of alienation by lease. It is also alleged that historically ‘the Crown empowered local government to sell Māori land in order to recover those rating debts.’⁵⁶⁷

⁵⁶⁷ See for example Komiti Māori o Whirinaki for hapū of Whirinaki (Wai 700); Waimiha River Eel Fisheries (King County) claim (Wai 762); Heihei claim (Wai 1314); Descendants of Kereopa Paetau claim (Wai 1509); Pomare Kingi claim (Wai 1524); Descendants of Wiremu Pou (Wai 1537); Descendants of Hinewhare claim (Wai 1541); Pukenui Blocks claim (Wai 1681); Ngāti Kawau (Collier and Dargaville) Claim (Wai 1673); Descendants of Hinewhare Descendants of Hinewhare claim (Wai 1541); Te Matapihi Housing Policy claim (Wai 2716 Mataatua District Māori Council claim (Wai 2759); South Taranaki District Council Rates (Rerekura whanau) claim (Wai 2679).

Coverage of Housing Related Rating Issues

The rating of Māori land including legislation, policy and how it operated in practice is covered in local government and rating-specific reports prepared for district inquiries such as the East Coast, Tauranga, Te Urewera, Te Paparahi o Te Raki, Te Rohe Potae, Taihape and Porirua ki Manawatū inquiries. A rating specific report was also prepared for the Rangahaua Whanui research programme by Tom Bennion. There is further coverage of contemporary Māori land rating issues in sources such as Livesey, the Auditor-General's 2011 reports and Kake. Together, these provide a full overview of the rating of Māori land by local authorities from the nineteenth century up until the mid-2010s.⁵⁶⁸

The local government and rating-specific reports for district inquiries document how rates could accumulate on Māori land, particularly non-revenue producing and undeveloped land, leaving large debts charged against the land. Charging orders are also covered. Woodley (Porirua ki Manawatū) discusses land vested in the Māori Trustee for sale due to the non-payment of rates.⁵⁶⁹

The Auditor-General's 2011 report discusses the high level of rates arrears on Māori land. At this time, rates assessed on Māori land comprised 0.3 per cent of all rates but the arrears of rates on Māori land made up 29 per cent of all arrears. The Auditor-General said that these arrears were 'often perceived as a barrier to building housing on Māori land' because owners were concerned that once housing was built on Māori land owners of individual homes would be subject to large rates arrears bills owed by the block as a whole.⁵⁷⁰

The Local Government Act 2002 requirement that District Councils prepare a Māori land rates remission policy is covered by Luiten (Te Rohe Pōtae), Stirling (Te Paparahi o te Raki) and Woodley (Porirua ki Manawatū). They note too that these remission policies did not have to provide for rates relief. The reports discuss the rates remission policies of the district councils

⁵⁶⁸ Tom Bennion, 'The History of Rating in Te Urewera', report commissioned for the Crown Forestry Rental Trust, 2003; (Wai 894, #A130); Luiten (Wai 900, #A69); Jane Luiten, 'Local Government in Te Rohe Potae', report commissioned by the Waitangi Tribunal, 2011 (Wai 898, #A24); Marinus La Rooij, "'That Most Difficult and Thorny Question': The Rating of Māori Land in Tauranga County", report commissioned by the Waitangi Tribunal, 2002 (Wai 215, #P14); Stirling (Wai 1040, #A15); Richard Towers, "'Its Rates and Taxes Biting ... its Teeth Cannot Be Withdrawn!'" Rating on the East Coast', report commissioned by the Crown Forestry Rental Trust, 2007 (Wai 900, #A66); Suzanne Woodley, 'Taihape: Rangitikei ki Rangipo Inquiry: Māori Land Rating and Landlocked Bocks Report', 1870-2015, report commissioned by the Crown Forestry Rental Trust, 2015 (Wai 2180, #A137); Suzanne Woodley (Wai 2200, #A193); Tom Bennion, 'Maori and Rating Law', Waitangi Tribunal Rangahaua Whanui Series, July 1997; Livesey (2010), 2.2.5, 5.2.5; Kake, pp. 53-55.

⁵⁶⁹ Woodley (Wai 2200, #A193), pp. 414-424, 428-434, 501-608, 755-769.

⁵⁷⁰ Auditor-General (2011), pp. 26, 70.

relevant to these inquiries. Livesey describes the rating remission policies of Tauranga City Council and Western Bay of Plenty District Council. For the Māori land development projects that Livesey assessed, she stated that there may be a perception by owners of Māori land that rates will be an ongoing financial challenge.⁵⁷¹

In 2011, the Auditor-General assessed local government rates remission policies noting that the policies of the local authorities viewed as part of the audit were ‘prepared to use [the policies] to encourage development’. This meant, according to the Auditor-General, that ‘the local authority would, if requested, remit the rates owing on the part of the block that the house was on’ and would only charge future rates with respect to the part the house was on. The report did find, however, that local authorities could ‘do more to communicate’ to owners of Māori land how rates remission policies work and how they can apply for them.⁵⁷²

Kake in 2019 also covers the issue stating that eight years on from the Auditor-Generals 2011 report, the rating of Māori land is an ‘ongoing issue’. She states that there are still ‘high levels of rates arrears on many Māori land blocks, and owners may be reluctant to build on their land because of concerns that local authorities will charge individual households for rates owed on the whole block’.⁵⁷³

Of note is that the Local Government (Rating of Whenua Māori) Amendment Bill introduced to the House on 27 February 2020, alters the way that Māori land is rated. One of the objectives of the Bill identified in the regulatory impact assessment prepared by the Department of Internal Affairs is ‘supporting the development of Māori housing on land’. New powers are proposed that will permit the chief executive of a local authority to write off outstanding rates that are considered unrecoverable (section 90A) and to write off rates arrears of deceased owners of Māori freehold land (section 90B). Write-off powers can also be delegated to a ‘specified officer of the local authority’ (section 90C). The Bill also attempts to reduce variability among local authority Māori land rates remission policies by providing for a statutory process where local authorities must consider applications for rates remission on Māori freehold land, where there is development or intention to develop land (section 114A). The Bill’s explanatory policy statement states that it will provide for ‘multiple homes on a rating unit of Māori freehold land to have separate rate accounts

⁵⁷¹ Woodley (Wai 2200, #A193), pp. 72-73, 697-699; Luiten (Wai 898 #A24), pp. 40, 327, 338; Stirling (Wai 1040, #A15) pp. 824-825; Livesey (2010), 2.2.5, 5.2.5, 6.4.5.

⁵⁷² Auditor-General (2011), pp. 26, 70.

⁵⁷³ Kake, pp. 53-55.

if the owner requests which will enable owners to access rates rebates.’ The aforementioned regulatory impact assessment also provides further coverage of rating issues for Māori wishing to develop housing on multiply-owned Māori land.⁵⁷⁴

The Bill is currently before the Māori Affairs Select Committee. The committee’s report is due to be released on 3 August 2020.⁵⁷⁵

Summary

It appears that there is already sufficient information available to provide an overview on historical rating issues to provide context for the main issue identified by claimants, namely the impact of historical rates arrears on individual owners of houses on Māori land.

3.6.4 Infrastructure

The Claims

Claimants state that the Crown has failed to invest in, and provide for, rural infrastructure and that local councils are unable to provide the necessary infrastructure for papakāinga. They state that this has resulted in a lack of opportunities, low income families, Māori migration to urban centres and ultimately poor housing conditions. Claimants state too that Māori are trying to move back to their ancestral lands but are unable to due to poor infrastructure. This includes issues of access which they state has limited the ability to build homes on Māori land.⁵⁷⁶

Issues concerning the affordability of infrastructure contributions made to local authorities are discussed in the local government section (3.6.2).

Twentieth Century Issues

Raeburn Lange’s *May the People Live; A History of Maori Health Development 1900-1920* focuses on Māori Councils set up by the Māori Councils Act 1900. It discusses how Māori Councils were

⁵⁷⁴ Local Government (Rating of Whenua Māori) Amendment Bill <http://www.legislation.govt.nz/bill/government/2020/0226/latest/whole.html#LMS299060>. Accessed 5 June 202. Department of Internal Affairs, ‘Regulatory Impact Assessment, Whānau development through whenua – rating matters’, p. 10 <https://www.tpk.govt.nz/en/a-matou-mohiotanga/cabinet-papers/whanau-development-through-whenua-rating-matters>. Accessed 6 June 2010.

⁵⁷⁵ https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_94968/local-government-rating-of-whenua-m%C4%81ori-amendment-bill. Accessed 5 June 2020.

⁵⁷⁶ See for example Nga Wahapu o Mahurangi – Ngāti Whatua/Ngāpuhi claim (Wai 2206), Searancke claim (Wai 2744); Tomlins claim (Wai 2746); Waitaha (Te Korako and Harawira) claim (Wai 1940).

mandated to pass regulations aimed at promoting the health and wellbeing of Māori within their prescribed boundaries. This included dealing with infrastructure matters such as drainage and water supply. District-specific coverage of Māori Councils is provided by Jane Luiten with respect to the East Coast, Raeburn Lange and Suzanne Woodley in respect to the Porirua ki Manawatū district and Paul Christoffel in respect of the Taihape inquiry district.⁵⁷⁷

Socio-economic and local government reports for district inquiries discuss the extent to which infrastructure (or amenities) such as water, electricity and roads were available to Māori dwellings including those located on Māori land during the twentieth century. They also discuss the health and economic impacts of poor infrastructure. Kathryn Rose for instance, in her socio-economic report for the Whanganui land inquiry, discusses requests by Māori for assistance with the provision of infrastructure such as roads in the early twentieth century. She also discusses the impact of a lack of roads and electricity on the economic development of rural Whanganui Māori communities in the 1950s.⁵⁷⁸

Dr Hearn provides details of census measurements with respect to electricity and water provision to Māori dwellings in 1945 and compares this with Pākehā dwellings. He also examines a 1941 government housing survey that discussed the provision of amenities to various settlements throughout the district including those located on Māori land.⁵⁷⁹ Likewise Paul Christoffel discusses the provision of amenities in the Rangitikei district. He also notes the impact of limited infrastructure on the health of Māori at Rātana Pā.⁵⁸⁰ Jane Luiten, in her East Coast local government report discusses the impact on the health of Māori of poor water supply and sanitation and covers Māori attempts to secure access to roads. Woodley documents in her local government report for the Porirua ki Manawatū inquiry the lack of drainage, sewerage and water in areas such as Takapuwahia in the 1950s. Woodley's report on rating and landlocked blocks for the Taihape inquiry also documents the extent to which Māori land in that district was without road access.⁵⁸¹

⁵⁷⁷ Raeburn Lange, *May the People Live: A History of Maori Health Development 1900-1920*, Auckland University Press, Auckland, 1999; Raeburn Lange (Wai 2200, # A1), pp. 111-113; Luiten (Wai 900, #A69), pp. 151-156; Woodley (Wai 2200 #A193), pp. 770-818; Christoffel (Wai 2180, #A41), p. 284.

⁵⁷⁸ Rose (Wai 903, #A61), pp. 211, 312, 410, 491, 501, 554.

⁵⁷⁹ Hearn (Wai 2200, #A219), pp. 94, 291-292, 367-376.

⁵⁸⁰ Christoffel (Wai 2180, #A41), pp. 195-196, 277-280.

⁵⁸¹ Luiten (Wai 900, #A69), pp. 148-149, 187-200; Woodley (Wai 2180, #A137).

Recent issues

The Auditor-General examined the issue of infrastructure in 2011 and acknowledged that due to its rural zoning and location, ‘Māori land is often poorly connected to main services such as water, stormwater, electricity, and waste-water’. The Auditor-General discussed how the costs of installing the necessary infrastructure could prove ‘prohibitive and delay housing developments.’ Professor Ruru, in her 2017 report, also discussed how Māori land is often without infrastructure and services such as water, stormwater, electricity and waste-water.⁵⁸²

The Auditor-General also assessed funding available for infrastructure on Māori land. It was noted that part of a Kāinga Whenua loan could be used to fund ‘some’ infrastructure and that applicants to the Māori Demonstration Partnership Fund (MDP), set up in 2008, included infrastructure costs in their proposals. This fund is examined fully by the Auditor-General including issues with the scheme, particularly around the difficulty experienced by smaller trusts accessing the grants; the application process; the number of successful applicants; the amount granted; and Māori experience of the fund. The Auditor-General said that the then Housing New Zealand Corporation who administered the grant needed to have more clarity around what is meant by “partnership” in a Māori context, so that it does not create expectations that it may not intend to meet’. This fund is also discussed by Professor Ruru. She discusses the effectiveness of the scheme and the Auditor-General’s analysis. This included criticism that there were ‘high upfront costs before Māori trusts receive any funding and the MDP fund is administered less as a partnership and more like a standard contestable fund’.⁵⁸³

In 2013, the government set up the Kāinga Whenua Infrastructure Grant. This was described in a government press release as providing \$12 million over three years for infrastructure costs such as roading and services for housing development on Māori land. It was acknowledged that ‘Extra costs like accessing power and water particularly in rural areas, often limit the use of Māori land for social and affordable housing’. Professor Ruru briefly discusses the grant scheme. The Māori Housing Network’s Guide to Papakāinga Housing, which documents case studies of recent housing developments on Māori land, refers to the scheme and the receipt of a ‘small’ grant by a

⁵⁸² Auditor-General (2011), p. 26; Ruru, p. 160.

⁵⁸³ Auditor-General (2011), pp. 26, 85-98; Ruru, pp. 156-158.

Māori trust for infrastructure. It also records that Māori trusts and owners seek financial assistance for infrastructure through the network.⁵⁸⁴

‘A Guide to Papakāinga Housing’ also provides some coverage of how a lack of existing infrastructure impacts on Māori wishing to develop their land for housing today. One of the case studies notes how a Māori management trust provided a cash contribution and sought further financial assistance for infrastructure. To do this they had to scope and price ‘necessary and complementary infrastructure works.’ This included ‘bespoke wastewater, water and stormwater systems, electricity and telecommunication connections from the mains to the building side boundary and earthworks/roading’. Another case study records how an individual was able to service a Kāinga Whenua loan but as they were the first to build on the papakāinga it was considered an ‘unfair burden’ for them to fund all the infrastructure and that a grant was necessary to fund it.⁵⁸⁵

Summary

Existing sources provide good coverage around issues of infrastructure. Details on the effectiveness of the Kāinga Whenua Infrastructure Grant and the extent to which it is funded by the government and accessed by Māori today is not covered in the sources viewed and is a gap. There is also a gap with respect to the extent to which a lack of infrastructure and the costs associated with putting in the necessary infrastructure prevents housing development on Māori land from progressing.

3.6.5 Security of Tenure

The Claims

Statements of claim raise issues around the land tenure system that they say was imposed on Māori land by the Crown and impacted on the provision of housing on Māori land. Claimants state that the Crown has created housing inequalities through its land tenure policies and practices particularly with regards to the individualisation of title. They say the Crown has breached the principles of the Treaty by establishing a system that has prevented them from effectively using

⁵⁸⁴ Government press release, Tariana Turia, ‘Funding available for Māori housing initiatives’, 12 December 2013. <https://www.beehive.govt.nz/release/funding-available-maori-housing-initiatives>. Accessed 31 May 2020; Ruru, p. 147; Te Puni Kōkiri, ‘A Guide to Papakāinga Housing’, pp. 12-13. Accessed 31 May 2020.

⁵⁸⁵ Te Puni Kōkiri, ‘A Guide to Papakāinga Housing’, 2017, pp. 8, 12.

<https://www.tpk.govt.nz/en/a-matou-mohiotanga/housing/a-guide-to-papakainga-housing>. Accessed 31 May 2020.

their land for building homes and papakāinga housing. They state that this has forced them into substandard housing, largely centred in urban environments away from their tūrangawaewae.⁵⁸⁶

Claimants have also asked for policy to be enacted that requires the Māori Land Court to be kept well informed and up-to-date on Māori trust actions and applications for licences to occupy, including verbal licences to occupy.⁵⁸⁷

These claims relate to the requirements for owners of multiply-owned Māori land to hold individual title or the tenure specified by government to secure finance for the construction or improvement of houses and for those owners who have financed a home located on multiply-owned Māori land to secure ownership of it. Prior to 1993, the means to secure individual title was through the partitioning process. Other legislative means to secure tenure introduced in 1993 include occupation orders and licences to occupy. A discussion of the evidential coverage of partitioning up until 1993 and more recent tenure requirements follow.

