
KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI
BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

CROWN BUNDLE OF EVIDENTIAL FACT SHEETS FOR
TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT
5 Poutū-te-rangi | March 2021

**CROWN LAW****TE TARI TURE O TE KARAUNA**

Pouaka Poutāpetā PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole
Jacki@jcolebarrister.com

INDEX

TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT	
Tab	Document
1.	Aotearoa NZ Homelessness Action Plan
2.	Community Housing Regulatory Authority
3.	Community Group Housing (with Kāinga Ora – Homes and Communities)
4.	COVID-19 Homelessness Response
5.	Data and Evidence Initiative
6.	First Home Grant (Formerly Kiwisaver First Home Deposit Subsidy and Kiwisaver Homestart Grant)
7.	First Home Loan (Formerly KiwiBank In Reach, then Welcome Home Loan)
8.	Funding for submarket/affordable rentals (including the Housing Innovation Fund (HIF) and the Social Housing Fund (SHF))
9.	Government Policy Statement on Housing and Urban Development (GPS-HUD)
10.	He Whare Āhuru He Oranga Tāngata – The Māori Housing Strategy
11.	Housing Accords and Special Housing Areas Act 2013 (HASHAA)
12.	Housing First
13.	Infrastructure Funding and Financing Act
14.	Kāinga Ora – Homes and Communities Act and the Urban Development Act
15.	Kiwibuild / the Government build programme (with Kāinga Ora – Homes and Communities)
16.	Kiwisaver First Home Savings Withdrawal and the Kiwisaver Savings Withdrawal Determination for Previous Homeowners
17.	The Local Innovation and Partnership Fund
18.	MAIHI – Māori and Iwi Housing Innovation Framework for Action

19.	National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) and National Policy Statement On Urban Development 2020 (NPS-UD)
20.	Preventing and Reducing Homelessness: Increasing Supply in the Short Term to Reduce Reliance on Motels
21.	Progressive Home Ownership (PHO) Fund
22.	Provision of data and analysis on Māori housing and homelessness
23.	Public and Community Housing Management Act (PACHMA) 1992 and Social Housing Reform Programme (SHRP) 2014
24.	Public Housing Funding Settings Policy (Income Related Rent Subsidy and Operating Supplement)
25.	Public Housing Plan
26.	Rapid Rehousing
27.	Residential Tenancies (Healthy Homes Standards) Regulations 2019
28.	Supported Accommodation for Youth
29.	Sustaining Tenancies
30.	Transitional Housing (Urgently Increasing Supply)
31.	Unit Titles Act 2010
32.	Urban Growth Agenda
33.	Urban Growth Partnerships

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET
AOTEAROA NEW ZEALAND HOMELESSNESS ACTION PLAN
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole
Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Aotearoa New Zealand Homelessness Action Plan (HAP)¹</p> <p>Year introduced: February 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) in collaboration with Ministry of Social Development (MSD), Oranga Tamariki, Ministry of Health (MoH), Te Ara Poutama - Department of Corrections (Corrections), New Zealand Police, Te Puni Kōkiri (TPK), Ministry of Pacific Peoples and Kāinga Ora – Homes and Communities (Kāinga Ora).</p> <p>High level summary of policy/programme:</p> <p>The HAP sets out a framework to prevent and reduce homelessness. It consists of a vision, guiding principles, action areas, outcomes and actions. The vision of the HAP is that “homelessness in New Zealand is prevented where possible, or is rare, brief and non-recurring”.</p> <p>The HAP has a particular focus on partnering with, supporting and empowering Māori, iwi and local communities in responding to local needs; and aims to embed, support and promote strength-based and positive Kaupapa Māori approaches.</p> <p>The HAP has a list of all immediate and long-term actions which form the “Action Plan”, categorised under the headings Prevention, Supply, Support and System with time frames for implementation noted: see Annex 1 of the HAP.</p> <p>The HAP built on existing work to reduce reliance on motels and drew on over \$350million from the consolidated homelessness contingency, including \$175million for short-term supply and in addition to nearly \$54million approved by Cabinet in August 2019.</p> <p>This funding supports the design and delivery of actions and \$24 million was specifically allocated to partner with Māori, iwi, hapū and marae, through Te Maihi o te Whare Māori – the Māori and Iwi Housing Innovation (MAIHI) Framework for Action, to prevent homelessness; support Māori Community Housing Providers (CHPs) and other Māori and Iwi providers to expand supply; build capacity and capability of Māori providers; and enable and support kaupapa Māori approaches to homelessness.</p> <p>Separate Budget 2020 investment will also support the impact of the HAP Budget, including through the following separate</p>
----	--------------------------	--

