Wai 2750 – Housing Policy and Services Kaupapa Inquiry

Tribunal Statement of Issues (TSOI)

for Stage Two

INTRODUCTION

1. This Tribunal Statement of Issues (TSOI) has been developed for stage two of the Waitangi Tribunal's Wai 2750 – Housing Policy and Services Kaupapa Inquiry. It is based on the most recent claimant and Crown amendments to the draft Statement of Issues.[1] It reflects what the Tribunal and parties are most interested in addressing during the hearings.

2. The focus of stage two, which will cover all claims issues concurrently, is Crown legislation, regulations, policies, strategies, and practices as they relate to the four pakitara in this inquiry.

The four pakitara[2]

3. The thematic scope for the inquiry is reflected in four pakitara or 'walls', namely:

   3.1. **Whenua Māori** – covering the use and development of Māori land for housing.

   3.2. **Hauora** – covering the relationship between poor physical and mental health (and other socio-economic factors) and housing.

   3.3. **Whānau Kāinga** – covering social housing and the provision of public housing by central and/or local government, and

   3.4. **Te Ao Kāinga** – covering housing policy, practice and regulation of the housing market/housing supply.[3]

How this TSOI is structured

4. Section One sets out a series of overarching issues. Section Two addresses each of the four pakitara. Within each pakitara the lead question asks what the Crown's obligations are to Māori, followed by a series of discrete questions for the inquiry on that pakitara and the sub-

[1] Wai 2750, #1.4.4(a) & 1.4.5(a).
[2] The dictionary meaning of the word 'pakitara' is 'wall' or 'side wall'. 'Paki' means 'without rain' or 'dry'. 'Tara' refers to the side wall of a house. Used in the context of this inquiry, the kupu 'pakitara' has the following connotations: to protect, safeguard, and provide a sheltered haven/hei manaaki, hei tiaki, hei āhuru mōwai.
[3] Wai 2750, #2.6.41 at [53].

categories within it. Section Three covers alleged treaty breaches, prejudice and recommendations.

5. Although this TSOI has been drafted predominantly in the present tense, the issues are intended to apply to past and present Crown legislation, regulations, policies, strategies, and practices in relation to the four pakitara and other housing issues.

Explanatory notes

Māori homelessness

6. Issues relating to Māori homelessness, which was the focus of stage one of this inquiry, have been included in this TSOI. This is because it was not possible for the Tribunal to assess all the drivers of homelessness (and the best solutions) in an abbreviated inquiry. For example, broader issues that influence homelessness such as 'the relationship of homelessness to colonisation; poverty and inequality; the Māori land title system; wealth distribution in housing; the taxation system and fiscal policy; the actions of local government; and the resource management regime' were not able to be inquired into.[4]

Specific Māori communities

7. The specific Māori communities referred to in this TSOI, includes, but is not necessarily limited to, the following groups as identified in statements of claim:

    7.1. tamariki and rangatahi Māori;

    7.2. tāngata turi;

    7.3. Whānau Hauā;

    7.4. released prisoners and people with experience of the justice system;

    7.5. gang whānau;

    7.6. homeless Māori;

    7.7. takatāpui/LGBTQIA+ people;

    7.8. kaumātua/older people;

[4] Waitangi Tribunal, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*, 2023, p.113.

7.9. people experiencing family violence or harm;

7.10. people experiencing physical health issues;

7.11. people experiencing mental health issues;

7.12. people experiencing addiction issues;

7.13. people in poverty;

7.14. rurally-based whānau;

7.15. single parents;

7.16. veterans;

7.17. victims; and

7.18. wāhine.

Accessible housing

8. While the issue of accessible housing has been included under the Hauora pakitara, the position of the Whānau Hauā/Tāngata Whaikaha claimants is that accessibility is not inherently a health issue, but rather an access issue. Whānau Hauā / Tāngata Whaikaha claimants note that access issues traverse all four pakitara. However, of the four pakitara, the issue as framed under the Hauora pakitara best reflects the breadth of the accessibility issues.

Overlaps between pakitara

9. There is significant overlap between the different pakitara and the issues that arise within them. For example, while Whenua Māori issues are identified and set out specifically, claimants raise many of the same issues in relation to housing on general land, whether these houses are owned freehold or rented. Therefore, issue questions listed under the Whenua Māori pakitara are also relevant to the Te Ao Kāinga and the Whānau Kāinga pakitara. Hauora issues, access (or the lack of) to finance and loan schemes, and the dynamics created by local government, are also relevant to multiple pakitara.