Claimants also state that the Historic Places Act 1993, now repealed, limited available land for housing Māori by earmarking sites as historically significant under the Act, without adequate notification or consultation.⁵⁸⁸

Partition Orders

As noted above, partitioning was the main means from the nineteenth century until 1993 for Māori to secure individual ownership of multiply-owned land also known as the individualisation of title. A partition gave both security of tenure to the owner of the home and the tenure usually required by financial institutions and government to loan money for housing on Māori land. Māori were required to apply to the Māori Land Court to partition land. The amount of land awarded by the Māori Land Court for a partition was usually equivalent to the number of shares the owner applying for the partition held in the block.

There is some discussion in existing research regarding the reluctance of Māori to build homes on multiply-owned lands ‘for fear of losing it when the land was subdivided’. Krivan covers this as

⁵⁸⁶ See for example Taumarere River and Te Moana o Pikopiko-I-Whiti claim (Wai 49/682); Ruapani Lands claim (Wai 144); Whakarara Mountain claim (Wai 375); Combined claims of Te Waimate Taiamai ki Kaikohe Alliance (Wai 421, Wai 593, Wai 869, Wai 1247, Wai 1383, Wai 1890); Te Orewai claim (Wai 1533); Hapū o Te Rohe Pōtae o Whangaroa (Kingi) claim (Wai 1832); Edwards claim (Wai 2741 New Zealand Māori Council claim (Wai 2758); Taueki claim (Wai 2856); Elisabeth Lois Crawford claim (Wai 2877).

⁵⁸⁷ Te Orewai claim (Wai 1533).

⁵⁸⁸ Horowhenua Block Claim (Wai 237)

does Hearn who records Maui Pomare's ('Health Officer to the Māoris') statement in 1905 that some Māori were loath to build houses on areas of land that had not been individualised as they feared that they could lose their houses if title to the piece of land on which they wished to build was not solely in their name.⁵⁸⁹

Coverage is fuller with respect to the requirement to partition land to secure loans to finance the construction of homes in the twentieth century. Ferguson for instance states that 'the State Advances Office was no more willing than any other institution to lend on Māori titles; only landowners who owned partitioned land and had a single certificate of title were eligible for the State Advances fund'. Hearn examines the requirements of the State Advances Corporation and the Department of Māori Affairs with respect to individual title. This includes coverage of the main loan scheme available to Māori for housing in the twentieth century under the Native Housing Act 1935 and its amendments. Krivan too covers this issue.⁵⁹⁰

Paul Christoffel in his socio-economic report for the Taihape inquiry covers issues arising from what he refers to as 'the tenure problem' – that is, the difficulty in developing Māori land with many title-holders possessing partial interests in the land. He explains that the individualisation of Māori land title by the Native (later Māori) Land Court saw increasingly small parcels of land owned by increasing numbers of Māori. Christoffel explains that 'few would lend to an individual who had only a part interest in the land in question, for land title could not be transferred to the lender if the borrower failed to meet their repayment obligations'.⁵⁹¹

The partitioning process and its effect on Māori land retention and use has been discussed in reports prepared for district inquiries. Hearn for instance discusses Māori criticism of the partitioning process by the Native Land Court, the 1907 Native Land Commission and Treasury in 1930.⁵⁹² He states that the 'individualisation' of Māori land titles was 'undertaken to facilitate the transfer of land out of Māori ownership' and criticises the Court's inability to ensure that the 'subdivision of collectively owned land was shaped towards supporting Māori economic interests

⁵⁸⁹ 'Report of Dr Pomare, Health Officer to the Māoris to Dr JM Mason, Chief Health Officer', Wellington. AJHR 1905, H31, p. 56 quoted in Hearn, pp. 301-302; Krivan, p. 12.

⁵⁹⁰ Ferguson, p. 98; Hearn, pp. 45-46, 56-58, 318-322, 331-337; 342, 346-348, 350-351, 353, 355-359, 646; Krivan, p. 36.

⁵⁹¹ Christoffel (Wai 2180, #A41), pp. 26-262.

⁵⁹² Hearn (Wai 2200, #A219), pp. 78, 80. Hearn also quotes Arthur Ormsby of Te Rohe Potae in 1907 who said: 'A title good enough to buy is a title not good enough to mortgage'. From: 'Government dealings with Māori lands,' King Country Chronicle 7 June 1907, p.2, quoted in Hearn, p.383.

and needs'.⁵⁹³ Kake states that partitioning resulted in 'fragmentation – sometimes to the point where blocks were reduced to a size considered "undevelopable", and where there was no legal access' and that it also resulted in land being transferred from Māori ownership.⁵⁹⁴ Ferguson discusses a survey of Ngati Hine Māori in Northland that found that '97.5 per cent wanted to be able to build houses without having to subdivide and partition their land'.⁵⁹⁵

The impact of the state of Māori land titles on the ability of Māori to apply for a partition order has also been covered to some extent in existing research. Krivan notes the complexities of Māori land tenure and Hearn discusses 'difficulties in establishing applicants' titles to building sites.' He discusses housing near Ōtaki where succession orders for most of the 32 owners of a Māori land block had not been processed, which created a barrier to partitioning. On a related matter, Professor Ruru discusses underfunding of the Māori Land Court historically so that title records were not kept up to date.⁵⁹⁶

As discussed above, from the 1950s, the Māori Land Court had to take into consideration how local authorities zoned their counties or boroughs before ordering a partition and from 1967, the Māori Land Court was required to take into account any restrictions associated with zoning. This continued until at least 1977 when the new Town and Country Planning Act of that year was amended to include the provision that district plans should take into account the 'relationship of the Māori people and their culture and traditions with their ancestral land'. Woodley, in her local government report for the Porirua ki Manawatū inquiry, covers the relevant legislation. She describes the various district schemes in the inquiry district in the late 1950s and 1960s that specified that land zoned rural could only be subdivided for housing purposes if it comprised five or ten acres which increased later in several counties to 50 acres. She documents how this affected applications for partitions from Māori who wished to build houses on their lands or subdivide land for an existing house. She also describes the role played by the Ministry of Works in enforcing zoning requirements.⁵⁹⁷ Likewise, Luiten discusses this in relation to the East Coast as does Bruce Stirling for the Te Paparahi o te Raki district inquiry.⁵⁹⁸

⁵⁹³ Hearn (Wai 2200, #A219), p. 79.

⁵⁹⁴ Kake, p. 27.

⁵⁹⁵ Ferguson, p. 268. Ferguson's source is: Department of Māori Affairs 'A report into Housing and Employment in the Ngati Hine Area', 1983.

⁵⁹⁶ Krivan, p. 36; Ruru, p. 127; Hearn (Wai 2200, #A219), p. 416.

⁵⁹⁷ Woodley (Wai 2200, #A193), pp. 75-84.

⁵⁹⁸ Luiten (Wai 900, #A69), pp. 298-320; and Stirling (Wai 1040, #A15), pp. 44-47, 686.

The Waitangi Tribunal, in its *Tauranga Moana* report, covers the unsuccessful attempted amendment to the Maori Housing Act 1935 in the 1970s by the then Minister of Maori Affairs, Matiu Rata, to get a more ‘flexible approach to the subdivision of Māori land’.⁵⁹⁹

Occupation orders and licence to occupy

Since the introduction of Te Ture Whenua Māori Act 1993, occupation orders and licences to occupy have become an alternative to partitioning to secure tenure for the purpose of housing on multiply-owned Māori land. It is also a requirement of the current Kāinga Whenua scheme (discussed above) for individuals (but not trusts) to secure a licence to occupy.⁶⁰⁰

The Auditor-General’s 2011 report discussed the application process for an occupation order. This included the length of time taken to get an application for an occupation order to Court and the difficulties involved with securing consent from other owners particularly if there were a large number and there was no trust managing the land (it was noted that ‘nearly 70% of Māori land titles had no trust or management structure’). The impact of incomplete owner information and the variable quality of assistance received by applicants from Court officials particularly in relaying local authority planning requirements are also discussed.⁶⁰¹

The New Zealand Productivity Commission’s 2012 report also provides some coverage about the process of securing an order and licence and how this worked in practice. Referring to the Kāinga Whenua loan scheme, the report states that Housing Corporation New Zealand, which was the only organisation at that time willing to lend money for housing on Māori land, required that a borrower had a licence to occupy. The commission concluded that it was ‘easier to get a licence to occupy (where a trust is in place on the land), than alternatives like an occupation order’ noting that a licence to occupy could be approved by a Registrar where as a Court hearing was required to secure an occupation order. That said, the commission stated that for owners to secure a licence to occupy the agreement of every owner or their trustees must be secured so that when there was no trust over the land and there was a large number of owners it was ‘virtually impossible to get such a licence’. The commission reviewed alternative models for securing title on Māori land for

⁵⁹⁹ Waitangi Tribunal *Tauranga Moana*, p. 764.

⁶⁰⁰ Kake, p. 38; Kāinga Ora, ‘Kāinga Whenua Loans for individuals’, 17 October 2019. <https://kaingaora.govt.nz/home-ownership/kainga-whenua/kainga-whenua-loans-for-individuals/>.

Kāinga Ora, ‘Kāinga Whenua Loans – for Māori land trusts’, 12 March 2020. <https://kaingaora.govt.nz/home-ownership/kainga-whenua/kainga-whenua-loans-for-maori-land-trusts/>.

Accessed 3 June 2020.

⁶⁰¹ Auditor-General (2011), pp. 54-55, 61.

housing. These were licences to occupy as used by retirement villages and unit titles, under the Unit Titles Act 2010. The commission concluded that although both were good title models, they would prove unaffordable for those Māori in most need of housing.⁶⁰²

Livesey also discusses how the requirement for a licence to occupy and to use the dwelling as a primary residence by Housing New Zealand Corporation (now Kāinga Ora) and Kiwibank ‘limits the flexibility of a trust or incorporation to manage housing on their land through short-term or joint occupancy of “homeownership” houses, as well as limited the potential for occupants to rent out their homes’.⁶⁰³

Victoria Kingi, the Director of Papakāinga Solutions Limited provides coverage of the impact on Māori of securing licenses and orders. She describes multiple ownership as ‘one of the most difficult barriers to traverse when developing Māori land’. She states that difficulties with getting the agreement of owners exists even when land is administered by a Māori trust or incorporation. This is due, she says, to the ‘thresholds for shareholder or beneficiary consents required by Te Ture Whenua Māori Act to partition land; provide for easements for development; create long term leases to use as security; mortgage land for capital development and so forth’. She notes that dealing with what can sometimes be hundreds of shareholders ‘creates logistical difficulties.’⁶⁰⁴

Professor Ruru’s report gives a full analysis of occupation orders, partition orders, licences to occupy as well as the process of determining the ownership of houses on Māori freehold land. She sets out the purpose of each, what the legislation prescribes and issues that arise for Māori applicants. She uses examples to illustrate the issues with the various orders or licenses. She also notes that the issues facing owners of Māori freehold who wish to build one house are amplified for those wishing to build multiple homes such as Papakāinga or whānau housing.⁶⁰⁵

‘Historically Significant’ Māori Land

Claimants state that the Historic Places Act 1993, now repealed, limited available land for housing Māori by earmarking sites as historically significant under the Act, without adequate notification

⁶⁰² New Zealand Productivity Commission, pp. 261-262.

⁶⁰³ Livesey (2010), 6.4.

⁶⁰⁴ Victoria Kingi, ‘Papakāinga housing at Mangatawa’, Māori Law Review, November 2012, <https://maorilawreview.co.nz/2012/11/papakāinga-housing-at-mangatawa/>. Accessed 7 June 2020.

⁶⁰⁵ Ruru, pp. 134-141.

or consultation.⁶⁰⁶ This issue does not appear to have been covered by existing sources viewed for this paper and is a gap.

Summary

Existing sources provide good coverage of land tenure and partitioning issues relating to housing prior to 1993. Likewise, there is sufficient coverage on the legislative means to secure tenure for the purpose of housing since. There are gaps in the coverage, however, with respect to how the system currently works in practice, costs associated with the process and its effectiveness and responsiveness to Māori. Primary sources that could potentially provide further understanding about the process and practice of securing occupation orders, licences to occupy and partitions include recent Māori Land Court decisions relating to such applications. An analysis of these decisions could offer further insight into the issues or barriers Māori owners currently face when seeking these orders. At the time of writing, there are currently 50 Māori Land Court and four Māori Appellate Court decisions relating to applications for occupation orders made between January 2002 and July 2019 and four or five relating to applications for a licence to occupy between November 2004 and March 2017 available on the Māori Land Court's website. Further investigation is required to determine whether these applications were the only applications made with respect to occupation orders and licences to occupy throughout New Zealand during this time or whether the 58 are a sample only. In addition, there are over 100 decisions relating to applications for partitions which could also be examined to aid understanding of this process. Claimant briefs of evidence on the issue will also enhance understanding of the process, issues and outcomes for Māori.⁶⁰⁷

There is also a gap in coverage with respect to land deemed historically significant under the Historic Places Trust Act 1993.

3.7 Conclusion

There is sufficient evidential material available in existing sources to provide coverage of claim issues relating to housing on Māori land up until the early 1990s. Together these sources provide a full historical overview of the legislation, policy and practice nationally up until that time. Primary

⁶⁰⁶ Horowhenua Block Claim (Wai 237).

⁶⁰⁷ For online copies of Māori Land Court decisions relating to occupation orders see: https://www.Maorilandcourt.govt.nz/legislation-decisions/Maori-land-court-decisions/?Filter_Jurisdiction=468&Keywords=occupation+order

sources located at Archives New Zealand, in particular the housing policy files of the Department of Maori Affairs, State Advances Corporation and Housing New Zealand (Housing Corp), can be used to supplement these sources for the period from the 1970s to the mid-1990s when coverage is less comprehensive. The transfer of Department of Maori Affairs mortgages from 1993 and the impact of the Historic Places Trust 1993 Act are two areas that require further research using records that still appear to be held by the government agencies concerned. The Crown could be asked to provide relevant records relating to these two areas.

There is some coverage in existing sources of claim issues relating to the last three decades. The key gap in existing research is with respect to data, analysis and discussion as to the effectiveness and responsiveness of the current process. This includes: access to funding; issues with rates arrears, local government regulations, and infrastructure; and the occupation order, license to occupy and partitioning process. Potential sources for analysis include documentation of recent Māori housing developments such as: those discussed by Kake and the Māori Housing Network; recent reports and data from related government agencies including budgets; recent Māori Land Court decisions around security of tenure; and local authority district plans and Māori land rates remission policies. While a full analysis of all current district plans would likely prove too time intensive, a sample could be identified in consultation with claimants to examine further.

The Māori Housing Strategy prioritised the review of government funding assisting for housing development on Māori land in 2014. These reviews would also be a useful source and the Crown could be asked to provide these for coverage.

Claimant briefs of evidence comprising lived experience of these issues will also provide further coverage.

Chapter 4: Proposals and Recommendations

The extent to which existing sources cover claim issues in this inquiry has been assessed in the preceding chapters. There are a significant number of sources that cover issues raised in claims. These can be utilised to provide an analysis of Crown policies and practice with respect to Māori housing particularly up until the 1990s. Key gaps in coverage include the effectiveness and responsiveness of more recent and current Crown housing policy relating to Māori home ownership, social housing, private rental arrangements, special housing needs, Māori homelessness policies and housing on Māori land.

Based on this review of claims and sources, it is proposed that four research reports be commissioned. The four projects are designed to fit together to minimise duplication but be undertaken separately. They can also be completed concurrently.