¹ [Homelessness Action Plan \(hud.govt.nz\)](https://www.hud.govt.nz/homelessness-action-plan/) (accessed 15 January 2021) – see **HUD.001.0001**.

		<p>budget processes led by different Ministries to fund specific measures and outcomes:</p> <ul style="list-style-type: none"> • \$570 million to deliver 8,000 new additional public and transitional housing places, • \$40 million appropriated for MAIHI, which is being used for Māori housing supply and building technical capability in the Māori housing sector. While this is not directly part of the HAP, increasing housing for low-income Māori whānau will help prevent homelessness at the same time as increasing the connection of whānau Māori to Māori land, • \$41.3 million secured by the Ministry of Pacific Peoples to improve housing for pacific families and communities. <p>Most of the 18 new immediate actions in the action plan are now underway. Some areas of work were adapted or accelerated to meet urgent needs or expected demand. Actions that were paused, or impacted by COVID-19, have now started back up.</p> <p>Overlapping/Related policies/programmes:</p> <p>Te Maihi o te Whare Māori - Māori and Iwi Housing Innovation (MAIHI) Framework for Action</p> <p>Housing First</p> <p>Rapid Rehousing</p> <p>Transitional Housing</p> <p>Public Housing Plan</p> <p>Creating Positive Pathways</p> <p>Sustaining Tenancies</p> <p>Agencies involved in development, implementation, or ongoing administration:</p> <p>HUD, MSD, Oranga Tamariki, MoH, Corrections, New Zealand Police, TPK, Ministry of Pacific Peoples and Kāinga Ora.</p> <p>Cross-agency working groups (including at Chief Executive and Deputy Chief Executive level) also include the Department of Prime Minister and Cabinet (DPMC) and the Treasury.</p> <p>The Ministry of Justice, the Ministry of Education, Stats NZ and the Department of Internal Affairs were also consulted during development.</p>
--	--	--

2.	Description of Policy / Programme	<p>The HAP is the first coordinated, All of Government response to homelessness.</p> <p>The HAP is designed to:</p> <ul style="list-style-type: none"> • prevent homelessness where possible; • result in a clear reduction in reliance on motels as emergency housing; • increase housing supply and affordability to provide appropriate housing opportunities for vulnerable people at risk of homelessness or experiencing homelessness; and • support a system that responds quickly and appropriately to people’s needs. • produce a flexible and resilient system in which government agencies work effectively together, and with the wider sector. <p>The HAP also includes targeted actions to improve outcomes for Māori experiencing homelessness and increase the number of Māori providers, through MAIHI, by:</p> <ul style="list-style-type: none"> • working with Māori, iwi and marae to prevent homelessness through whenua-based initiatives; • supporting Māori Community Housing Providers and other Māori and iwi providers to expand supply; • building capacity and capability of Māori providers to enhance their capacity to provide services and support new and potential Māori Community Housing Providers; and • enabling and supporting kaupapa Māori approaches to homelessness to build and deliver actions in a way that demonstrates Māori principles and ensuring delivery is in line with those principles. <p>The MAIHI Framework for Action, which includes a kaupapa Māori approach to addressing homelessness, is embedded within the HAP. In particular, the following kaupapa Māori principles drive the design and implementation of actions:</p> <ul style="list-style-type: none"> • Te Mauri o te whānau, • Tikanga, • Whanaungatanga, • Manaakitanga, • Whakamana and
----	--	--