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SECTION ONE: OVERARCHING ISSUES

TE AO MĀORI AND HOUSING

10. Are Māori cultural perspectives, including the body of mātauranga Māori that informs tikanga, adequately reflected and given effect to in Crown legislation, regulations, policies, strategies, and practices in relation to the four pakitara and other housing issues? These cultural perspectives include, but are not limited to:

    10.1. Papakāinga in urban as well as rural areas, being of physical, spiritual, and cultural significance to Māori; and

    10.2. The importance of pātaka kai, māra kai, urupā, and wāhi tapu to Māori in relation to housing.

11. Does the Crown provide Māori with adequate opportunity and resources to establish and sustain tikanga Māori approaches, models, and frameworks for addressing Māori housing needs?

12. Does the Crown provide adequate treaty and cultural competency training, including an understanding of te reo Māori me ōna tikanga, to the relevant housing agencies, their staff and those contracted to provide or monitor housing services?

    12.1. What mechanisms, if any, does the Crown employ to measure the effectiveness of te Tiriti and cultural competency training provided to the relevant housing agencies and their contracted service providers?

13. In what ways and to what extent have te ao Māori and tikanga Māori been incorporated in the design and implementation of the current or historic legislation and policies which relate to Māori housing?

14. What steps has the Crown taken to protect Māori from institutional racism, unconscious bias, and discrimination, in relation to housing?

15. In what ways and to what extent have Māori housing values, such as intergenerational living, community-based housing models, and holistic well-being been incorporated into housing policies and frameworks?

FORMULATION OF CROWN HOUSING POLICIES[5]

16. How has the Crown engaged in its treaty relationship with Māori in developing legislation, regulations, policies, strategies, and practices in relation to the four pakitara and other housing issues?

17. In what ways and to what extent has the Crown provided Māori with opportunities to participate in the governance, design, implementation, and monitoring of housing legislation, policies, strategies, and services?

18. How has the Crown informed itself of Māori views in relation to housing in terms of the four pakitara and other housing issues?

19. How has the Crown informed itself of and addressed Māori housing needs, including any changes in Māori housing needs?

20. Has the Crown acted with sufficient urgency to address matters that relate to the four pakitara and other housing issues?

21. To what extent have any recent changes to Crown funding, agency structure, and programmes tagged explicitly for Māori affected the Crown's ability to adequately address Māori housing needs?

22. Have Māori been provided adequate resourcing and ability to create requisite services to meet Māori housing needs?

    22.1. If so, are those Māori service providers and organisations adequately empowered and resourced to provide services to Māori?

    22.2. Are those Māori service providers funded, and otherwise provisioned and supported, by the Crown equitably compared to non-Māori service providers?

23. What mātauranga Māori and kaupapa Māori processes of analysis have been developed with Māori and then implemented to ensure that policies and practices are treaty-compliant?

CROWN MONITORING AND DATA COLLECTION

24. What, if any, monitoring or data collection is in place to ensure that Crown legislation, regulations, policies, strategies and practices in relation to the four pakitara and other housing

[5] All reports.

issues are adequately providing for the needs of Māori, including any changes to these needs over time?

24.1. Have such measures sufficiently and accurately informed the Crown of barriers and negative impacts for Māori, including specific Māori communities such as takatāpui, gang whānau, homeless Māori, kaumātua, whānau hauā, Māori with experience in the justice system, rangatahi, rurally based whānau, and others?

24.2. Which agencies are responsible for such monitoring and/or data collection?

25. What processes, frameworks, accountability mechanisms or other policies and or practices does the Crown have in place to ensure appropriate action is taken to address barriers, negative impacts or Māori needs identified through that monitoring and data collection?

SECTION TWO: THE FOUR PAKITARA

WHENUA MĀORI: The use and development of Māori land for housing

What are the Crown's obligations?

26. What are the Crown's obligations under the treaty in relation to the ability of Māori to access, utilise, develop and/or build on whenua Māori?

The effect of land loss on Māori housing needs

27. How has land loss affected the housing needs of Māori, such as decreasing access to housing and decreasing housing supply?

    27.1. In what ways and to what extent has the Crown addressed the impacts of land loss on Māori housing needs?

28. When developing housing policies and legislation, has the Crown accounted for Māori land loss and the associated housing issues faced by Māori? For example, did the Crown consider Māori housing needs when effecting the disposal of any state housing situated on land acquired by the Crown from Māori?

Developing and building on whenua Māori

29. What are the relevant Crown policies, practices and legislation that regulate the use of, access to, development of, and building on whenua Māori?