This approach would provide coverage of claim issues as well as overarching themes raised in claims. These include historical and contemporary barriers to housing for Māori, the economic and political consequences and socio-economic outcomes for Māori as a result of housing policy and practice, and the extent to which Māori have been consulted on housing policy and have had autonomy over their housing needs.

Preliminary time estimates for each project are provided. These are exclusive of the time required to prepare the project brief and commissioning document, accessing restricted material and the Tribunal Unit review process.

Of note is that the authors of these proposed research reports will require significant access to data and records from Crown agencies particularly for the last two decades including and beyond what is contained in stage one and two of the Crown bibliographies and the Crown statistics project. The timely completion of these research projects will rest on access to this data and material.

1. Historical Māori Housing Report, 1840 – 1970

It is recommended that a historical research report from circa 1840-1970 be prepared concerning Māori housing policy. This project is not intended to be a general history of New Zealand housing, but would focus on tracing Crown housing legislation, policy and practice relating to Māori housing. As there will necessarily be some cross over with respect to housing on Māori land, especially in the nineteenth and early twentieth centuries (it is proposed that issues pertaining to

housing on Māori land be examined in a separate report) care would need to be taken to ensure minimal duplication of this issue. In particular from 1935 when key legislation with respect to housing on Māori land was introduced. A 1970 cut-off date is proposed as it coincides with the Commission of Inquiry into Housing in 1970 which influenced Māori housing policy in the 1970s.

The project would provide an analysis of the effectiveness and responsiveness of Crown housing legislation, policy and practice relevant to Māori housing. This would provide both coverage of historical issues raised in claims and context for the proposed contemporary reports concerning Māori rental housing including state housing, the private rental market, social housing and special housing needs (including homelessness), and Māori home ownership (discussed further below).

Discussion in the preceding chapters suggests that key topics for this historical report would include: housing legislation, policy and practice and housing conditions for Māori leading to the establishment and development of state housing in the 1930s; the impact of the Native Housing Act 1935 (and its amendments) and policies administered by the Department of Māori Affairs; the role of the State Advances Corporation; the role of the Crown in addressing alleged discrimination and exclusion from the rental market and state housing; the impact of urbanisation including any relationship with homelessness and the experience of Māori in New Zealand towns and cities; the emergence of ‘pepper-potting’; and the growing emphasis from the 1950s on home ownership.

There are a significant number of existing sources that can be utilised to provide coverage of historical claim issues and context for the contemporary reports. Primary sources are also available to supplement where there is less coverage. Sources are available that can provide some comparative assessment of housing schemes and policy for non-Māori. This report should also take into account the proposed Crown-funded historical project.

It is estimated that this report would take nine to 12 months to complete.

2. Māori rental housing: state housing, private rental market social housing and special housing needs, 1970 – present day

It is recommended that a research report be prepared to examine the contemporary Māori experience of the rental sector and special housing needs since 1970. This would include state housing, the private rental market, social housing and special housing needs including homelessness. An examination of these issues will provide coverage of issues raised in claims from the 1970s and provide context to current rental, social housing and special housing needs policy and practice. It is proposed that the main focus of the report is contemporary legislation, policy

and practices that underpin the housing sector for Māori renters (both in private rental market and public housing).

Discussion in Chapter 2 suggests that key topics from 1970 up until 1991 include: the long-term exposure of Māori to the rental market; the impact of policy changes over the past half century; reduced state involvement in the rental market; the consequences of the introduction of state housing into rural areas from the 1980s; legislative reform including the Residential Tenancies Act 1986; issues of discrimination within the private rental market; and the rise in homelessness and its treatment by government agencies. From 1991, key topics include: the consequence of market rentals and accommodation supplements on Māori renters; disparities in the rental market between Māori and non-Māori; the increasing rate of homeless Māori; and the emergence of Māori community housing providers. Current key topics include: homelessness and emergency housing responses; the major reforms to the system since 2017, most notably the passing of Kāinga Ora – Homes and Communities legislation and the Healthy Homes Guarantee Act 2017; and the establishment of Kāinga Ora.

As there is more limited coverage from existing sources with respect to these issues from 1970, it is likely that archival research will be required as well as the examination of more recent government sources still held by government agencies. Given that the major focus of this report will be contemporary, the researcher will benefit from making full use of the Crown's live cloud-based archive which will be regularly updated over the inquiry timeline. The researcher will also need to access contemporary records of relevant government agencies.

As this is the largest of all the projects recommended, it is estimated that it will take at least 12 months. This timeline could be shortened if part one of the historical period (1970-1991) were designated as part of the historical project. If this decision is made, then the same should be considered for the proposed third report.

Alternatively, the project could be divided into two parts: one part covering social housing needs and the private rental market and a second report covering special housing needs with a focus on homelessness issues. It is estimated that they would take six to nine months each.

3. Māori home ownership, 1970 – present day

It is recommended that a research report be prepared that examines the major Crown policy developments and practices that relate to the housing market with a focus on Māori home ownership. As with the proposed overview report on Māori experience of the rental sector it is

suggested that the project examine these issues from 1970 to the present day. However, the major part of the proposed overview report will focus on the effectiveness and responsiveness of current legislation, policy and services as they relate to Māori home ownership.

Discussion in Chapter 1 indicated that issues for examination could include: differences between Māori and non-Māori home ownership statistics over this period, and the government response; the consequences of the reduction in Māori home ownership including the increasing number of Māori in rental accommodation; issues of discrimination; and the quality of Māori housing. Other key issues include: the impact of the recent restructuring of Crown housing agencies and the introduction of new legislation including the Kāinga Ora Homes and Communities Act; as well as the impact of COVID-19 on Māori housing issues.

With respect to home ownership, existing sources provide some coverage of Crown policy and practice in the 1970s and 1980s. Archival sources are also available that can supplement any gaps. Gaps in coverage are evident from 1986- 2013 although national statistics on Māori home ownership are available for this period. Sources for current policy are more limited in part due to recent legislative changes and the restructure of relevant agencies.

Sources such as the annotated bibliography containing official government publications from 1970 to the present day to be provided by the Crown will likely provide some coverage of this period and will be necessary to undertake this project. Due to the recent legislative and agency changes, a request will need to be made to relevant government agencies, notably Kāinga Ora, for more recent records.

It is estimated that this project will take nine to 12 months to complete. The time period could be shortened if the historical section began in 1991 and the period 1970-1991 was re-designated as part of the historical project.

4. Housing on Māori Land, circa 1870s to present day

It is recommended that for the purposes of addressing claims in this inquiry with respect to housing on Māori land that a research report be prepared covering the period from the 1870s until the present day. The 1870s is suggested as a starting point, as this was when legislation, enacted to assist settlers to finance land development and mortgages, was first mentioned in Māori land legislation. As issues with housing on Māori land today are intrinsically linked with how legislation, government policy and practice impacted on Māori land historically, it is important that contemporary and historical issues are discussed together in one report. That is, without the

historical context relating to the development of housing Māori land, the Māori experience today cannot be easily understood.

As discussed above, there is sufficient evidential material available in existing sources to provide coverage of most historical claim issues relating to housing on Māori land up until the early 1990s. Together these sources provide good coverage of the legislation, policy and practice nationally up until that time and archival records are available to supplement these sources if necessary. It is intended that this project bring together these sources to provide an analysis of the effectiveness and responsiveness of Crown legislation, policy and practice with respect to housing on Māori land during this period. It can also inform issues with respect to housing on Māori land today.

It is intended that the project also emphasise current issues. As discussed, there is some coverage in existing sources of claim issues relating to the last two decades. The key gap in existing research is with respect to data, analysis and discussion as to the effectiveness and responsiveness of current policies and practice. This includes: access to finance; issues with rates, local government regulations, and infrastructure; the occupation order, license to occupy and partitioning process; and affordability. Potential sources for analysis include documentation of recent Māori housing developments such as: those discussed by Kake and the Māori Housing Network; recent reports and data from related government agencies including budgets; recent Māori Land Court decisions around security of tenure; local authority district plans; and Māori land rates remission policies. The researcher will also need to access records of relevant government agencies. Together these sources could be analysed to assess the effectiveness and responsiveness to Māori of Crown actions in relation to issues of access (finance, local government regulations, rates and infrastructure), security of tenure and affordability.

It is estimated that this project will take nine to 12 months.

Appendix A: Claims in the Housing Policy and Services Kaupapa Inquiry (Wai 2750) as of June 2020

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
49	Taumarere River and Te Moana o Pikopiko-I-Whiti claim	Sir James Henare, Johnson Erima Henare on behalf of Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāpuhi	<ul style="list-style-type: none"> Failed to assure adequate housing for Māori to deliver state services Disparities in state housing provision Poor housing causes ill health Failed to balance Māori rangatiratanga in housing
682	Ngāti Hine Lands, Forests and Resources claim	Johnson Erima Henare, Samuel Kevin Prime, Reweti Pomare	<ul style="list-style-type: none"> Dislocation and forced migration to cities Failed to address institutional racism and racial privilege Undermined Ngāti Hine rangatiratanga and failed to address prejudice of colonisation
87	Whakatōhea Raupatu Claim	Adriana Edwards and other	<ul style="list-style-type: none"> Failed to assist Whakatōhea to establish re-settlement programmes Failed to assist with research into the housing crisis within Whakatōhea through their own historic inquiry Crown land management policies impacted on housing in Whakatōhea
120	Opua Lands and Waterways Claim	Raumoa Kawiti and others	<ul style="list-style-type: none"> Low incomes prevent access to housing loans or affordable rentals Barriers inhibited development of Māori land Māori overrepresented in forms of govt housing assistance No central govt policies or agencies responsible for homelessness Rental accommodation in state and private sector Housing policy 'pepper potted' Māori families amongst Pākehā to encourage assimilation
144	Ruapani Lands claim	Vernon Winitana and others	<ul style="list-style-type: none"> Failed to implement policies allowing Māori to continue to live in traditional housing like papakāinga Implemented policies such as title individualisation, 'pepper-potting' Policies prevent the traditional structure of whānau, contributing to poor health outcomes
375	Whakarara Mountain claim	Pita George, Anaru Kirad	
1092	Ūpokorehe claim	Wayne Aramoana, Wallace Aramoana, Lance Aramoana, Gaylene Kohunui, Sandra Aramoana, Kahukore Baker	
237	Horowhenua Block Claim	Ron Taueki, William James Taueki	<ul style="list-style-type: none"> Crown actions have led to the claimants facing significant barriers to the development of housing on Māori freehold land

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> The Historic Places Act 1993 limited available land for Māori housing by designating sites as significant without consultation
421	Combined claims of Te Waimate Taiamai ki Kaikohe Alliance - Wai 421, 593, 869, 1247, 1383, 1890	John Rameka (deceased, te maramatanga Napia, natalie Kay Baker, and Bonny Craven)	<ul style="list-style-type: none"> Māori renters stigmatised and tend to live in substandard housing Renting has created generational loss of wealth for Māori The housing system fails to recognise tino rangatiratanga and prevents the claimants from occupying their whenua The state and social housing systems are inadequate and provide little security of tenure for Māori tenants Failed to address high rates of Māori homelessness.
593		Jimmy Ruawhare (deceased) and Diane Ruawhare	
869		John Rameka Alexander / Rangimarie Thompson / Bonnie Craven	
1247		John Rameka Alexander (deceased); Cynthia Rameka; and Te Iwi Ngāro Rameka	
1383		Ani Martin; John Rameka Alexander (deceased); Natalie Kay Baker	
1890		1890 - John Rameka Alexander (deceased); and Charlotte Alexander	
558	Ngāti Ira o Waioweka Rohe claim	Hone John Kameta and others	<ul style="list-style-type: none"> Failed to provide housing for Ngāti Ira within their own territories, or to promote housing services/policies for their wellbeing Failed to address housing disparities, harming Ngāti Ira Ignored the rangatiratanga of Ngāti Ira to develop kāinga and papakāinga on their tribal land Papakāinga development proposals and implementation did not adequately consult with Ngāti Ira or deliver affordable housing Failed to provide funding for the maintenance of essential utilities
568	Housing Corporation Claim	Jane Helen Hotere and others	<ul style="list-style-type: none"> Population growth produced a housing shortage and unaffordable housing. High construction costs and local govt processes inhibit construction Māori have lower rates of home ownership than non-Māori
2130	Ngati Maniapoto Land and Other Issues (Reid)		
2179	Nga Uri o Tama, Tauke Te Awa and Others Lands (Dargaville) claim	Rihari Richard Dargaville	

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
2425	The North Auckland Land Acquisition, Housing, Health, and Education	Jane Helen Hotere, Rosaria Hotere, Gill Parker, Miriama Solomon, Denis Hansen, Mereaina Pirihi, Rhoda Hohopa, and Willie Tairua	<ul style="list-style-type: none"> • Māori asset position is declining, producing poorer housing • Māori tend to live in overcrowded circumstances partly due to whanaungatanga • Māori tend to relocate more frequently due to unstable employment and leases, affecting children's education
1941	Kingi and Armstrong (Nga Puhī) Claim	Joseph Kingi and Marama Stead	
700	Komiti Māori o Whirinaki for hapū of Whirinaki	Anania Wikaira	<ul style="list-style-type: none"> • Insufficient government support for papakāinga housing • Failed to involve Māori and Te Hikutu in papakāinga development and ensure it reflected their values • Claimants face difficulty in getting a mortgage on their land
745/1308	Te Patuharakeke	Paki Pirihi	<ul style="list-style-type: none"> • Failed to ensure Māori equitable access to affordable housing • Ensure access to resources for Māori to develop land and build papakāinga • Failed to ensure Māori are able to participate in decision-making
762	Waimiha River Eel Fisheries (King Country) claim	Rangi Harry Kereopa, Te Urunga Evelyn Aroha Kereopa	<ul style="list-style-type: none"> • Failed to implement policy to protect unoccupied Māori land from rating and the threat of alienation by lease • Failed to provide for the development of Māori freehold land
777	Sale of State Houses and Land claim	Sir Graham Latimer, Parekura Horomia, Karewa Arthur Sr, Peter Love, John Tamihere, Karana Arthur Jr	<ul style="list-style-type: none"> • Failure to support papakāinga through essential infrastructure • Alienation of state homes and sites which could be used for Māori housing or urban papakāinga.
779	Pakanae School Site	Donna Washbrook and Warren Moetara	<ul style="list-style-type: none"> • Claimant's tīpuna gifted land to the Crown for educational use. It is no longer needed but yet to be returned • Communication with the claimants about the land has been poor
861	Te Tai Tokerau District Māori Council	Richard Nathan	<ul style="list-style-type: none"> • Failed to recognise tino rangatiratanga, contributing to a housing crisis and homelessness • Legislation and settlement policies displaced communities • The Crown has not prioritised resettling Māori on Māori land
874	Mangatū Block claim	Rawiri Brown	<ul style="list-style-type: none"> • The housing system fails to protect Māori communities from adverse environmental impacts