		<ul style="list-style-type: none"> • Tino Rangatiratanga.
3.	Outline of the process to develop this Policy / Programme	<p>In 2019 a strategy to prevent and reduce homelessness was developed by government agencies in response to increasing housing need in New Zealand which, among other things, aimed to respond to a need to coordinate efforts across government and the housing sector with an aim to bring together new initiatives as well as existing actions being progressed individually into a coherent framework. Officials carried out regional engagement with iwi and Māori organisations, non-government organisations and local authorities with workshops held in Northland, Hamilton, Rotorua, Napier/Hastings, Wellington, Auckland (South and Central), Christchurch and Nelson.</p> <p>In-depth interviews were also conducted with 19 Māori housing providers across the North Island. Te Kāhui Kāinga Ora (Māori housing unit within HUD) engaged with Te Matapihi, representatives of the Iwi Chairs Forum, and Māori housing experts to develop a specific approach for Māori housing stress.</p> <p>The development of the HAP was also informed by engagement with organisations such as Community Housing Aotearoa, Local Government New Zealand, Lifewise, Auckland City Mission and the Salvation Army.</p> <p>A group of housing sector experts was convened in August 2019 to provide their views on the draft HAP.²</p> <p>Using insights from this engagement as well as data³ and national and international research,⁴ cross agency working groups (including at the Chief Executive and Deputy Chief Executive level) met regularly to build consensus on what was needed to address homelessness and to develop up advice for Ministers. These groups included representatives from HUD, MSD, MoH, TPK, Ministry for Pacific Peoples, Corrections, New Zealand Police, Oranga Tamariki, Kāinga Ora, MoE, DPMC and the Treasury.</p>

² Attendees included Toa Faneva, Chief Executive Officer, Te Rūnanga o Whaingaroa; Chris Farrelly, Chief Executive Officer, Auckland City Mission; Ali Hamlin-Paenga, Chief Executive, Kahungunu Whānau Services; Stephanie McIntyre, Executive Director, Downtown Community Ministry; Julie Nelson, Chief Executive, Wise Group; Ronji Tanielu, Policy Analyst, Salvation Army.

³ Such as census data and administrative data.

⁴ International research which informed the development of the HAP included homelessness prevention frameworks used in Finland ([\(PDF\) The Strategic Response to Homelessness in Finland: Exploring Innovation and Coordination within a National Plan to Reduce and Prevent Homelessness \(researchgate.net\)](#)), Canada ([The Homeless Hub](#)) and Ireland ([Preventing Homelessness: A Review of the International Evidence \(york.ac.uk\)](#)).

Research used to identify the main issues relevant to New Zealand, including reports on homelessness and housing issues at a national level, existing local and regional initiatives to prevent and reduce homelessness, and research to identify the housing needs and challenges for different cohorts included: [Severe-housing-deprivation-in-Aotearoa-2001-2013-1.pdf \(healthyhousing.org.nz\)](#) see **HUD.002.1580**; [\(PDF\) Service usage by a New Zealand Housing First cohort prior to being housed \(researchgate.net\)](#) see **MIS.001.0040**; [An Indigenous Approach to the Living Standards Framework \(DP 19/01\) \(treasury.govt.nz\)](#) see **HUD.002.1950**; [The People's Project: Housing First in Hamilton and Tauranga](#); [Counting Ourselves – Aotearoa New Zealand Trans and Non-binary Health Survey](#).

Other sources used to develop the HAP included data from the 2013 and 2018 census; Auckland's Homelessness Count Report (<https://www.aucklandshomelessnesscount.org.nz/homeless-count-findings>); [Building Better: Kāinga Tahī, Kāinga Rua; Service Responses to Māori Urban Homelessness \(tematapihi.org.nz\)](#); [Understanding whānau-centred approaches: Analysis of Phase One Whānau Ora research and monitoring results \(tpk.govt.nz\)](#); [Whānau Ora - Whānau experiences of homelessness from a Marae health and social service \(whanauora.nz\)](#).