30. What barriers do Māori experience in using, accessing, developing, or building on whenua Māori?

    30.1. To what extent have Crown acts or omissions resulted in or contributed to these barriers?

    30.2. What steps has the Crown taken to address these barriers?

31. What assistance, including schemes, programmes and funding, has the Crown provided for building and developing houses and papakāinga on whenua Māori?

    31.1. What has been the uptake and impact of these schemes, programmes, and this funding?

    31.2. To what extent have these schemes, programmes, and this funding accounted for regional variations in incomes?

32. Has the Crown taken any other steps to enable or promote the use and development of whenua Māori?

33. To what extent has the Crown consulted, partnered, and engaged with Māori in the development or revision of legislation, policies and practices that affect Māori access to, use of, development of and building on whenua Māori? Conversely, where the Crown has failed to do so, what have been the implications?

34. What monitoring and evaluation mechanisms are in place to determine whether the Crown's policy and legislative initiatives regarding whenua Māori are improving housing outcomes for Māori?

Land tenure

35. How does land status under Te Ture Whenua Māori Act 1993 affect the ability of Māori to access, use, develop and build on whenua Māori, particularly in relation to the following title classifications?

    35.1. Māori customary land;

    35.2. Māori freehold land;

36. How does this compare to the ability of Māori to access, use, develop and build on General Land?

37. How do different governance or land management structures, for example land trusts, Māori incorporations and reservations, or the absence of such structures, affect the ability of Māori to use, access, develop and build on whenua Māori?

38. How do different ownership models, for example joint tenancies and co-ownership of land, affect the ability of Māori to use, access, develop and build on whenua Māori?

39. How do rating policies applied to whenua Māori impact the ability of Māori landowners to develop and utilise whenua Māori for housing?

HAUORA: The relationship between poor physical and mental health (and other socio-economic factors) and housing

What are the Crown's obligations?

40. What are the Crown's obligations under te Tiriti/the Treaty in relation to the negative health

outcomes experienced by Māori as a result of inadequate housing? This includes any relationship between poor housing and other socio-economic factors such as education and employment.

Housing quality issues

41. What are the key pieces of Crown legislation, policy and practice that regulate quality standards for housing and housing infrastructure in New Zealand?

42. In what ways have Crown legislation, policy and practice resulted in or contributed to poor quality infrastructure for housing, including urban, rural, and social housing and housing on whenua Māori?

43. In what ways have Crown legislation, policy and practice resulted in or contributed to substandard housing, including urban, rural, social rental housing and housing on whenua Māori?

44. In what ways have Crown legislation, policy and practice resulted in or contributed to failures to maintain rural, urban, social, and rental housing, and housing on whenua Māori?

45. In what ways have Crown legislation, policy, and practice resulted in or contributed to overcrowded housing, including in rental, rural and social housing, and in housing on whenua Māori?[6]

46. In what ways have Crown legislation, policy and practice resulted in or contributed to poor quality housing construction on whenua Māori?

47. In what ways have Crown legislation, policy and practice resulted in or contributed to a lack of or inadequacy in quality standards for rental housing?

48. What have been the historical mechanisms, and what are the current mechanisms, by which tenants can raise issues with poor housing standards? How effective have those mechanisms been, historically and to this day?

49. Has the Crown consulted, engaged, and partnered with Māori regarding housing quality? If so, how has it done this?'

[6] The term 'overcrowding' is used here on the same basis as set out in Timothy Gassin and Max Nichol, *Māori Housing and Government Policy 1935-1990* (Wai 2750, A14) at [p. 7].

50. Has the Crown accounted for the specific needs of whānau hauā and other Māori communities with specific needs such as kaumātua and rangatahi in relation to housing quality? If so, how has it done this?

51. In what ways have Crown legislation, policy and practice resulted in or contributed to culturally inappropriate housing for Māori?

52. In what ways has the Crown ensured Māori, including whānau hauā, have access to adequate quality housing?

WHĀNAU KAINGA: Social housing and the provision of 'public housing' by central and/or local government. This includes social, community, and emergency/transitional housing.

What are the Crown's obligations?

53. What are the Crown's obligations under the treaty in relation to the provision of public housing for Māori who cannot afford adequate housing for themselves and their whānau?

Legislation and policy

54. What is the legislation and policy that regulates the provision of social housing?

55. What are the criteria for accessing social housing, and do these present barriers to Māori who need to access social housing?