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> Failed to allow Māori to exercise tino rangatiratanga in building quality housing on their whenua Crown actions have forced Māori into substandard housing in mainly urban environments
966	Ngapuhi Te Tiriti o Waitangi claim	Gray Theodore, Pereme Porter, Rangimarie Maihi	<ul style="list-style-type: none"> Failed to provide housing for Māori needs, resulting in overcrowding, homelessness, and unaffordable urban housing Failed to incorporate tikanga Māori in social housing or involve Māori in housing policy
972	Ngāti Kauwhata ki te Tonga surplus lands claim	Edward Penetito, Donald Koro Tait, Margaret Love, Sean Dean Tautahi Penetito, Adeline Francis Anderson, Penahira Simeon, William Papanui, Kewana Emery, Anaru Te One Himiona	<ul style="list-style-type: none"> Failed to ensure Māori dwellings are built to reasonable standards Encouraged Māori urbanisation Claimants have not been ensured access to their land, limiting housing development on those lands Māori have not been given adequate resources to surpass barriers to housing construction
985	Hokiana Regional Lands claim	Rev Miriama Te Pure Solomon	<ul style="list-style-type: none"> Crown tried to unilaterally sell Rev Miriama Te Pure Solomon's home, failed to show her the respect owed to her as a kaumātua and rangatira Housing system is unfair and leads to disproportionate homelessness, overcrowding and substandard housing for Māori
1018	Ngātiawa ki Kapiti	Apihaka Tamati-Mack, Marama Rhonda Mullen-Tamati, Sonny Hamish Thomas, and Rawiri Jenkins-Evans	<ul style="list-style-type: none"> Failed to ensure Māori have access to adequate and affordable housing State houses were sold without ensuring this would not exacerbate the housing shortage Failed to provide Māori access to resources to utilise their lands for housing/papakāinga
1314	Heihei claim	Atareiria Heihei	<ul style="list-style-type: none"> Failed to enable Ngai Tawake to build on their tūrangawaewae Failed to ensure an adequate living standard for Ngai Tawake
1384	Whangaruru Lands Claim	Elvis Reti, Henry Murphy, and Merepeka Henley	<ul style="list-style-type: none"> Claimants have suffered in poor living conditions and substandard housing
1502	Okapu F2 Land Block	Raymond Mahara	<ul style="list-style-type: none"> Failed to facilitate a cohesive approach inclusive of all stakeholders to housing more Māori on their land Bad infrastructure and poorly serviced by utilities

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
1509	Descendants of Kereopa Paetau	Puawai Leuluai-Walker and Mylie George	<ul style="list-style-type: none"> Failed to facilitate the construction of rural housing Failed to ensure adequate standards of housing for claimants' whānau
1511	Ngai Tamatea Hapū ki Waiotahi	Kate Keita Hudson	<ul style="list-style-type: none"> Crown housing policy and services breach the Treaty of Waitangi
1524	Pomare Kingi claim	Louisa Collier and Hineamaru Lyndon	<ul style="list-style-type: none"> Significant housing disparity between Māori and non-Māori Māori are more likely to experience homelessness, state housing reliance, and to be renting their home Inadequate housing conditions furthered the loss of Māori culture and traditional housing Imposed Pākehā cultural and housing norms upon Māori Poor housing produced social, cultural, health and economic devastation for the claimants
1531	Land alienation and wards of the state (Harris) claim	Te Enga Harris	<ul style="list-style-type: none"> Inadequate provision of housing policy to Māori Urbanisation and pepper-potting have affected transmission of mātauranga Māori Failed to provide for the development of Māori freehold land Finance to improve Māori housing often inaccessible
1533	Te Orewai	Otaiuru Lawrence	<ul style="list-style-type: none"> The Te Horo Land Development scheme was created without the consent of the claimants' tūpuna and the people of Pipiwai Claimant's tūpuna Hiria Ruwhiu's land was included in the scheme without consent, leading to the loss of Hiria's home Hiria's land was returned to Te Orewai Trust. The Trust and the Māori Land Court failed to maintain adequate records of land ownership and dealings, in part due to lack of Crown oversight or accountability
1537	Descendants of Wiremu Pou	Louisa Te Matekino Collier, Amiria Waetford, and Hineamaru Akinihi Lyndon	<ul style="list-style-type: none"> Facilitated the wrongful transfer of Māori land to settlers

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
1541	Descendants of Hinewhare claim	Louisa Collier, Fred Collier Junior	<ul style="list-style-type: none"> Forced the claimants to abandon their housing systems and imposed its own social, cultural and housing norms Failed incorporate mātauranga Māori in housing policy Failed to uphold international obligations to provide a minimum standard of housing The Building Act 1991 and the Building Regulations 1992 prevented Māori from building and repairing their own homes
1661	Ngāti Rua (Wood, Smith and Wood) claim	Moana nui a Kiwa Wood, Terry Smith, Waitangi Wood	<ul style="list-style-type: none"> Housing policy has contributed to health issues, crime, poverty, and disconnection from customary lands Substandard housing Māori land tenure inhibited land development, failed to promote papakāinga, and displaced claimants to urban areas
1670	Descendants of Te Uri o Ratima claim	Ricky Martin Houghton	<ul style="list-style-type: none"> Māori home ownership is at its lowest level ever Crown contributed substantially to housing inequality Poor funding has prevented development on claimant land or investment in quality housing. Failed to consult with claimants on housing issues Failed to ensure Māori houses were built to a good standard and incorporated Māori ways of living
1843	Te Aeto Hapū claim	Terence Tauroa	
1673	Ngāti Kawau (Collier and Dargaville) Claim	Ruiha Collier, Rihari Dargaville	<ul style="list-style-type: none"> Alienation of Māori land incentivised Māori urbanisation Urbanisation produced housing deprivation and housing disparities. Māori are overrepresented in homelessness and reliance on state/rental housing Land alienation prevented Māori from attaining intergenerational wealth via home ownership Imposition of Crown laws forced claimants to abandon their own holistic housing systems
1781	Ngāi Tamahau (Biddle) claim	Matenga Biddle	<ul style="list-style-type: none"> Alienation of Māori whenua has caused the claimant housing and homelessness issues, and socio-economic disadvantage

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Crown policies encouraged Māori urbanisation but failed to provide access to housing • The welfare and housing systems do not address Māori needs • Failed to ensure Māori have access to affordable housing
1789	Descendants of Hineato Savage Claim	Waipae Perese and Bella Savage	<ul style="list-style-type: none"> • Māori denied access to benefits of general housing policy • Failed to respond to urgent demands for Māori housing • ‘Pepper potting’ encouraged Māori integration by placing Māori state housing tenants within non-Māori communities • Claimants face prejudice in accessing finance to build and improve homes
1832	Hapū o Te Rohe Pōtae o Whangaroa (Kingi) claim	Tawera Kingi and Owen Kingi	<ul style="list-style-type: none"> • The land tenure system and imposing European building standards on temporary buildings on Māori land have prevented development of claimants’ whenua • Māori are separated from the cultural anchor of their whenua • Failed to address rising rates of Māori homelessness • Created a system where many Māori live in poor rental accommodation • State and social housing is unobtainable, unsafe, underfunded and provides little security of tenure
1837	Whenua and Hapū of Te Tai Tokerau Settlement Issues (Nehua) Claim	Deidre Nehua	<ul style="list-style-type: none"> • Failed to provide for Māori housing needs, producing overcrowding and homelessness • Failed to incorporate tikanga Māori into social housing or involve Māori in housing policy development • Failed to address barriers to Māori home ownership and access to rental housing
1885	Māori Women’s Refuge (Simpson and Albert) Claim	Ariana Simpson, Ruahine Albert, Catherine Mitchell	<ul style="list-style-type: none"> • Funding for frontline crisis and family violence services are insufficient and fail to keep pace with demand for these services • Policies and practices create competition for funding • Funding practices have reduced the number of safe houses and hampered the claimants’ ability to expand services • Policies and practices are detrimental to women and children escaping violence

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> Failed to take a whole government approach in dealing with women and children escaping violence Failed to ensure state houses are well-built and located in safe places Developed a departmental culture that stigmatises women and children escaping domestic violence The Crown has failed to put victims' rights first
1886	Ngāti Tara (Gabel) claim	Robert Gabel	<ul style="list-style-type: none"> Inadequate provision of housing policy to Māori Failed to provide for development of Māori land Inadequate provision of finance to improve Māori housing
1940	Waitaha (Te Korako and Harawira) claim	Jane Mihingarangi Ruka Te Korako	<ul style="list-style-type: none"> Failed to provide an adequate standard of housing for Māori Failed to provide claimants access to housing equality Failed to consult with claimants on housing policy and services Failed to use a kaupapa Māori framework when developing housing policies and services Failed to properly communicate info about housing assistance
1992	Ngāti Mahanga, Ngāti Tamaoho and Ngāti Apakura (Tahapeehi) Lands claim	Piriwhariki Tahapeehi	<ul style="list-style-type: none"> Inadequate provision of housing policy to Māori Failed to address Māori freehold land alienation issues
2005	Te Mahurehure (Egen) Lands claim	Denise Anne Egen	<ul style="list-style-type: none"> Inadequate provision of housing policy to Māori Failure to provide for the development of Māori freehold Inadequate provision of finance to improve Māori housing
2057	Te Mahurehure hapū	Joseph Tarrant	<ul style="list-style-type: none"> Specifically related to land development schemes Failed to support Māori to occupy their tūrangawaewae
2063	Ngāti Tai Lands (Cotter-Williams) claim	Jasmine Cotter-Williams	<ul style="list-style-type: none"> Claimants face barriers to housing development on Māori freehold land Failed to develop housing initiatives to improve Māori housing inequality Failed to protect Māori from the adverse effects of colonisation
2206	Nga Wahapu o Mahurangi – Ngāti Whatua/Ngapuhi claim	Charlene Walker-Grace	<ul style="list-style-type: none"> Failed to provide rural infrastructure, producing deprivation, Māori urbanisation, and poor housing

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Failed to provide adequate housing policy for Māori • Claimants face barriers to housing development on Māori freehold land • Failed to develop housing initiatives to improve Māori housing inequality • Failed to protect Māori from the adverse effects of colonisation
2217	Children of Te Taitokerau (Broughton) claim	Maringitearoha Broughton	<ul style="list-style-type: none"> • Low incomes prevent Māori from accessing housing loans or affordable rentals • Barriers inhibit development of Māori land • Rental accommodation in state and private sector • Accommodation supplement and benefit inadequate • High rates of homelessness and overcrowding are symptoms of unaffordable housing • Housing needs differ due to the size of Māori whānau • Environmental Health Indicators New Zealand (EHINZ) recognises 20% of Māori live in overcrowded houses • Māori children more likely to live in an overcrowded household
2257	Te Whanau a Apanui Mana Wahine (Stirling) claim	Maruhaeremuri Stirling	<ul style="list-style-type: none"> • Failed to protect Māori children from housing-related illnesses • Social housing and housing policies do not incorporate Māori perspectives and breach Te Tiriti • Māori have been unable to set their own housing priorities • Failed to address barriers to Māori home ownership and renting. • While there is no express right to housing in NZ law, certain rights relating to housing are guaranteed and the Human Rights Commission has recommended broader rights • To fulfil what housing rights exist, housing must be made affordable • Māori experience homelessness at significantly higher rates • Overcrowding is a symptom of unaffordable housing • The housing needs of Māori differ from those of Pākehā due to larger family size and hosting guests

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
2368	The Mohinui/Waiomio Development Scheme and other lands (Karaitiana) claim	Lydia Karaitiana	<ul style="list-style-type: none"> • The Crown took over land at Mohinui in 1938 for a development scheme. Owners were then denied the ability to build housing on their whenua • The land was returned in 2006 with no suitable housing or utilities upon it. The whānau have been denied funding to remedy this • All Māori are affected by the Crown's inaction on housing
2376	Te Whanau a Rataroa (Aldridge) claim	Bryce Peda-Smith and Violet Walker	<ul style="list-style-type: none"> • Significant barriers to developing housing on Māori land exist • Failed to ensure equality for Māori in dealing with property
2389	The Ngati Ruamahue Hapu Lands and Taonga Claim	Tahua Murray, Rapine Hona, Louis Hohaia, Charlie Hikuwai, Mereihe Kool, and Kawhena Paul	<ul style="list-style-type: none"> • Housing is an important socio-economic indicator of income and a determinant of health • Crown is responsible for substandard housing and extreme disparities in housing • Inadequate housing is interconnected with the loss of connections with whānau and with whenua across their rohe
2394	The Descendents of Hone Karahina Claim	John Pikari	<ul style="list-style-type: none"> • Provision of housing policy to Māori in Northland has been inadequate • Urbanisation and pepper-potting have affected transmission of mātauranga Māori • Institutional racism exists within the housing sector • Historical housing models and policies have been inadequate • Failed to provide for the development of Māori land • Provision of finance to improve Māori housing is inadequate
2494	Racism against Māori Claim	Donna Awatere Huata	<ul style="list-style-type: none"> • Crown actions have served to sever the connection Māori have with Te Ao Tūroa • Failed to address the impacts urbanisation has had on Māori • Overlooked the effects that housing policy has had on Māori, and failed to remedy them • Failed to address the growing number of Māori reliant on state housing • Housing initiatives fail to address broader social issues impacting Māori, such as family violence

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Efforts to reduce Māori homelessness are inadequate • Failed to provide sufficient support to Māori seeking to achieve home ownership • Tenancy law is detrimental to Māori tenants • Failed to address discrimination against Māori in the rental market
2679	South Taranaki District Council Rates (Rerekura whanau) claim	Herebert Rerekura	<ul style="list-style-type: none"> • South Taranaki Council and TSB bank refuse to meet with claimants to resolve disputes • The rejection of the claimants' request to produce a lump sum payment
2697	The Holistic Māori Health Approach claim	Reverend Anthony Brooking	<ul style="list-style-type: none"> • Māori are displaced from their tūrangawaewae, their whānau, and support systems • Many Māori live in crowded homes, poor housing conditions, in cars, or on the street • Failed to ensure quality social and private housing which supports holistic wellbeing is accessible to Māori • Failed to consider that proximity to whānau and whānau lands is a crucial determinant of where Māori choose to live • Unaffordable housing, including rental housing, and a high cost of living present barriers to housing for low-income families • Supply of HNZC housing for low-income families is outweighed by demand and there is a lack of social housing. Crown's solutions (e.g. motels) provide only short-term relief • Loss of a family member • Bank account and physical address requirements can prevent homeless Māori from accessing WINZ benefits.
2699	Te Puea Marae	Hurimoana Nui Dennis with support of the trustees of Te Puea Memorial marae trust	<ul style="list-style-type: none"> • Lack of resources and support provided for Māori housing • Poor Māori housing conditions • Disparities in state housing
2715		Rosaria Hotere	<ul style="list-style-type: none"> • Failed to provide an adequate standard of housing for Māori or to enable Māori access to adequate housing.