		<p>On 11 December 2019 the Cabinet Social Committee approved the Homelessness Action Plan Phase I (2020-2023).</p> <p>The Homelessness Action Plan was launched on 13 February 2020.</p>
4.	Aims or Objectives of the Policy / Programme	<p>The HAP aims to provide an overarching framework to prevent and reduce homelessness by setting out immediate and longer-term actions to achieve that goal throughout Aotearoa New Zealand. Through the HAP, the Crown seeks to work with the housing sector and wider community partners to prevent homelessness from occurring in the first place. This means working closely together to support individuals, families and whānau at risk of experiencing homelessness at crucial points, such as insecure tenancies, leaving prison or hospital.</p> <p>Where homelessness does occur, people need quick access to stable housing and support services, to stay housed and improve wellbeing. Substantially increasing public housing and improving the ability of individuals, families and whānau to afford rents in the private market are vital to the success of the HAP.</p> <p>Enabling the housing aspirations of Māori, partnering with Māori to build on successful Māori-led approaches, and placing whānau at the centre will also be vital to the success of the HAP. Kaupapa Māori principles and partnerships underpin the development of the HAP and will drive the design and delivery of actions to seek measurable change for whānau, hapū and iwi. A kaupapa Māori approach to homelessness means responding not just to the physical realities of homelessness, but the cultural, emotional and spiritual disconnections from kāinga and whenua. The HAP aims to address that and is supported by MAIHI to guide the development and implementation of immediate and longer-term actions.</p>
5.	Outline of steps taken to implement the Policy / Programme	<p>Cross agency working groups continue to meet regularly to coordinate action and monitor implementation. Individual agencies are taking responsibility for the development and implementation of HAP initiatives as applicable. Agencies continue to collaborate with Māori housing providers, people with lived experience of homelessness, non-governmental organisations and local authorities in order to develop and implement initiatives.</p> <p>Most of the 18 new immediate actions in the HAP are now underway. Some areas of work were also adapted or accelerated to meet urgent needs or expected demand. Actions that were paused, or impacted by COVID-19, have now started back up.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>It is intended that all actions will be monitored, reviewed or evaluated. This will sit alongside individual agencies' monitoring and evaluation plans. Where appropriate, evaluations will adopt the key elements or principles of kaupapa Māori research (such as whakapapa, rangatiratanga, use of te reo and tikanga Māori). Evaluations will also measure how kaupapa Māori approaches have been incorporated into the delivery of initiatives.</p> <p>Public reporting on the HAP and efforts to reduce and prevent homelessness will be published every 6 months. A first update</p>

		was published in August 2020. ⁵ The second public report is expected to be published in early 2021 and will present a baseline for future reporting.
7.	<p>Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims</p>	<p>Since the launch of the Action Plan, the Government has:</p> <ul style="list-style-type: none"> • accelerated immediate actions to respond to Māori homelessness, including working at pace to provide financial support to Māori providers and working with iwi and Māori partners on projects to increase housing supply; • opened the He Taupua fund, which will allow whānau Trusts and Ahuwhenua Trusts, hapū, iwi, and registered Māori housing providers to build capability and initiate community housing projects so they can respond to emergency housing needs and end homelessness; • opened the Local Innovation and Partnership Fund; • continued to increase transitional housing with a pre COVID-19 target of 1,000 new places by the end of 2020;⁶ • increased the number of Sustaining Tenancies places in the short term; • expanded support to more people in emergency housing. <p>During COVID-19 Level 4 lockdown, motel places for people sleeping rough or living in vulnerable accommodation were urgently acquired: over 1,000 households are tenanted through COVID-19 motel places.</p> <p>Progress was also made on the following initiatives, through MAIHI:</p> <ul style="list-style-type: none"> • Partner with Māori, iwi, hapū and marae to prevent homelessness; • Support Māori Community Housing Providers and other Māori and iwi providers to expand supply; • Build capacity and capability of Māori providers; • Enable and support Kaupapa Māori approaches to homelessness. <p>Details on progress are presented in the First Report on the Homelessness Action Plan: August 2020⁷ and Cabinet paper: Progress on the Homelessness Action Plan and the Homelessness Response to COVID-19.⁸</p>

⁵ <https://www.hud.govt.nz/assets/Community-and-Public-Housing/Support-for-people-in-need/Homelessness-Action-Plan/Homelessness-Action-Plan-Progress-Report.pdf> see HUD.006.3298.