56. For those eligible for social housing, what is the process and what are the wait times for accessing housing? What are the factors that increase wait times, and what is the Crown doing to address these?

57. How does the Crown ensure, or fail to ensure, an adequate supply of social housing for Māori?

58. To what extent have any changes to the role and remit of Kāinga Ora and the Ministry of Housing and Urban Development since 2023 affected the supply of social housing for Māori? What impact, if any, have these changes had on Māori homelessness?

59. To what extent has the Crown consulted, engaged, and partnered with Māori regarding the design, implementation and monitoring of the social housing system?

60. What is the nature and extent of inequalities between Māori and non-Māori representation in social housing and homelessness statistics?

61. In what ways and to what extent has Crown legislation, policy and practice relating to the rights of social housing tenants created or contributed to barriers and/or negative impacts for Māori living in social housing?

62. What monitoring or evaluation measures are in place in respect of the social housing system?

    62.1. What accountability or implementation measures are in place to ensure the social housing system is responsive to issues identified by those monitoring and evaluation measures?

    62.2. What support does the Crown provide to social housing providers to acquire additional social housing for Māori?

    62.3. What support does the Crown provide for Māori to build additional social housing for Māori?

Emergency housing, transitional housing and homelessness

63. How does the Crown ensure, or fail to ensure, that Māori who need emergency and transitional housing get access to emergency and transitional housing?

64. What is the process for applying for emergency or transitional housing? What are the criteria used to assess a client's eligibility for emergency or transitional housing? Has this process or the criteria been subject to change since the Tribunal released its Stage One report on Māori homelessness in 2023? If so, to what extent has this affected Māori homelessness?

65. What barriers do Māori experience accessing emergency or transitional housing?

66. What wraparound support is provided to Māori in emergency and transitional housing? Are there any issues with the provision of this support?

67. How does the Crown ensure, or fail to ensure, that Māori in transitional and emergency housing are safe?

68. To what extent has the Crown consulted, engaged, and partnered with Māori, including specific Māori communities (such as takatāpui, gang whānau, homeless Māori, whānau hauā, Māori with experience in the justice system, rangatahi, and rurally based whānau) regarding the design, implementation and monitoring of the emergency and transitional housing system?

69. What is the nature and extent of inequalities between Māori and non-Māori representation in emergency and transitional housing statistics?

70. What monitoring or evaluation measures does the Crown have in place in relation to emergency and transitional housing, and are these measures adequate?

    70.1. Does the Crown adequately monitor where those leaving emergency housing are going to?

    70.2. What accountability or implementation measures does the Crown have in place to ensure the emergency and transitional housing system is responsive to issues identified by those monitoring and evaluation measures?

Housing supplements, entitlements, and grants

71. What are the processes for applying for other housing supplements, entitlements and grants, and what criteria are used to assess a client's eligibility for these? What are the barriers to Māori accessing these housing supplements, entitlements, and grants? Relevant entitlements include the accommodation supplement, income-related rent subsidies and Supported Housing.

72. To what extent has the Crown consulted, engaged, and partnered with Māori regarding housing supplements, entitlements, and grants?

73. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, homeless whānau, kaumātua, whānau hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) in relation to housing supplements, entitlements, and grants?

TE AO KĀINGA (HOUSING SUPPLY/THE HOUSING MARKET): Housing policy and practice, and regulation of the housing market

What are the Crown's obligations?

74. What are the Crown's obligations under the treaty in relation to the ability of Māori to access stable and affordable housing in the private market through home ownership, renting or building homes on general land?

Access to housing and housing services

75. Historically, what were the key agencies administering legislation and policy that regulated access to housing and housing services by Māori, and how was this done?

76. What key legislation and policy currently regulates access to housing and housing services by Māori? Which agencies administer this legislation and policy, and how is this done?

    76.1. To what extent did this change during the Crown's COVID-19 response, and what was the effect on access to housing for Māori?

77. What has the Crown done by way of housing education campaigns for Māori, and how has any lack of housing education affected access to housing for Māori?

78. In what ways and to what extent has the Crown addressed any discrimination experienced by Māori in the housing market, including the rental market?

Access to housing for specific Māori communities

79. What is the legislation and policy regulating access to housing and housing services for those leaving prison? Which agencies administer this legislation and policy, and how is this done?

80. What is the legislation and policy regulating access to safe housing and housing services for victims of family violence? Which agencies administer this legislation and policy, and how is this done?

81. What is the legislation and policy regulating supported housing? Which agencies administer this legislation and policy, and how is this done?