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Māori are low on the priority list to receiving state housing assistance • Lack of support in navigating housing application procedures • Increasing homelessness experienced by claimant whānau • Claimant has experienced delays in receiving housing maintenance, which other whānau have also experienced • Claimant reserves the right to particularise her claim in future
2716	Te Matapihi	Rau Hoskins	<ul style="list-style-type: none"> • Claim raises hapū, iwi, regional and national level issues. <p>The claim is two part:</p> <ol style="list-style-type: none"> 1. Desire to reside on the whenua, to maintain ahi ka, satisfying tikanga. 2. Circumstances out of Māori control to live on their whenua and the right to housing which meets their need as guaranteed by the Treaty of Waitangi. <ul style="list-style-type: none"> • The Native Housing Act 1935 and State Owned Enterprises Act 1986 have had a prejudicial effect on Māori housing
2722	Manurewa Marae claim	Rangi McLean	<ul style="list-style-type: none"> • Enactment of housing legislation that had detrimental effects to Māori in Manurewa • Failure to ensure effective Māori participation in Māori housing initiatives in Manurewa • Failure to recognise te reo Māori in
2732	Takuirā claim	Richard Takuirā (Richard Akapita)	<ul style="list-style-type: none"> • The claimant is a kaumātua living on his own at his papakāinga, also his tūrangawaewae, in a garage without basic amenities. Likens this to elder abuse • Failure to ensure an adequate standard of housing for elderly Māori has caused them whakamā and humiliation • Claimant specifically has received demeaning and oppressive treatment from govt
2731	Hepana claim	Mereri Mary Hepana	<ul style="list-style-type: none"> • Addresses the Auckland Housing crisis focusing primarily on the forced removal of Māori from their papakāinga • Claimants' papakāinga, also considered their tūrangawaewae, is in Ōrakei. The Church of England acquired the land from the claimant whānau. It is now owned by HNZN

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Claimants are HNZC tenants, threatened with forceful removal from their papakāinga for refusing to participate in a Ministry of Social Development tenancy review • Claimants take issue with having to justify their need to live in their house, believing it and the threat of removal to interfere with their rangatiratanga, and exceed the govt's kawanatanga. MSD intends to proceed with the review regardless • Crown has failed to recognise, and understand the significance of papakāinga
2747	Kearns Claim	John and Maeva Kearns	<ul style="list-style-type: none"> • 'Pepper-potting' • Institutional racism within the housing sector – Māori forced to live in poor housing because nothing better was available • Targeted and effective policy action to increase home ownership and rental security for Māori is required • Failed to provide for the development of Māori freehold land • The RMA does not contain papakāinga-specific provisions • On average, Māori earn lower incomes than non Māori • The Crown's lack of consultation with Māori on housing means unaffordable housing is a pressing issue, with Māori overrepresented on state housing lists. • Adverse Crown legislation and policies including the Te Ture Whenua Maori Act have led to the current form of Māori ownership of land. • Failed to implement housing initiatives to improve Māori housing inequities and to protect Māori from the adverse effects of colonisation • Where loans for Māori housing exist, they are accessible to only a small number of Māori whānau
2748	Tukua claim	Jeff Haimona Tukua	<ul style="list-style-type: none"> • Claim focuses on the govt's response to the negative impacts of the housing crisis on Māori in Tamaki ki te Tonga • On average, more Māori live in rental accommodation and fewer own their home compared to the general population

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • Māori face a range of poor housing outcomes, including overcrowding, low quality housing, and homelessness • Poor housing affects health, education and other social outcomes • Housing costs have increased including rising rent • Low wage growth and an undersupply of affordable housing are barriers to secure housing • Legislative framework impediments such as Residential Tenancies Act 1986 and Te Ture Whenua Māori Act 1993
2742	Clark claim	Georgina Clark	<ul style="list-style-type: none"> • Māori ex-prisoners are not provided with safe, stable, culturally appropriate housing upon release • Stable housing reduces the chance of recidivism and aids in positive social reintegration • Existing post-release housing programmes which are effective for Māori are under-funded and not widely available • Communities are not consulted when housing ex-prisoners
2739	Hetaraka claim	Carmen Hetaraka	<ul style="list-style-type: none"> • Stable housing reduces the chance of recidivism • Māori ex-prisoners are not supported to find housing, and face financial, social, and administrative barriers in finding housing themselves • Ngātiwai ex-prisoners are not supported to find housing on their tūrangawaewae
2740	Goza claim	Teresa Goza	<ul style="list-style-type: none"> • Crown failed to properly regulate private rental accommodation and new housing construction • This has caused overcrowding, unhealthy homes, and poor health statistics for Māori
2741	Edwards claim	Henare Edwards	<ul style="list-style-type: none"> • Māori Land Court amalgamation processes on tupuna whenua have prevented claimant's whānau from developing or independently administering their whenua
2757	Kururangi claim	Vanessa Kururangi	<ul style="list-style-type: none"> • Crown failed to meet demand for state and social housing, including failure to establish or fund such housing on Māori land • Crown has not adequately consulted with Māori regarding social housing or

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			worked to build social housing in environments appropriate to Māori
2743	Wikotu claim	Jim Wikotu	<ul style="list-style-type: none"> • Inadequate provision of housing policy to Māori • Urbanisation and pepper-potting have affected transmission of mātauranga Māori • Failed to provide for the development of Māori freehold land • Finance to improve Māori housing often inaccessible
2878	Henare claim	Veronica Henare supported by Manukau Urban Māori Authority	<ul style="list-style-type: none"> • Failed to provide social services and support in a culturally appropriate way for Māori
2758	NZMC case	Sir Edward Durie, Danny Karatea Goddard, Dennis Emery, Christine Gray, Gary Hook Walter Rika, Makarena Phillips, Andrew Graham, Caine Darius Easthope, Hikairo Phillips, Paula Werohia, Fay Selby-Law, Derek Huata King, Richard Tumarae, Nika Rua, Roimata Minhinnick	<ul style="list-style-type: none"> • Crown failed to support papakāinga housing or to prevent its disestablishment • Protect and recognise Māori ownership of land for housing • Give effect to and protect Māori customary title • Provide affordable housing for Māori
2756	The Descendants of Ani Ngaperā and whānau claim	Arohanui Harris	<ul style="list-style-type: none"> • Failed to provide adequate healthcare and resources for the claimant whānau • Hindered objectives of developing claimant land for housing
2744	Searancke claim	Disraeli Searancke	<ul style="list-style-type: none"> • Māori want to relocate to ancestral lands but face barriers to doing so
2746	Tomlins claim	Carlo Tomlins	
2745	The unaffordable housing (Munroe) claim	Debbie Munroe	<ul style="list-style-type: none"> • Claim relates to Māori living in Manurewa and the greater Auckland region • Māori disproportionately experience homelessness and live in poor housing conditions • The Crown has failed current generations of Māori who are unable to own homes or afford suitable housing • Failed to ensure adequate housing is accessible to all Māori
2807	Te Rūnanga o Kirikiriroa	Glen Tupuhi	<ul style="list-style-type: none"> • Failed to address critical housing needs in and around Kirikiriroa

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • The accommodation supplement model is flawed • Failed to ensure social housing providers are able to meet community housing needs • Crown has not provided adequate support and resources for social housing providers that reflect the housing issues facing Māori • Failed to support Māori pursuing home ownership
2752	Ngāti Hau	Kristi Henare and Thelma Connor	<ul style="list-style-type: none"> • Failed to ensure Māori can access quality, affordable housing • Failed to prevent the rapid rise of housing prices and rents • Failed to prevent disproportionate levels of Māori homelessness.
2762	Rangi Pakuru Tomlins	Rangi Pakuru Tomlins	<ul style="list-style-type: none"> • Failed to address the housing crisis and its disproportionate effects on Māori • Legislation and regulations have made housing unaffordable and inaccessible for Māori • Failed to address the disproportionate number of Māori who are homeless and failed to assist Māori in immediate need to acquire and access housing
2751	Tony Watene	Tony Watene	<ul style="list-style-type: none"> • Difficulty Māori owners of general land face in pursuing papakāinga
2749	Patricia Dennis	Patricia Dennis	<ul style="list-style-type: none"> • Failed to ensure that kuia and kaumātua are able to reside on their ancestral lands • Kuia and kaumātua are particularly affected by the barriers contained in Te Ture Whenua Māori Act 1993 due to low incomes • Building on rural, multiply-owned Māori land is expensive and administratively burdensome • Kuia and kaumātua often live with whānau for cultural or financial reasons, which can contribute to overcrowding. The Crown has a duty to meet these needs
2761	Tukuparaehe Mau	Tukuparaehe Mau	<ul style="list-style-type: none"> • Inadequate provision of housing policy to Māori • Failed to provide for the development of Māori freehold land • Finance to improve Māori housing often inaccessible
2759	District Māori Councils	Cletus Maanu Paul, Raymond Hall,	<ul style="list-style-type: none"> • Inadequate provision of housing policy to Māori

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
		Titewhai Harawira, John Tamihere, Desma Ratima, Rangi McLean, Rihari Dargaville	<ul style="list-style-type: none"> • Housing disparities between Māori and non-Māori • Over-regulation of Māori land, preventing returning to Māori housing systems on Māori land • Failed to address growing Māori homelessness • Urban housing policy encouraged cultural assimilation • Housing policy fails to reflect mātauranga Māori and has imposed the Crown's social, cultural, and housing norms • Poor housing standards affects health
2813	Raymond Hall and John Tamihere	Raymond Hall, John Tamihere	<ul style="list-style-type: none"> • Failed to protect Māori housing systems • Governance of Māori and their housing system occurred without prior and informed consent • Crown has not engaged with urban Māori as Treaty partners
2795	The Housing (Makoare) claim	Zack Makoarse	<ul style="list-style-type: none"> • Failed to include all stakeholders in facilitating development of Māori land • Funding for Māori trusts and individuals wanting to build on Māori land inadequate • Much Māori land is deemed unsuitable for housing, limiting housing development
2815	Ned Tomlins and Neri Stone	Ned Tomlins and Neri Stone	<ul style="list-style-type: none"> • Crown has not reduced barriers to obtaining finance to build housing on Māori land • Support to develop Māori-owned lands inadequate • Failed to support the housing needs of Māori, including assisting kaumātua to return to their ancestral lands
2805	Tahei Simpson, Keri Dell, and Waara Varley	Tahei Simpson, Keri Dell, and Waara Varley	<ul style="list-style-type: none"> • Historically, Māori were denied access to housing programmes • Māori are less likely to own homes and to live in substandard housing or state housing • Financial organisations discriminate against Māori in the provision of housing loans
2871	Housing (Baker) claim	Nigel Baker	<ul style="list-style-type: none"> • Failed to provide adequate living standards for Māori rurally due to racial prejudice • Claimant lives at his papakāinga in Tarawera, is a victim of this racism

Wai #	Claim Name	Named Claimant(s)	Housing issues raised
			<ul style="list-style-type: none"> • An existing water supply once available to the claimants' papakāinga has been 'cut-off' – unclear whether the claimant has been paying rates to the council • Land title was changed to that of private ownership but failed to protect existing rights i.e. easements • Crown's actions contravene Articles 2 and 32 of UNDRIP • Napier City Council decided not to establish Māori wards for the next two elections, reflecting racism • The shifting of Māori representation at a local level
2868	The Housing (Hiini) claim	Kerry Pateriki Hamuera Hiini	<ul style="list-style-type: none"> • Poor quality housing produces poor health outcomes • Māori are over-represented on many measures of housing need • Lower average incomes mean Māori spend more of their income on rent, leaving less for essentials • Māori are more likely to live in temporary or insecure housing • Connection to land and whānau are important cultural factors for Māori choosing where to live • Māori have not been provided proper avenues to contribute to their own housing outcomes
2877	Elisabeth Lois Crawford	Elisabeth Lois Crawford	<ul style="list-style-type: none"> • The housing crisis has affected Māori health, education, and social outcomes • Crown lacks understanding of Māori culture • Social structures disadvantage Māori, historically and presently • Government legislation and regulations negatively affect Māori housing accessibility • The collective model of Māori land ownership remains a barrier to finance for building houses. • Title individualisation, breaches of land guarantees, appropriation of land through legislative changes

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The Way We Were Archive – Waitangi Conditions	T'ZP86758	04/05/1970
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Top Half

Thames – Māori Families in Tip T'ZP113938 28/11/1983

6:30PM NEWS

Quigley on Bastion Point T'ZP47405 15/06/1982

New Zealand Productivity Commission

New Zealand Productivity Commission (2017) Better Urban Planning Submissions

Māori and Urban Development

Waikato District Council	Sub. 2
Auckland City Council	Sub. DR86
Greater Wellington Regional Council	Sub. DR80
Regional Public Health and NZ Centre for Sustainable Cities	Sub. 35
Prof Hirini Matunga	Sub. 52
Greater Christchurch Urban Development Strategy	Sub. DR83
Christchurch City Council	Sub. DR90
Whanganui District Council	Sub. DR95
Bay of Plenty Regional Council	Sub. DR111
LGNZ	Sub. DR113

The Treaty and Active Protection of Māori Interests in Planning Legislation

Sir Geoffrey Palmer and Roger Blakley	Sub. 7
Far North District Council	Sub. 45
Auckland City Council	Sub. DR86
Waikato District Council	Sub. 16

Better Recognition and Active Protection of Māori Interests

Rangitikei District Council	Sub. DR113
Waikato District Council	Sub. 2
Hamilton City Council	Sub. 4
New Zealand Planning Institute	Sub. 27
Selwyn District Council	Sub. 33
Trustpower	Sub. DR68
Greater Christchurch Urban Development Strategy Partnership	Sub. DR83
Environment Canterbury	Sub. DR72
Federated Farmers New Zealand	Sub. 21
Horizons Regional Council	Sub. DR97
Auckland District Law Society	Sub. DR70
Ngāti Whātua Orākei	Sub. DR76
Wellington City Council	Sub. DR61
Whanganui District Council	Sub. DR95

New Zealand Productivity Commission (2012) Housing affordability Submissions

Housing and Wellbeing

Western Bay of Plenty Māori Housing Forum Sub. DR136

Rueben Taipari Porter Sub. DR88

Housing Affordability

Whakaatu Whanaunga Trust Sub. DR148

Iwi Leaders Group for Housing Sub. DR118

The Salvation Army Sub. 59

Broader Issues for Māori Housing

Economic development

Kaitiakitanga Sub. DR97

*Western Bay of Plenty Māori Housing Forum Sub. DR136

Heeni Shortland Sub. DR91

Social housing

Nga Whare Oranga Trust Sub. DR137

Iwi Leaders Group for Housing Sub. DR118

Western Bay of Plenty Māori Housing Forum Sub. DR136

Community Housing Aotearoa Sub. DR126

Urban and rural housing

Fleur Palmer Sub. DR98

Responses to Housing Affordability Challenges

Community focus

Nga Whare Oranga Trust Sub. DR137

Western Bay of Plenty Māori Housing Forum Sub. DR136

Reuben Taipari Porter Sub. DR88

Rural housing quality

DBH Sub. DR140

Western Bay of Plenty Māori Housing Forum Sub. DR136

Kaitiakitanga Sub. DR97

Building Homes on Māori Land

Western Bay of Plenty Māori Housing Forum Sub. DR137

Pahia Turia Sub. DR78

Why aren't homes being built on Māori land?