⁶ As of December 2020, 597 places were made available, and 594 were secured and will be available in the future.

⁷ See HUD.006.3298.

⁸ <https://www.hud.govt.nz/assets/Community-and-Public-Housing/Support-for-people-in-need/Homelessness-Action-Plan/Homelessness-Action-Plan-Paper-and-Minute-1-July-2020.pdf> see **HUD.004.0020.**

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET
COMMUNITY HOUSING REGULATORY AUTHORITY (CHRA)
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW
TE TARI TURE O TE KARAUNA
Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:
M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:
Jacki Cole
Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Community Housing Regulatory Authority (CHRA)</p> <p>Year introduced: 2014</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>Previously the Tenancy Services Branch within MBIE. It is now situated within the System and Organisational Performance (SOP) group in Te Tūāpapa Kura Kāinga.</p> <p>CHRA regulates Community Housing Providers (CHPs) in accordance with Part 10 of the Public and Community Housing Management Act 1992 (PACHMA).</p> <p>High level summary of policy/programme:</p> <p>Parts 7 to 10 (inclusive) of the PACHMA together with the provisions of the Public and Community Housing Management (Community Housing Provider) Regulations 2014¹ (PACHMA Regs) establish and govern the operation of both the CHRA and the CHP Sector.</p> <p>The purpose of the CHRA is to provide an assurance to the Government (as well as the CHP Sector and anyone involved in the social housing sector be it as a tenant, a landlord, or otherwise) that registered CHPs are well governed, remain viable, and deliver appropriate housing services to their client group. It seeks to regulate the CHP sector to ensure minimum standards of participants, with the overall goal of growing the CHP sector to address housing shortages.</p> <p>A registered CHP is a housing provider that has as one of its objects the provision of social rental housing and/or affordable rental housing and has demonstrated compliance with the regulatory Performance Standards.</p> <p><u>CHRA</u></p> <p>The PACHMA establishes the legislative framework for the operation of the CHRA whose roles include monitoring the ongoing compliance of registered CHPs with prescribed eligibility criteria and the Performance Standards; investigating complaints, providing advice in cases of performance failure; and suspension or revoking of CHPs' registration in the case of serious</p>
----	--------------------------	--

¹ The regulations come into force on 14 April 2014. See Public and Community Housing Management (Community Housing Provider) Regulations 2014, s 2.

		<p>breaches.</p> <p>CHRA is a statutory regulator located within the SOP group of Te Tūāpapa Kura Kāinga. It is staffed by 11 officials and has an annual budget of \$1.5million (2019/20).</p> <p><u>CHP Sector</u></p> <p>The CHP sector consists of all registered CHPs. A registered CHP is a housing provider (other than Kāinga Ora–Homes and Communities) that has, as one of its objects, the provision of, either or both, social rental housing² or affordable rental housing.³ While local authorities and councils are not eligible to be CHPs, a subsidiary of a local authority or council-controlled organisation may apply to register as a CHP if it is operating at arm’s length.⁴</p> <p>Overlapping/Related policies/programmes:</p> <p>Public and Community Housing Management Act 1992 (see separate Evidential Fact Sheet - PACHMA)</p> <p>Public and Community Housing Management (Community Housing Provider) Regulations 2014</p>
2.	Description of Policy / Programme	<p>CHRA is the regulatory authority established under Part 10 of the PACHMA. CHRA works with CHPs who wish to provide quality social and/or affordable rental housing for those in need.</p> <p>Pursuant to the PACHMA Regulations, a CHP (that is, a housing provider (other than Kāinga Ora–Homes and Communities) that has, as one of its objects, the provision of either/or both social rental housing or affordable rental housing), may apply for registration as a <i>Class 1: Social Landlord</i> for the purpose of being eligible for funding by way of payments under reimbursement agreements and tailored agreements. To be eligible for registration as a Class 1: Social Landlord, the applicant CHP must meet the eligibility criteria set out in clause 5 of the PACHMA Regs. The PACHMA Regs also prescribe the process for a CHP to apply for registration as a Class 1: Social Landlord.</p> <p>Kaupapa Māori housing providers comprise 30 percent of registered CHPs but deliver only 3 percent of CHP units. While Māori</p>

² While not strictly defined terms, social rental housing is public housing provided to tenants on the MSD Social Housing Register, which attracts Income Related Rents Subsidy and Operating Supplement. Affordable rental housing is usually provided to the tenant at a below market rent with no government subsidies given to the provider.