82. To what extent has the Crown consulted, engaged, and partnered with specific Māori communities (such as takatāpui, gang whānau, homeless Māori, kaumatua, whānau hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) regarding any legislation, policy and practice relating to access to housing?

    82.1. To what extent has the Crown accounted for the needs of these specific Māori communities regarding any legislation, policy and practice relating to access to housing?

Housing supply

83. What is the legislation and policy that regulates the supply of housing for purchase and for renting? Which agencies administer this legislation and policy, and how is this done?

84. How does the Crown ensure, or fail to ensure, an adequate supply of housing across the country, including in both urban and rural areas?

85. In what ways has Crown legislation, policy and practice resulted in or contributed to high costs for infrastructure to support housing, including infrastructure on whenua Māori?

86. What are the long-term impacts of market-driven housing policies on Māori home ownership rates and rental affordability, including any contribution to inequalities between Māori and non-Māori? What steps, if any, has the Crown taken to address any inequalities?

87. To what extent has the Crown consulted, engaged, and partnered with Māori regarding any legislation, policy and practice relating to housing supply?

88. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, homeless Maōri, kaumātua, Whānau Hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) in its strategies, legislation, policies and practices relating to housing supply?

Home ownership issues

89. What is the legislation and policy that regulates the costs associated with home ownership? Which agencies administer this legislation and policy, and how is this done? This includes any regulation of the housing market and of building costs for housing.

90. What steps has the Crown taken to enable those on low incomes, including Māori living in social housing, to own homes?

91. What steps has the Crown taken to enable those on benefits / income support to own homes?

92. What steps has the Crown taken to promote financial literacy with a specific focus on housing among Māori?

93. To what extent has the Crown consulted, engaged, and partnered with Māori regarding any housing strategies, policies and / or legislation relating to home ownership?

94. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, homeless Māori, kaumātua, whānau hauā,

Māori with experience in the justice system, rangatahi and rurally based whānau) in relation to its housing strategies, policies and or legislation relating to home ownership?

95. In what ways and to what extent has the Crown taken steps to address decline in rates of Māori home ownership disproportionate to non-Māori?

96. What barriers do Māori experience in relation to home ownership, including in terms of accessing finance and meeting lending criteria?

Loan schemes

97. What loan schemes are available for housing, including for new papakāinga, and what are the eligibility criteria and processes for accessing these?

98. What is the uptake and impact of these schemes for Māori?

    98.1. Have Māori experienced barriers in accessing these loan schemes?

        98.1.1. To what extent have Crown acts or omissions resulted in or contributed to these barriers?

        98.1.2. What steps has the Crown taken to address these barriers?

99. To what extent has the Crown consulted, engaged, and partnered with Māori regarding loan schemes for housing?

100. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, homeless Māori, kaumātua, whānau hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) in its housing strategies, policies and or legislation relating to loan schemes?

Renting issues

101. What is the legislation and policy that regulates the cost of rent in both the private rental market and in public housing? Which agencies administer this legislation and policy, and how is this done?

102. What steps has the Crown taken to enable those on low incomes to rent homes?

103. What steps has the Crown taken to enable those on benefits / income support to rent homes?

104. What is the legislation and policy that provides for landlords' and tenants' respective rights and obligations? Which agencies administer this legislation and policy, and how is this done?

105. In what ways and to what extent has Crown legislation, policy and practice relating to the rights of tenants resulted in or contributed to barriers and/or negative impacts for Māori in the private rental market? This includes any negative impacts of tenancy reforms, and any difficulties with accessing the Tenancy Tribunal.

106. To what extent has the Crown consulted, engaged, and partnered with Māori regarding any housing strategies, policies and / or legislation relating to rental housing?

107. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, kaumatua, whānau hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) in its housing strategies, policies and or legislation relating to rental housing?

Urban drift

108. During their move to towns and cities in the twentieth century, what representations, if any, did the Crown make to Māori about access to housing (for ownership or rent)?

    108.1. How were these representations made? Was it through Ministerial announcements, the release of policy or some other method?

    108.2. To what extent were those representations consistent with subsequent action taken by the Crown? If they were not, what was the impact on Māori?

109. What was the experience of Māori who left their rohe tupuna to live in towns and cities?

    109.1. What was the impact of the housing experience on Māori whānau and communities in relation to their wellbeing, health, connection with their whenua tupuna, te reo Māori me ōna tikanga?

    109.2. To what extent did the Crown enable Māori to form, maintain and participate in new communities in urban contexts?

110. In what ways and to what extent has the Crown ensured that Māori have the same access to any housing supports as non-Māori in urban areas?