Local public services

Western Bay of Plenty Māori Housing Forum Sub. DR136

Bay of Plenty Regional Council Sub. DR101

Whanau vision

Reuben Taipari Porter

Sub. DR88

Fleur Palmer

Sub. DR98

DBH

Sub. DR140

Private finance

Nga Whare Oranga Trust

Sub. DR137

Western Bay of Plenty Māori Housing Forum

Sub. DR136

Iwi Leaders Group for Housing

Sub. DR118

Alternative models for housing developments on Māori land

Western Bay of Plenty Māori Housing Forum

Sub. DR136

Appendix D: Archives New Zealand Sources

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Department of Maori Affairs [record group], c.1835-c.1981 (ACIH), Department of Maori Affairs, Head Office, 1906-1989 (AAMK), Iwi Transition Agency, Head Office, 1989-1991 (AAVN), and Te Puni Kokiri, National Office, 1992-current (ABJZ)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/14	1/6/3	Departmental Organisation - Position sheets on files - Housing Section	1954	1960	See more	Wgtn	
ACIH 16036 MA1/40	3/2/2	Annual Accounts and Balance Sheets - Maori Housing Act	1964	1967	See more	Wgtn	
ACIH 16036 MA1/41	3/2/5	Annual Accounts and Balance Sheets - Special Housing Fund	1963	1965	See more	Wgtn	
ACIH 16036	9/5/18	Maori Purposes Fund Board - Grants to Meeting Houses, Maraes, etc.	1959	1977	See more	Wgtn	
ACIH 16036 MAW2459/112	9/5/40	Aged Maoris Accommodation for Financial Assistance	1956	1967	See more	Wgtn	
ACIH 16036 MAW2459/149	16/7	Housing and Building Construction - Statistical Returns - Correspondence Procedure etc.	1953	1962	See more	Wgtn	
ACIH 16036	16/7	Maori Housing Statistics	1959	1972	See more	Wgtn	
ACIH 16036 MAW2459/153	16/17	Housing and Building Construction - Average Buildings Monthly Returns - General	1953	1957	See more	Wgtn	
ACIH 16036 MAW2459/153	16/17	Housing and Building Construction - Average Building Costs Monthly Returns - General	1957	1960	See more	Wgtn	
ACIH 16036 MA1/308	17/1/9	Employment and Accommodation for Maori offenders	1963	1975	See more	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/347	19/1/72	United Nations Housing Conference	1962	1962	See more	Wgtn	
ACIH 16036 MAW2459/251	30/1/1	Housing Legislation	1937	1945	Open	Wgtn	
ACIH 16036 MA1/585	30/1/2	Housing Regulations under Maori Housing Act	1936	1960	One file is open, one file is restricted	Wgtn	
ACIH 16036	30/1/3	[numerous files on housing policy]	1929	1977	Most are restricted	Wgtn	
ACIH 16036 MAW2459/255	30/1/4/1	Housing - Interest rates - 5 Yearly Interest Rate Review Returns	1971	1975	Restricted	Wgtn	
ACIH 16036 MAW2459/255	30/1/4	Housing - Interest Rates	1948	1969	Restricted	Wgtn	
ACIH 16036 MA1/586/1886	30/1/5	Maori Housing - Information booklet on finance and services available [One item Separated as SEP No. 1886]	1957	1965	Restricted	Wgtn	
ACIH 16036 MA1/586	30/1/7	Assignment of Social Security Benefits - Wages, rents etc. for Housing	1937	1944	Open	Wgtn	
ACIH 16036 MA1/586	30/1/7	Housing - Assignment of wages, pensions, rents etc.	1945	1953	Restricted	Wgtn	
ACIH 16036	30/1/8	[numerous files on housing Insurance]	1937	1971	Restricted	Wgtn	
ACIH 16036	30/1/9	[numerous files on the Special Housing Fund]	1938	1966	Most are restricted	Wgtn	
ACIH 16036 MAW2459/256	30/1/10	Housing - Charging orders - Housing Advances	1937	1973	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/591	30/1/12	Transfer of Housing and Land Development Securities to State Advances Corporation	1960	1962	Restricted	Wgtn	
ACIH 16036 MA1/591	30/1/13	Dr Paewai's Housing Scheme	1961	1961	Restricted	Wgtn	
ACIH 16036	30/1/15/1	Housing - Suspensory Loans - Returns	1950	1958	Restricted	Wgtn	
ACIH 16036 MA1/591	30/1/15	Suspensor Loans - Housing	1950	1957	Restricted	Wgtn	
ACIH 16036	30/1/17	Maori Housing - Mortgage Insurance Repayment Scheme	1938	1969	Restricted	Wgtn	
ACIH 16036 MAW2459/258	30/1/18	Housing - Mortgages - Indemnity fee	1941	1944	Open	Wgtn	
ACIH 16036 MAW2459/258	30/1/20	Deposit Accounts - Housing Loan Policy	1951	1957	Restricted	Wgtn	
ACIH 16036 MAW2459/258	30/1/20	Housing - Deposit Accounts - Method	1957	1961	Restricted	Wgtn	
ACIH 16036 MA1/592	30/1/21	Lending Limits - Housing Loan Policy	1951	1972	Restricted	Wgtn	
ACIH 16036 MAW2459/259	30/1/25	Housing - Financial assistance towards purchase of sections	1953	1975	Restricted	Wgtn	
ACIH 16036	30/1/26	Eligibility for Maori Housing Loans - Policy	1953	1973	Restricted	Wgtn	
ACIH 16036	30/1/27	Housing - Procedure in handling housing loans	1952	1978	Restricted	Wgtn	
ACIH 16036 MAW2459/259	30/1/28	Housing - Owner-Building	1954	1970	Restricted	Wgtn	
ACIH 16036 MA1/594	30/1/32	Maori Housing - Provision of ancillary works and household appliances (paths, fences, tool sheds, clothes lines etc., washing machines, electric ranges)	1954	1969	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/594	30/1/33/1	Group Houses (Stock Houses) - Subdivision to B.M.A. (Board of Maori Affairs) and correspondence regarding	1960	1966	Restricted	Wgtn	
ACIH 16036 MA1/594	30/1/33	(Maori Affairs Group Scheme) Building of houses for sale (during and/or after construction) to Maoris	1955	1962	Restricted	Wgtn	
ACIH 16036 MAW2459/260	30/1/35	Housing Applicants - Financial assistance from Maori Trust Funds and/or Civil List Funds	1956	1957	Restricted	Wgtn	
ACIH 16036 MAW2459/259	30/1/35	Board of Maori Affairs - Maori Housing - Building Programmes	1952	1957	Restricted	Wgtn	
ACIH 16036 MAW2459/260	30/1/39	Housing - Security for moneys advanced or expended	1953	1960	Restricted	Wgtn	
ACIH 16036 MAW2459/260	30/1/41	Improved housing for problem families - Interdepartmental Committee	1956	1959	Restricted	Wgtn	
ACIH 16036 MAW2459/261	30/1/42	Housing Loans - Lending Policy in remote areas	1954	1968	Restricted	Wgtn	
ACIH 16036 MA1/595	30/1/44	Rates on Housing Securities	1953	1968	Restricted	Wgtn	
ACIH 16036	30/1/46	Housing Subsidies - Difference between skilled and unskilled labour	1941	1955	Restricted	Wgtn	
ACIH 16036 MAW2459/262	30/1/49	Roading for housing purposes	1956	1960	Restricted	Wgtn	
ACIH 16036 MA1/596	30/1/50	Maoris who obtain houses with outside finance or through Government Group Building Scheme	1954	1962	Restricted	Wgtn	
ACIH 16036 MAW2459/262	30/1/56	Housing - Housing Investigation Reports by Welfare Officers	1953	1966	Restricted	Wgtn	
ACIH 16036	30/1/58	[numerous files on the return of housing applications]	1962	1971	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/597	30/1/60	Review of Maori Housing - Working Parties Brief 1960	1960	1960	Restricted	Wgtn	
ACIH 16036 MA1/597	30/1/61	Local Body Loans for Housing	1961	1961	Restricted	Wgtn	
ACIH 16036 MAW2459/263	30/1/62	Housing and Building - Information Booklet for Mortgagers	1953	1962	Restricted	Wgtn	
ACIH 16036	30/1/67	Annual Report (G9) - Housing and Building Construction	1951	1963	Restricted	Wgtn	
ACIH 16036 MA1/597	30/1/70	Maori Housing - Parade of homes	1962	1962	Restricted	Wgtn	
ACIH 16036 MAW2459/265	30/1/78	Payments to Contractors - Land Development Housing Co-operative	1955	1964	Restricted	Wgtn	
ACIH 16036	30/1/83	Housing Loans Policy - Transfer and Resale of Existing Securities, including repossessions	1960	1980	Restricted	Wgtn	
ACIH 16036 MA1/597	30/1/86	Maori Housing - Rent Insurance	1969	1969	Restricted	Wgtn	
ACIH 16036 MA1/598	30/1/87	Housing Approvals - Quarterly Returns	1969	1971	Restricted	Wgtn	
ACIH 16036 MA1/598	30/1/88	Housing - Defalcations	1969	1969	Restricted	Wgtn	
ACIH 16036 MAW2459/267	30/1/92	Housing - Commission of Enquiry into Housing 1970	1969	1971	Restricted	Wgtn	
ACIH 16036 MAW2459/268	30/1/105	Submissions approved by the full Board for the purchase of second hand houses	1975	1977	Restricted	Wgtn	
ACIH 16036 MAW2459/269	30/1/172	Petane, now Bay View and Tangoio - Housing Survey	1956	1956	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/590	30/1/9A	Special Housing Loans - Returns file	1962	1966	Restricted	Wgtn	
ACIH 16036	30/1	[numerous files on Māori housing, housing organisation, and housing policy]	1932	1975	Most are restricted	Wgtn	
ACIH 16036	30/3/*	[numerous files on housing surveys in specific locations]	1931	1976	Some open, some restricted	Wgtn	Two files available digitally
ACIH 16036	30/5	Rental housing - General	1945	1972	Restricted	Wgtn	
ACIH 16036	30/8	[numerous files on arrears of housing loan repayments, returns and correspondence - policy and general]	1948	1971	Restricted	Wgtn	
ACIH 16036 MAW2459/271	30/9	Housing and Employment Survey - Policy	1960	1961	Restricted	Wgtn	
ACIH 16036 MA1/626	30/10/A	State Advance and Ministry of Works Houses - Purchase of by Maoris - Returns, General	1961	1964	Restricted	Wgtn	
ACIH 16036 MAW2459/271	30/10	State Advance Houses - Purchases of by Maori - Policy	1961	1962	Restricted	Wgtn	
ACIH 16036 MA1/627	30/11	State Rental Houses - Purchase of by Maoris - Accounting Returns (General)	1962	1965	Restricted	Wgtn	
ACIH 16036	30/15/*	[numerous files on housing survey follow ups in specific locations]	1962	1966	Restricted	Wgtn	
ACIH 16036 MA1/630	30/15	Housing Survey Follow Up - General file	1962	1965	Restricted	Wgtn	
ACIH 16036	30/16	[numerous files on housing - capitalization of family benefit, including policy]	1958	1965	Restricted	Wgtn	
ACIH 16036 MA1/585	30/1A	Housing matters raised by Māori Women's Welfare League	1952	1960	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MA1/643	32/5/8	Progress Reports - House for Ex-Servicemen	1945	1947	Restricted	Wgtn	
ACIH 16036 MAW2490/44	32/5	Rehabilitation - Housing - General	1945	1952	See more	Wgtn	
ACIH 16036	37/1B	Hostels - Grants towards running costs	1969	1978	See more	Wgtn	
ACIH 16036 MA1/687	44/1/10	Housing and Building Tenders General	1953	1968	Restricted	Wgtn	
ACIH 16036 MAW2490/192	44/1/11	Housing and Building Construction - Valuation Services - Inspection work - Generally	1953	1960	Restricted	Wgtn	
ACIH 16036	44/1	[numerous files on housing building programme fixed by Government, including purchase of state rental houses for sale to Māori]	1957	1977	Restricted	Wgtn	Four files available digitally
ACIH 16036	44/2	[numerous files on housing construction, including progress reports on dominion wide basis and progress with housing programme]	1941	1972	Most are restricted	Wgtn	
ACIH 16036 MA1/693	44/16/1	Native Housing - Quarterly return for government statistician	1933	1943	Open	Wgtn	
ACIH 16036 MA1/693	44/16/1	Housing Organisation - Quarterly return for government statistician - Housing Organisation	1944	1951	Restricted	Wgtn	
ACIH 16036 MAW2490/196	44/16	Housing Statistics	1938	1941	Open	Wgtn	
ACIH 16036 MAW2490/196	44/16	Houses and Building Construction - Statistical Returns, correspondence, procedures, etc.	1948	1952	Restricted	Wgtn	
ACIH 16036	44/21	[numerous files on housing and building contracts, including policy]	1948	1974	Restricted	Wgtn	
ACIH 16036	44/28	Standard Specifications - Maori Housing	1957	1975	Restricted	Wgtn	
ACIH 16036	44/33	[numerous files on purchase of land for housing and provision of housing sites]	1949	1966	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MAW2490/219	48/1/2	Accommodation for Aged Maori	1952	1958	See more	Wgtn	
ACIH 16036 MAW2490/219	48/1/2	Housing for Elderly	1974	1974	See more	Wgtn	
ACIH 16036 MA1/709	49/1/1	Land acquired for hostels, flats and family homes	1963	1968	See more	Wgtn	
ACIH 16036 MAW2490/223	51/1/7	Board of Maori Affairs - Housing Committee (Head Office) -Composition - Procedures and Delegations	1955	1968	See more	Wgtn	
ACIH 16036	51/2/1	Board of Maori Affairs - Schedules (1) Provisional approvals, (2) Sub-committee decisions - Housing - Tools of Trade	1948	1969	See more	Wgtn	
ACIH 16036	51/4/9	[numerous files on reports to District Maori Housing District Committee by District Officer]	1953	1974	See more	Wgtn	
ACIH 16036 MA1/729	53/2/5	Departmental Manual of Instructions (Accounts) Chapter 5 - Building Construction and Housing Loans	1950	1953	See more	Wgtn	
ACIH 16036 MA1/737	53/4	Departmental Manual of Instructions - Housing	1953	1963	See more	Wgtn	
ACIH 16036 MA1/795	57/6/8	Maori Education Foundation - Hostel Policy and Projects	1962	1972	See more	Wgtn	Available digitally
ACIH 16036 MAW2490/305	60/7	Development Scheme - Building houses	1932	1954	Restricted	Wgtn	
ACIH 16036 MAW2490/306	60/7	Development Scheme - Housing Policy on Schemes	1954	1960	Restricted	Wgtn	
ACIH 16068 MA51/9	65	Housing Applications	1934	1944	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ACIH 16036 MAW2490/326	71/0/11/1	Housing - Priority Committee	1976	1976	See more	Wgtn	
ACIH 16036 MA1/830	115/1/3	Proposed Agreements for Housing Work	1945	1949	See more	Wgtn	
ACIH 16131 MAW2685/2	692	Miscellaneous - Maori Housing: Departmental Standard Plans	1954	1954	Open	Wgtn	
ACIH 16058 MA25/17/29		Manual of Instructions - Housing	no date	no date	Open	Wgtn	
ACIH 16055 MA22/1		Housing - Minute Book - 2 February 1937 - 16 February 1939	1937	1939	Open	Wgtn	
ACIH 16055 MA22/2		Maori Housing - Departmental Standard Plans	1954	1954	Open	Wgtn	
ACIH 16048 MA15		Folder of graphs and statistics about Maori population, farming, housing and production	no date	no date	Open	Wgtn	
ACIH 16054 MA21/1/1		Tanks - Papers relating to the supply of [water] tanks to Maori houses - Registered correspondence of Justice Department	1898	1905	Open	Wgtn	
AAMK 869 W3074/28/a	3/1/16	Finance and Allocations - Accounts - Financial Allocations - Maori Housing	1978	1981	Open	Wgtn	
AAMK 869	3/2/2	Annual Accounts and Balance Sheets - Maori Housing	1966	1979	Open	Wgtn	
AAMK 869	3/2/5	Annual Accounts and Balance Sheets - Special Maori Housing Fund	1969	1977	Open	Wgtn	
AAMK W3730/23	3/11/2	Purchase and Disposal of Houses - House Properties offered to the Department for sale to Maori	1953	1983	Open	Wgtn	
AAMK 869	8/0/1	[numerous files on housing general correspondence]	1950	1980	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAMK 869 W3074/217/c	8/0/8	Housing - Administration - Rates (was 71/0/17)	1973	1978	Open	Wgtn	
AAMK 869 W3074/225/a	8/2/1	Housing - Buildings - Plans, Costs. Etc. (was 71/0/7)	1959	1967	Open	Wgtn	
AAMK 869 W3074/226/a	8/3	Housing - Sections - General (was 71/0/2)	1962	1969	Open	Wgtn	
AAMK 869 W3074/259/h	9/16	Maori Purposes Fund Board - Flats for single Maoris - General - Housing	1962	1973	Open	Wgtn	
AAMK 869	30/0/4	[numerous files on housing lending policy]	1958	1985	Restricted	Wgtn	
AAMK 869 W3074/1007/b	30/1/3	Housing - Loan - Policy	1977	1979	Restricted	Wgtn	
AAMK 869 W3074/1007/c	30/1/4	Housing - Interest Rates	1970	1975	Restricted	Wgtn	
AAMK 869 W3074/1008/a	30/1/19	Housing - Loan Policy for Purchase by Maoris of existing dwellings (excluding departmental and re-possessed securities)	1951	1975	Restricted	Wgtn	
AAMK 869 W3074/1008/b	30/1/26	Housing - Eligibility for Maori Housing Loans - Policy	1973	1976	Restricted	Wgtn	
AAMK 869 W3074/1009/a	30/1/30/1	Housing - Papakainga Maori Housing in Marae Neighbourhood	1972	1982	Restricted	Wgtn	
AAMK 869 W3074/1009/b	30/1/33	Housing - Maori Affairs Group Scheme - Building of houses for sale (during and/or after construction) to Maoris	1962	1975	Restricted	Wgtn	
AAMK 869 W3074/1011/a	30/1/38	Housing - Siting of houses - identification of sections	1956	1975	Restricted	Wgtn	
AAMK 869 W3074/1011/c	30/1/42/1	Housing - Lending Policy in rural and remote area - Repairs and provision of amenities	1969	1973	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAMK 869	30/1/42/58	Housing - Return of Housing Applications	1971	1980	Restricted	Wgtn	
AAMK 869	30/1/42/76	Housing - Repairs, Maintenance and Additions	1965	1975	Restricted	Wgtn	
AAMK 869 W3074/1014/b	30/1/42/97	Housing - Rent Freeze - Tenant Protection Association Incorporated - Rent Freeze Regulations	1973	1984	Restricted	Wgtn	
AAMK 869 W3074/1011/b	30/1/42	Housing - Housing Loan - Lending Policy in remote area - New houses	1969	1973	Restricted	Wgtn	
AAMK 869	30/1	Housing - General	1975	1984	Restricted	Wgtn	
AAMK 869	30/3/*	[numerous files on housing surveys in specific locations]	1937	1968	Most are restricted	Wgtn	One file is available digitally
AAMK 869	30/3	[numerous files on general housing surveys]	1949	1982	Restricted	Wgtn	
AAMK	30/13/1	Houses Constructed by MOW [Ministry of Works] (etc) - Operation and implementation of Administration Programme	1961	1966	Open	Wgtn	
AAMK W3730/24	30/13/2	Houses Constructed by MOW [Ministry of Works] (etc) - Costs analysis	1961	1965	Open	Wgtn	
AAMK W3730/23	30/13	Houses Constructed by MOW [Ministry of Works] for sale to Maori - Policy and Fixing Administration Programme	1961	1965	Open	Wgtn	
AAMK 869	30/17	Housing - Housing Policy and Instructions	1962	1975	Restricted	Wgtn	
AAMK 869 W3074/1046/c	32/5	Rehabilitation - Rehabilitation Housing - General Policy	1953	1965	Open	Wgtn	
AAMK 869	34/1	Meeting Houses and Community Centres - Policy	1947	1975	Open	Wgtn	
AAMK 869 W3074/1111/a	36/35/3	Welfare - Accommodation - Housing Surveys	1966	1977	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAMK 869 W3074/1110/d	36/35	Welfare - Accommodation, Housing - General [49/1/2 on cover]	1979	1982	Open	Wgtn	
AAMK 869	37/1	[numerous files on hostels and hostelries policy]	1939	1982	Open	Wgtn	
AAMK 869 W3074/1131/c	44/1/2	Housing Construction - Housing Valuations - Building Costs - Policy and General	1962	1967	Restricted	Wgtn	
AAMK 869	44/33	Housing Construction - Provision of Housing Sites - General	1966	1973	Restricted	Wgtn	
AAMK 869 W3074/1134/b	44/34	Housing Construction - Building Costs - Summaries and Analysis	1961	1982	Restricted	Wgtn	
AAMK 869	49/1/2	[numerous files on housing for the elderly]	1953	1974	Open	Wgtn	
AAMK 869 W3074/1158/a	51/1/7	Maori Land Board - Housing Committee - Head Office	1969	1985	Open	Wgtn	
AAMK 869 W3074/1160/b	52/1/16	Public Relations - Maori Housing General (Includes Booklet 'Maori Housing') - Policy	1965	1982	Open	Wgtn	
AAMK 869	53/2/15	Accounts Manual Volume 2 - Housing Accounts Manual Vol. [Volume] 2	1964	1984	Open	Wgtn	
AAMK 869 W3074/1164/d	53/4	Department Manual of Instructions - Housing	1963	1965	Open	Wgtn	
AAMK 869 W3074/1165/b	53/6/3	Department Manual of Instructions - Welfare - Vol. [Volume] 6 - Chapter 3 - Housing	1963	1969	Open	Wgtn	
AAMK 869 W3074/1325/a	60/7/4	Land Settlement or Development - Development Housing - Suspensory Loans	1954	1957	Restricted	Wgtn	
AAMK 27839 W3495/27/27ad		Houses, Maori Affairs	no date	no date	See more	Wgtn	
AAVN 869	3/1/27	Financial Allocations Housing	1981	1985	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAVN 869 W3599/19	3/2/2	Maori Housing	1980	1984	Open	Wgtn	
AAVN 869 W3599/148	30/1/5	Information Booklet on Finance and Services Available	1965	1983	Open	Wgtn	
AAVN 869 W3599/149	30/1/44	Rates on Housing Securities	1968	1972	Open	Wgtn	
AAVN 869 W3599/149	30/1/62	Information Booklet on Responsibilities of Home Ownership	1962	1976	Open	Wgtn	
AAVN 869 W3599/150	30/1/91	Leasehold Sections - Tenure and Security	1969	1984	Open	Wgtn	
AAVN 869 W3599/147	30/1	Housing - General	1983	1986	Open	Wgtn	
AAVN 869	30/8	Policy and General	1971	1985	Open	Wgtn	
AAVN 869 W3599/151	30/9	Housing and Employment - Policy	1961	1973	Open	Wgtn	
AAVN 869 W3599/151	30/12/2	Interest Rates	1975	1983	Open	Wgtn	
AAVN 869 W3599/152	30/12/8	Mortgage Insurance Repayment Scheme	1969	1982	Open	Wgtn	
AAVN 869 W3599/189	37/1A	Subsidies to Church Organisations Policy	1950	1985	Open	Wgtn	
AAVN 869 W3599/189	37/1B	Hostels, Grants Toward Running Costs	1978	1980	Open	Wgtn	
AAVN 869 W3599/201	44/1	Policy, Programme Mixed by Government	1977	1979	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAVN 869 W3599/202	44/3	Remedial Work Due to Faulty Construction - Policy	1973	1979	Open	Wgtn	
AAVN 869 W3599/202	44/27	Policy and General Correspondence	1975	1983	Open	Wgtn	
AAVN 869 W3599/203	44/33	General and Annual Section Requirements	1976	1982	Open	Wgtn	
AAVN 869 W3599/227	54/6/13	Mortgages Guarantee Scheme - Agreement Between Maori Trustee and Housing Corporation - Closed	1962	1974	Open	Wgtn	
AAVN 869 W3599/389	100/1/35/1	Housing of Social Workers in Major State Housing Areas	1971	1978	Open	Wgtn	
AAVN 869 W3599/410	100/6/5	Housing - Domestic Problems	1966	1975	Open	Wgtn	
AAVN 869 W3599/513	100/6/7/1	Hostels - General	1959	1976	Restricted	Wgtn	
ABJZ 869 W4644/5	1/5/4	Departmental Policy And Organisation - State Of Work Reports - Minutes Housing Section	1976	1979	Open	Wgtn	
ABJZ 869 W4644/5	1/5/4	Departmental Policy And Organisation - State Of Work Reports - Housing	1979	1982	Open	Wgtn	
ABJZ 869 W4644/5	1/6/3	Departmental Policy And Organisation - Administration Control Certificates - Housing	1977	1989	Open	Wgtn	
ABJZ 4948/13/c	7/2/1/3	Housing Reports	1989	1991	Open	Akld	
ABJZ 4948/12/b	7/2/19	Transition of Housing Administration	1987	1988	Open	Akld	
ABJZ 4948/12/c	7/2/20	Disposal of Surplus Crown Housing	1988	1989	Open	Akld	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 4948/11/c	7/2/25	Temporary Housing Register	no date	no date	Open	Akld	
ABJZ 4948/11/d	7/2/26	Housing Budget Allocations	1990	1992	Open	Akld	
ABJZ 869 W4644/77	30/0/1	Housing - Policy - Housing Legislation Working Papers	1970	1985	Restricted	Wgtn	
ABJZ 869 W4644/77	30/0/2	Housing - Policy - Eligibility For Housing Loans - Policy	1976	1985	Restricted	Wgtn	
ABJZ 869	30/0/4	Housing - Policy - Housing Loan Policy	1984	1991	Restricted	Wgtn	
ABJZ 869 W4644/78	30/0/5	Housing - Policy - Monthly Review Of Departmental Activities	1985	1989	Restricted	Wgtn	
ABJZ 869 W4644/78	30/0/6	Housing - Policy - Maori Housing 1987	1986	1988	Restricted	Wgtn	
ABJZ 869 W4644/78	30/0/7	Housing - Policy - Rent To Buy	1987	1987	Restricted	Wgtn	
ABJZ 869 W4644/78	30/0/8	Housing - Policy - Carpentry Training Scheme - Policy	1988	1988	Restricted	Wgtn	
ABJZ 869 W4644/78	30/0/9	Housing - Policy - Assets Disposals	1988	1988	Restricted	Wgtn	
ABJZ 869 W4644/77	30/0	Housing - Policy - Housing - Legislation	1942	1942	Open	Wgtn	
ABJZ 869	30/1/*	[numerous files on general housing]	1953	1994	Restricted	Wgtn	
ABJZ 869 W4644/78	30/1	Housing - General - General	1986	1989	Restricted	Wgtn	
ABJZ 869	30/3/*	[numerous files on housing surveys and localities and depressed areas]	1944	1988	Most are restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 869 W4644/84	30/3	Housing - Housing Surveys And Localities And Depressed Areas - Housing Requirements Locality Surveys	1984	1987	Restricted	Wgtn	
ABJZ 869 W4644/84	30/5	Housing - State Rental Housing - Localities General	1972	1987	Restricted	Wgtn	
ABJZ 869 W4644/84	30/6/2	Housing - Housing Returns And Reviews - Housing Applications Review Of	1963	1989	Restricted	Wgtn	
ABJZ 869 W4644/85	30/8	Housing - Arrears Of Loan Repayments - Policy And General	1985	1992	Restricted	Wgtn	
ABJZ 869 W4644/85	30/9	Housing - Sub Standard Dwellings - Powers Under Health Act	1958	1975	Restricted	Wgtn	
ABJZ 869 W4644/85	30/10/1	Housing - Housing Corporation And Ministry Of Works - Liaison With Housing Corporation	1965	1965	Restricted	Wgtn	
ABJZ 869 W4644/85	30/10	Housing - Housing Corporation And Ministry Of Works - Purchase By Maori - Policy	1964	1986	Restricted	Wgtn	
ABJZ 869	30/11/*	[numerous files on the purchase and disposal of houses]	1973	1989	Restricted	Wgtn	
ABJZ 869	30/12/*	[numerous files on mortgage loans and repayments]	1951	1989	Restricted	Wgtn	
ABJZ 869	30/13/*	[numerous files on sections, sub-divisions and roading]	1955	1991	Restricted	Wgtn	
ABJZ 869 W4644/87	30/13	Housing - Sections, Sub-Divisions And Roothing - Sections - Policy	1985	1987	Restricted	Wgtn	
ABJZ 869 W4644/87	30/14	Housing - Land Proclaimed For Maori Housing - General	1962	1984	Restricted	Wgtn	
ABJZ 869	30/15/*	[numerous files on rural housing]	1972	1987	Restricted	Wgtn	
ABJZ 869 W4644/88	30/16/*	[numerous files on capitalisation of family benefit housing series]	1960	1987	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 869 W4644/88	30/16	Housing - Capitalisation Of Family Benefit Housing Series - Policy	1970	1987	Restricted	Wgtn	
ABJZ 6878 W4615/15	30/17	Housing - District - Housing Administration Policy & Instructions	1985	1992	Restricted	Wgtn	Available digitally
ABJZ 869 W4644/88	30/21/1	Housing - Flats And Town Houses - Own Your Own Flats Cross Leasing - Home Units	1973	1986	Restricted	Wgtn	
ABJZ 869 W4644/89	30/21/2	Housing - Flats And Town Houses - Courtyard Housing And Town Houses	1979	1987	Restricted	Wgtn	
ABJZ 869 W4644/89	32/5	Rehabilitation - Housing - Housing Loans	1966	1982	Open	Wgtn	
ABJZ 869 W4644/89	32/5A	Rehabilitation - Housing - Supplementary Procedure	1965	1966	Open	Wgtn	
ABJZ 869 W4644/90	34/1/3	Meeting Houses And Memorials - Policy And General - Grants For Meeting Houses For A Consolidated Fund	1964	1966	Open	Wgtn	
ABJZ 869 W4644/90	34/1	Meeting Houses And Memorials - Policy And General - Policy	1975	1992	Open	Wgtn	
ABJZ 869 W4644/124	36/2/7/1	Community Development Services - Social Planning And Resources - Corporatisation (Housing)	1987	1987	Open	Wgtn	
ABJZ 869	37/1/*	[numerous files on hostels policy]	1966	1989	Open	Wgtn	
ABJZ 869	37/1	[numerous files on hostels policy]	1984	1989	Open	Wgtn	
ABJZ 869	44/1/*	[numerous files on housing construction policy]	1964	1992	Restricted	Wgtn	
ABJZ 869 W4644/172	44/1	Housing Construction - Policy And General - Policy, - Programme Fixed By Government	1979	1992	Restricted	Wgtn	
ABJZ 869 W4644/173	44/3	Housing Construction - Remedial Work Due To Faulty Construction - Policy - Workmanship etc	1978	1987	Restricted	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 869 W4644/173	44/21	Housing Construction - Building Contracts - Housing And Building Tenders And Contracts - Policy	1974	1983	Restricted	Wgtn	
ABJZ 869 W4644/173	44/27	Housing Construction - Architectural Plans - Policy And General Correspondence	1983	1992	Restricted	Wgtn	
ABJZ 869 W4644/173	44/28	Housing Construction - Standard Specifications - Standard Specifications And Technical Data	1975	1992	Restricted	Wgtn	
ABJZ 869 W4644/174	44/33	Housing Construction - Provision Of Housing Sites - General And Annual Section Requirements	1982	1987	Restricted	Wgtn	
ABJZ 869 W4644/174	44/34	Housing Construction - Building Cost Statistics - Summary And Analysis - General	1983	1992	Restricted	Wgtn	
ABJZ 869 W4644/190	49/1/2	Accommodation - Kaumatua Flats - General - Land Acquired For	1982	1987	Open	Wgtn	
ABJZ 869 W4644/190	49/1	Accommodation - Kaumatua Flats - General - Policy	1958	1983	Open	Wgtn	
ABJZ 869 W4644/282	49/2/1	Accommodation - Kaumatua Flats - Flats And Accommodation For Young People - Policy And General Correspondence All Districts	1963	1993	Open	Wgtn	
ABJZ 869	49/3/*	[numerous files on flats and housing for the elderly]	1983	1993	Most are Open	Wgtn	
ABJZ 869	49/3	Accommodation - Kaumatua Flats - Flats And Housing For The Elderly - Policy	1975	1994	Open	Wgtn	
ABJZ 869 W4644/196	51/1/7	Maori Land Board - Policy And General - Housing Committee (Head Office)	1986	1988	Open	Wgtn	
ABJZ 869 W4644/196	51/1/11	Maori Land Board - Policy And General - District Executive Housing Committee (Delegations & Policy)	1969	1975	Open	Wgtn	
ABJZ 869 W4644/196	51/4/9	Maori Land Board - District Maori Housing Loans Committee - Progress Reports To District Maori Housing Loan Committees By District Officer	1974	1979	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 869 W4644/198	52/4/6	Publicity - Departmental Publications - Housing Publications	1986	1988	Open	Wgtn	
ABJZ 869 W4644/199	53/2/15	Departmental Manual Of Instructions - Accounts Manual Volume 16 - Housing	1975	1985	Open	Wgtn	
ABJZ 869	53/4*	[numerous volumes of the Departmental Manual Of Instructions - Housing Manual]	1963	1987	Open	Wgtn	
ABJZ 869	73/20/*	[numerous files on legal - housing, including Maori housing portfolio, mainstreaming Maori housing, and mortgage forms]	1989	1993	Open	Wgtn	
ABJZ 869 W4644/249	73/22/3	Legal - Reviews - Papakainga Housing Review	1991	1992	Open	Wgtn	
ABJZ 6878 W4615/32	88/2	Housing - General	1985	1989	Restricted	Wgtn	
ABJZ 7019 W4644/6	LEG 6/5	Legal - Bills (Ministry of Maori Affairs) - Legal Bills/Papakainga Housing Bill	1990	1990	Open	Wgtn	
ABJZ 7019 W4644/22	POL 10/1/1	Policy and Research - Welfare - Accommodation Supplement	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/22	POL 10/1	Policy and Research - Welfare - Housing Assistance	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/23	POL 10/2	Policy and Research - Welfare - Maori Women's Housing Research Project	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/23	POL 10/3/1	Policy and Research - Welfare - Papakainga Housing and The Resource Management Act	1990	1991	Open	Wgtn	
ABJZ 7019 W4644/23	POL 10/3	Policy and Research - Welfare - Papakainga Housing	1988	1991	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABJZ 7019 W4644/23	POL 10/4	Policy and Research - Welfare - Housing for the Disabled	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/23	POL 10/5/1	Policy and Research - Welfare - Location of Housing Policy Advice	1991	1991	Open	Wgtn	
ABJZ 7019 W4644/24	POL 10/7	Policy and Research - Welfare - Housing Corporation Subsidy Formula - Financial Certainty	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/24	POL 10/9/9	Policy and Research - Welfare - Housing Corporation Internal Circulars	1991	1991	Open	Wgtn	
ABJZ 7019 W4644/24	POL 10/9	Policy and Research - Welfare - Housing Corporation Internal Circulars	1989	1991	Open	Wgtn	
ABJZ 7019 W4644/53	POL 30/1	Policy and Research - Prime Ministerial Committee on Reform of Social Assistance - Accommodation	1991	1991	Open	Wgtn	
ABJZ 7019 W4644/15	POL 7/2/4	Policy and Research - Government and Economy - Housing Corporation	1986	1991	Open	Wgtn	
ABJZ 7019 W4644/16	POL 9H/13	Policy and Research - Health - Health/Housing Interface	1990	1991	Open	Wgtn	
ABJZ 7024 W4644/81		STAFF AT WORK - ACCOUNTS, HOUSING, IWI EXPRESS, TETA TAPE III - HEAD OFFICE - 7/8/1990 - Produced by the Iwi Transition Agency - U-maticSP videocassette - Preservation Master	1990	1990	Restricted	Wgtn	Available digitally