³ Public and Community Housing Management Act (PACHMA) s 2.

⁴ The subsidiary must be genuinely operating independently from the parent as if not part of its corporate structure. This should be evident from its constitution, membership of its governing body, and its governance and financial management structures.

		<p>providers do take a little longer to navigate the CHRA application process (around 30 percent longer than non-Māori providers), this is in part due to their small size and corresponding lack of internal resources to devote to the application process. CHRA is examining how to improve the effectiveness and efficiency of the application process overall, and in particular for Māori providers, in consultation with Te Kāhui Kāinga Ora, Te Tūāpapa Kura Kāinga's Māori housing group. The extra time taken appears, however, to deliver good results: since 2014 the success rate for Māori applicants has been slightly higher than that for non-Māori applicants (66% vs 63%).</p> <p>One of CHRA's functions is to establish and maintain an electronic register of all registered CHPs to ensure that members of the public are able to see who is a registered CHP and to enable social housing tenants to make informed housing choices. The Public Register is searchable by anyone.⁵</p>
3.	Outline of the process to develop this Policy / Programme	<i>Refer Evidential Fact Sheet on the Public and Community Housing Management Act 1992</i>
4.	Aims or Objectives of the Policy / Programme	<p>Pursuant to section 160 of the PACHMA, CHRA's main objectives are:</p> <ul style="list-style-type: none"> (a) to register and regulate community housing providers, in order to ensure that their tenants are appropriately housed; and (b) to support the growth of a fair, efficient, and transparent community housing sector. <p>The regulatory regime governs all applications for registered CHP status and the annual monitoring process for all registered CHPs.</p> <p>The purpose of CHPs is to deliver a larger and more diverse community housing sector including specialist Iwi and Māori housing providers who can deliver housing in accordance with a Kaupapa Māori approach and thereby help deliver better outcomes for whānau, hapū, iwi Māori and urban Māori.</p>
5.	Outline of steps taken to implement the Policy / Programme	<p><i>Refer Evidential Fact Sheet on the Public and Community Housing Management Act 1992</i></p> <p>The changes to PACHMA in 2014⁶ coincided with a programme of asset transfers from Housing New Zealand to CHPs which was aimed at further growing the CHP sector and expanding their asset base. This helped to address an unequal playing field</p>

⁵ [The CHRA register | Community Housing Regulatory Authority \(hud.govt.nz\)](https://www.hud.govt.nz/the-chra-register/)

⁶ Per enactment of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013.

		between the then Housing NZ and CHPs. PACHMA also recognised the role CHPs can play in better sign-posting, to tenants, appropriate social services available to them.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Regulation of the CHP sector by CHRA has continued since 2014, and has expanded as the CHP sector has increased in size. As at January 2021 there are 58 registered CHPs.⁷ Registered CHP status is only awarded by CHRA after a thorough evaluation process. All CHPs are required to provide information to inform CHRA’s annual monitoring process, and at any other time as required by CHRA.</p> <p>The PACHMA Regs governing the Performance Standards by which CHPs are assessed and monitored have not been substantively amended since they were established in 2014.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	The CHP sector has grown considerably since it was established in 2014 with, as at December 2020, 58 registered providers with over 14,000 properties. There have been no major concerns about registered providers that would jeopardise their registered status or the reputation of the CHP sector, except for one CHP that was deregistered in October 2019 (before it started offering tenancies).