Local government[7]

111. What is the role of local government in developing or implementing the design of housing and infrastructure standards in New Zealand?

112. To what extent has the Crown consulted, engaged, and partnered with Māori regarding housing issues associated with local government?

113. What barriers do Māori experience in relation to compliance with local government standards, to the extent that it relates to Crown legislation, policy and practice? For instance, In what ways has Crown legislation, policy and practice resulted in or contributed to:

    113.1. consent issues associated with developing housing, including on whenua Māori?

    113.2. local government underinvestment in infrastructure to support housing? This includes any underinvestment in infrastructure to support rural housing, social housing, urban housing, and housing on whenua Māori.

    113.3. Māori having difficulties engaging with local government bureaucracy?

    113.4. issues with planning restrictions for housing, including for housing on whenua Māori?

    113.5. the impact of rates and rates arrears on the ability of Māori to build on or develop their land, particularly in relation to whenua Māori?

    113.6. issues with zoning for housing, particularly in relation to housing on whenua Māori?

    113.7. the cost of compliance with building standards, particularly in relation to whenua Māori?

114. How, if at all, are these barriers different to those experienced by non-Māori?

115. What, if anything, has the Crown done to address the above barriers Māori face in relation to local government housing and infrastructure standards?

116. How has the Crown accounted for, or failed to account for, the needs of specific Māori communities (such as takatāpui, gang whānau, kaumatua, Whānau Hauā, Māori with experience in the justice system, rangatahi and rurally based whānau) in relation to housing issues associated with local government?

[7] As indicated in previous memoranda, the Crown considers that local government authorities do not fall within the definition of 'the Crown' (Wai 2750, #3.2.354). References to the Crown in this statement of issues are therefore not intended to include local government.

SECTION THREE: ALLEGED TREATY BREACHES, PREJUDICE AND RECOMMENDATIONS

ALLEGED BREACHES OF THE TREATY

Giving effect to the treaty

117. To what extent has the Crown ensured that housing legislation, regulations, policies, strategies, and practices are consistent with the principles of the treaty?

    117.1. What mechanism(s), if any, does the Crown have in place to ensure it is accountable for and responsive to any breaches of, or inconsistencies with, the principles of the treaty identified in its housing legislation, regulations, policies, strategies and practices? If applicable, to what extent has that mechanism, or have those mechanisms, been effective?

118. Does the Crown provide overarching guidance regarding the treaty and its principles? For example, in legislation and policies relevant to the housing of Māori? If so, to what extent has the Crown ensured this guidance has been given effect to?

Principles of the treaty

119. To what extent have various Crown legislation, regulations, policies, strategies, and practices been consistent with the treaty's guarantee of tino rangatiratanga?

120. Has the Crown ensured that housing services have catered to Māori equitably as compared with non-Māori?

121. Has the Crown acted appropriately to achieve equitable housing (and other associated) outcomes for Māori?

122. To what extent has the Crown provided Māori with equitable access to decision-making roles in housing governance and policy formation? Has the Crown supported Māori-led housing initiatives to the same degree as non-Māori led housing developments?

123. Has the Crown ensured that those to whom it has devolved responsibilities (for instance, local authorities and Crown entities such as Kāinga Ora):

    123.1. Are fully informed of the extent and nature of housing needs and any inequities for Māori?

    123.2. Are taking adequate steps to achieve equitable housing (and other associated) outcomes for Māori?

123.3. Have collected or been provided with the research, information, and data necessary to develop and provide services for Māori that appropriately address their housing needs?

PREJUDICE

124. What prejudice, if any, have Māori suffered, or likely to suffer, as a consequence of acts and omissions of the Crown in relation to housing?

RECOMMENDATIONS

125. What steps, if any, should the Crown take to:

125.1. Remedy any breach of treaty principles?

125.2. Remove any prejudice as a result of any breaches of treaty principles?

126. What actions has the Crown taken in response to the Tribunal's recommendations in *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (2023)?

127. What recommendations from the Tribunal's Stage One report regarding homelessness are also relevant to other housing agencies, legislation, policies, strategies, and services?

128. What changes, if any, are needed to the various housing agencies, legislation, policies, strategies, and services to ensure better outcomes for Māori generally?

129. What changes, which may include a devolution of services to enable Māori to take control of their own affairs, are required to the various Crown housing laws, regulations, policies, strategies, and practices to ensure that Māori housing needs are met in respect of the four pakitara and other housing issues?