Ministry of Works and Development, Auckland District Office, c.1874-1988 (BBAD), Housing Division, Ministry of Works [record group], c.1930-c.1980 (AEFM), Ministry of Works and Development, Hamilton District Office, 1946-1948 (BAAS), and Ministry of Works and Development Residual Management Unit, Head Office, 1988-c.1993 (AATE)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
BBAD 1054/2007/c	27/233	Native housing scheme	1938	1954	Open	Akld	
BBAD 1054	34/1/8	[numerous files on state housing - land for Māori housing - general]	1953	1975	Open	Akld	
BBAD 1054	36/3	[numerous files on land for Māori housing - general and land for Māori housing in Auckland District]	1967	1973	Open	Akld	
AEFM 19224 HD1W1353/32	3/211/1	Maori Housing - 17 May 1949 - 04 May 1951	1949	1951	Open	Wgtn	
AEFM 19224 HD1W1353/22	3/211/1	Maori Housing - 12 May 1961 - 30 September 1963	1961	1963	Open	Wgtn	
AEFM 19224 HD1W2060/16	3/211/1	Transfer of State Rental Houses to Maori Affairs Department	1963	1974	Open	Wgtn	
AEFM 19224 HD1W2060/16	3/211	Housing Situation - Maori Affairs	1963	1973	Open	Wgtn	
AEFM 19224 HD1W2060/16	3/217	Maori Housing Allocations - L and S [Lands and Survey] Department	1949	1971	Open	Wgtn	
BAAS 5113	14/26/*	Land Development - Native Housing	1939	1947	Open	Akld	
AATE 10880 A1003/75/a	6/21/1	Buildings - Maori Housing - Native Cottages	1939	1941	Open	Akld	
AATE 10880 A1003/79/b	6/21/3/1	Buildings - Maori Housing - Native Housing Claims	1937	1945	Open	Akld	
AATE 10880	6/21/3	Buildings - Maori Housing - Native Housing	1939	1948	Open	Akld	
AATE 10880	6/21/5	Buildings - Maori Housing - Privy Units for (Hutments)	1944	1968	Open	Akld	

Department of Health Head Office [record group], c.1873-c.1981 (ADBZ), Department of Health, Nelson District Office [record group], c.1901-1962 (ADCD), and Department of Health Auckland District Office, 1901-1989 (BAAK), Department of Health, Hamilton District Office, 1935-1989 (BCAA), Waikato Area Health Board, Health Development Unit, 1989-1993 (YCBE), and Ministry of Health, Head Office, 1993-current (ABQU)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ADBZ 16163	36/*	[numerous files on sanitation of Māori settlements in specific locations]	1915	1959	Most are see more	Wgtn	
ADBZ 16163	36	Sanitation of Maori Settlements - General	1919	1950	One file is open, one file is see more	Wgtn	
ADBZ 16163 H1/1286	194/18	Maori Hygiene - Maori Welfare - Housing	1935	1941	See more	Wgtn	
ADBZ 16163	194/25	Maori Hygiene - Privies	1938	1953	See more	Wgtn	
ADCD 16181 H-N1/2	12/1	Maori Hygiene - Housing	no date	no date	See more	Wgtn	
BAAK 19860 A358/88/a	14/1	Maori Health - native housing - general	1940	1955	Open	Akld	
BAAK 19860 A358/88/a	7256	Maori Health - native housing - general	1940	1955	Open	Akld	
BCAA 1990/379/c	13/3	Maori hygiene - Sanitation and water supplies of settlements	1933	1944	Open	Akld	
BCAA 1990/399/d	13/20	Maori hygiene - Native housing scheme	1937	1947	Open	Akld	
BCAA 1990	13/22	Maori hygiene - Maori privies	1938	1943	Open	Akld	
BCAA 1990/488/a	15/21/1	Maori hygiene - Building and sanitation - Area No 1	1939	1961	Open	Akld	
BCAA 1990/448/b	15/21/2	Maori hygiene - Building and sanitation - Area No. 2	1938	1961	Open	Akld	
BCAA 1990/360/h	165	Maori hygiene - Maori privies	1938	1939	Open	Akld	
BCAA 1990/399/d	501	Maori hygiene - Native housing scheme	1937	1947	Open	Akld	
BCAA 1990/372/a	729	Maori hygiene - Maori privies	1939	1943	Open	Akld	
BCAA 1990/379/c	751	Maori hygiene - Sanitation and water supplies of settlements	1933	1944	Open	Akld	
BCAA 1990/448/b	1607	Maori hygiene - Building and sanitation - Area No. 2	1938	1961	Open	Akld	
BCAA 1990/488/a	1609	Maori hygiene - Building and sanitation - Area No 1	1939	1961	Open	Akld	
YCBE 1990/70/d	15/21	Maori hygiene - Buildings and sanitation - general	1939	1969	Open	Akld	
YCBE 1990/70/d	7083	Maori hygiene - Buildings and sanitation - general	1939	1969	Open	Akld	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABQU 632 W4452/1240	194/3	Maori Health - Maori Housing	1942	1982	Open	Wgtn	

R Corporation Limited, 1988-1999 (AAQB)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAQB 889	24/2646/3	Land for Maori Housing	1943	1977	Open	Wgtn	
AAQB 889 W3950/388	24/2646	Acquisition of Sections from Housing Corporation for Maori Affairs Department	1942	1977	Open	Wgtn	
AAQB 889 W4073/135	24/4123	Maori Affairs, National, General	1953	1986	Open	Wgtn	
AAQB 889 W4073/419	32/1078/13	Maori and Island Affairs Department	1943	1958	Open	Wgtn	
AAQB 889 W4073/419	32/1078/13	Maori and Island Affairs Department	1958	1966	Open	Wgtn	
AAQB 889 W4073/420	32/1078/24	Natives Department (now Department of Maori and Island Affairs)	1946	1983	Open	Wgtn	
AAQB 889 W4073/455	32/9290/1	Legal Commission on Maori Court - Submissions	1978	1979	Open	Wgtn	
AAQB 889 W4073/455	32/9290/1	Legal Commission on Maori Court - Submissions	1979	1979	Open	Wgtn	
AAQB 7845 W5246/2		Waitangi Tribunal/ Including Maori Land Claims	1989	1996	Open	Wgtn	

Department of Lands, 1987-1990 (AAQU)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAQU 889 W3428/534	24/2646	Maori Affairs - National: Housing - General	1977	1987	Open	Wgtn	
AAQU 889 W3428/590	24/5270	Maori Affairs - National: Transfer of Sections for Housing Corporation	1978	1979	Open	Wgtn	

Housing Corporation of New Zealand [I], Head Office, 1974-1992 (AALF), Housing Corporation of New Zealand [III], 1992-2001 (ABVF), Department of Building and Housing, Head Office, 1992-2012 (ABVE), Housing Corporation - Nelson Corporation Office, unknown dates (ABLB)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AALF 6129 W3371/75/b	P1/26	Research into Maori Housing	1983	1985	Open	Wgtn	
ABVF 975/2	2/3/23	Transfer of housing functions from Maori Affairs Department	1978	1983	Open	Wgtn	
ABVF 975/4	3/230	Housing Situation - Maori Affairs Department	1976	1980	Open	Wgtn	
ABVF 7482 W4229/1	3	A Short Annotated Bibliography on Maori People and their Housing Situation	1987	1987	Open	Wgtn	
ABVF 7482 W4229/1	11,12,13 M40	A Short Annotated Bibliography on Maori People and their Housing Situation	1987	1987	Open	Wgtn	
ABVF 975/40	22/1/21	Land - Commission of enquiry into Maori reserved land	1974	1974	Open	Wgtn	
ABVF 975/54	32/1/5	Loans - Lending Policy - Loans to Maori	1972	1984	Restricted	Wgtn	
ABVF 975	35/232	Housing for Maori - general	1973	1987	Restricted	Wgtn	
ABVF 975/96	35/307/27	Housing - sale of state rental houses - sales to Maori	1969	1972	Restricted	Wgtn	
ABVF 975/99	44/1/38	Research - Maori home ownership	1983	1987	Open	Wgtn	
ABVF 7482 W4229/1	675	The Tattooed Face of Change - Maori Advisory Unit	1988	1988	Open	Wgtn	
ABVF 6124/16		Housing needs - Maori - National Housing Commission	1983	1985	Open	Wgtn	
ABVE 22521 W5655/75	3162	Maori and Pacific Island Scholarships	1992	1996	Open	Wgtn	
ABVE 22521 W5655/102	70011	Maori - Bicultural Policies	1994	1994	Open	Wgtn	
ABVE 7482 W5252/37		Maori Womens Housing Research Project	1990	1990	Open	Wgtn	
ABVE 7482 W5252/35		Lending on Multiply Owned Maori Land Programme	1990	1990	Open	Wgtn	
ABVE 7482 W5252/37		Maori Womens Housing Research Project - Transcripts	1990	1990	Open	Wgtn	
ABVE 7482 W5252/37		Housing Corporation of New Zealand - Maori Housing - Local Authorities and Kaumatua Housing	1989	1993	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABLB W4132	9/12/28/12/1	[two files on Housing Corporation of New Zealand assistance to the Māori community]	1985	1991	Open	Wgtn	
ABLB W4132/7	9/23	Ex-Maori Trustee Leases	1980	1986	Open	Wgtn	
ABLB W4132/10	15/1/13	Maori Affairs Department Applications Iwi	1976	1990	Open	Wgtn	

State Advances Corporation [record group], c.1896-c.1985 (AELE)

Archives reference	Record number	Title	Date opened	Date Closed	Access	Held	Available digitally
AELE 19203 SAC1W2801/15	22/1/31	Land - Land for Maori Housing	1974	1978	Open	Wgtn	
AELE 19203 SAC1W1956/40	35/3/9	Housing Management - Official Committee to Coordinate Reports - Maori and Island Affairs	1971	1972	Open	Wgtn	
AELE 19203 SAC1/273	35/232	Housing - Maori housing - General file	1940	1973	Open	Wgtn	
AELE 19203 SAC1W2801/46	35/232/8	Housing Policy - Housing for Maoris - Maori and Island Affairs Department - Policy	1974	1976	Open	Wgtn	
AELE 19213	35/151/1	State rental - Maori housing [numerous files for different timeframes]	1949	1964	Open	Wgtn	

Hon. Koro Watere, 1935-current (ABHM)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABHM 6097 W4678/12		Ernst and Young - Department of Maori Affairs - Housing - Compute Audit and Systems Review - September 1989	1989	1989	See more	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ABHM 6097 W4678/8		Fading Expectations - The Crisis in Maori Housing - A Report for the Board of Maori Affairs - Edward M.K. Douglas, June 1986	1986	1986	See more	Wgtn	
ABHM 6097 W4058/4		Maori Affairs 1988 - 1990 Housing	1988	1990	See more	Wgtn	
ABHM 6097 W3769/4		Maori Housing - General correspondence, clippings	1976	1980	See more	Wgtn	
ABHM 6097 W4678/5		Minister of Housing - Meeting Tuesday 30 August 1994 at 3.15 p.m.	1994	1994	See more	Wgtn	
ABHM 6097 W4678/8		The Housing Circumstances of the Maori People and the Work of the Housing Corporation in Meeting Their Needs	1987	1987	See more	Wgtn	
ABHM 6097 W4678/15		Waahi Whaanui Trust Housing Package - Submitted to Huntly Coal Corporation - 28 October 1988	1988	1988	See more	Wgtn	

Cabinet Office, c.1948-current (AAFD)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AAFD 811	CAB 75/4/1	Housing - Maori and Islanders' Housing - General	1961	1973	Open	Wgtn	
AAFD 811	CAB 75/7/1	Housing - Maori Housing - General	1950	1960	Open	Wgtn	
AAFD 7581	351/15	[numerous files on housing - areas of concentrated low income settlements - includes Māori and Polynesian housing]	1984	2003	Most are open	Wgtn	

Commission of Inquiry [record group], c.1911-1985 (ADQU)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ADQU 19563 COM32/9/9		Submissions - New Zealand Maori Council	no date	no date	Open	Wgtn	
ADQU 19563 COM32/7/7		Submissions - Maori and Island Affairs Department	no date	no date	Open	Wgtn	
ADQU 19563 COM32/24/1	C35	Correspondence Files - Maori and Island Affairs Department	no date	no date	Open	Wgtn	

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
ADQU 19563 COM32/28/1 3	C67	Correspondence Files - New Zealand Maori Council	no date	no date	Open	Wgtn	

Department of Social Welfare, Corporate Office, 1972-1999 (AADK) and Ministry of Social Policy, 1999-2001 (AAYE)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AADK 6130/62	8/2/55	Rehabilitation Department: Liaison between Rehabilitation Department and Lands and Survey Department, Works (Housing) Department and Maori Affairs	1947	1964	See more	Wgtn	
AADK 6130/129/c	10/3	Maori Housing and Housing Finance	1942	1963	See more	Wgtn	
AADK 6130/147/a	25/3/3	State Rental Houses, Maori Ex-Servicemen	1948	1952	See more	Wgtn	
AAYE 7433 W5048/373	WEL 5-1-6	Welfare - General Services - Housing Maori and Polynesian	1962	1987	Restricted	Wgtn	

Royal Commission on Social Policy, 1986-1989 (AATD)

Archives reference	Record number	Title	Date opened	Date closed	Access	Held	Available digitally
AATD 6192/2	7030	Royal Commission on Social Policy: Research Papers Included In Submissions Database: The Housing Circumstances of the Maori people and the work of the Housing Corporation in meeting their needs by Dr M Bathgate	no date	no date	Open	Wgtn	

Notes on how to interpret the tables:

Archives reference	Record number	Title	Date opened	Date closed	Available digitally
If the record contains just one file then the full archives reference is recorded. If the record contains multiple files	Record numbers with a '*' mean all files following from that record number. E.g. 30/3/* includes files with the record number 30/3/1,	If the record includes multiple files with different titles then a	If the record includes multiple files then the	If the record includes multiple files then the	If the file is not available digitally then

Archives reference	Record number	Title	Date opened	Date closed	Available digitally
(with different archives references) then just the agency code and series number is recorded	30/3/2, 30/3/3 etc. 30/3* includes 30/3 and 30/3/1 etc. 30/3 only includes files with the record number 30/3.	summary is provided in square brackets	earliest date is recorded	latest date is recorded	nothing is recorded