⁷ [Home | Community Housing Regulatory Authority \(hud.govt.nz\)](https://www.hud.govt.nz/)

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET
COMMUNITY GROUP HOUSING
(KĀINGA ORA – HOMES AND COMMUNITIES)
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

<p>Basic information</p>	<p>Title of policy / programme: Community Group Housing (CGH)</p> <p>Year introduced:</p> <p>The origins of what is now known as the CGH portfolio started in 1980s. In the mid-1980s the then Housing Corporation New Zealand (HCNZ) made houses and flexible loans available to providers to house residents in the community on special terms. Often these houses were occupied by multiple residents who had significant mental and physical health challenges, or were in need of welfare or crisis support. Many of these homes were highly modified as the CGH providers found it difficult to source modified properties in the private market.</p> <p>During the 1980s the number of CGH properties increased and in the 1990s the CGH portfolio was a key part of the government response to deinstitutionalisation. Since its inception the organisational form of CGH has changed significantly. Initially CGH operated within HCNZ's business, but was later a subsidiary of HCNZ's parent company and then eventually in 2001 CGH was re-integrated within Housing New Zealand Corporation (HNZC), as HCNZ had then become. Since being a business unit of HNZ, responsibility for CGH has moved between different business units and it now sits within the newly established National Services Unit under the Supported Housing Group of Kāinga Ora – Homes and Communities (Kāinga Ora).</p> <p>Funding for CGH providers to rent properties was originally on a peppercorn/nominal rent basis. However, from 1992 onwards there have been various policies which have tried to bring CGH onto a 'market rent' basis. In practice, this has involved HNZ administering two operating appropriations (Market Rent top-up & Rent Support Subsidy (RSS) to 'top up' the difference between what CGH providers can afford to pay to landlords and market rent. In addition to these operating appropriations, HNZ (now Kāinga Ora) administers a capital appropriation for the acquisition and upgrade of CGH assets.</p> <p>In most cases, CGH providers' funding contracts with funding agencies do not cover the full cost of rent and until this is worked through with funder agencies and relevant Ministers, CGH will continue to require top-up appropriations from government to cover the rental gap.</p> <p>Still current? Yes</p> <p>Administering agency(ies):</p> <p>HCNZ, which became HNZC in 2001, and in 2019 became Kāinga Ora.</p>
---------------------------------	--

	<p>High level summary of policy/programme:</p> <p>The CGH programme is a service provided by Kāinga Ora. There is no formal legislation governing the CGH programme and Kāinga Ora has developed a set of criteria and operational policy for the program. This was originally informed by Ministerial and Cabinet direction.</p> <p>CGH work with Crown agencies, and community groups which receive funding to provide residential and non-residential community housing and care for vulnerable people with particular needs, such as:</p> <ul style="list-style-type: none"> • people who experience mental or psychiatric illness; • people who have physical and intellectual disabilities; • residential alcohol and drug services; • women, men and children seeking refuge; • families (including those who need emergency housing); • support for youth/children at risk; or • prisoner reintegration. <p>The CGH team within Kāinga Ora work with these Community Groups to assess eligibility before identifying and delivering an appropriate housing solution to best meet the needs of the residents they support. Some of these housing solutions are of a highly bespoke design.</p> <p>CGH housing may be delivered to Community Groups through a property already in stock (void,¹ including Public or Transitional Housing surplus to their requirements), a purchase off the market, a new build or redevelopment.</p> <p>Where Community Groups are not eligible or have a low need (e.g. non-residential) the CGH team work with these groups to identify other options including private rental or partnering with another provider.</p> <p>Overlapping/Related policies/programmes:</p> <p>CGH largely operates independently of other policies in the housing sector although a dedicated Supported Housing function has been created within Kāinga Ora to consolidate the CGH and Transitional Housing functions.</p>
--	--

¹ 'Void' is the term used for properties in our portfolio that are or have come vacant i.e. an empty property.

		<p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Te Tūāpapa Kura Kāinga (Ministry of Housing and Urban Development) (HUD) is responsible for funding CGH appropriations since October 2018. Prior to the establishment of HUD, various other agencies have held this responsibility including the Ministry of Social Development (MSD), the Ministry of Business, Innovation and Employment (MBIE) and the Treasury.</p>
2.	<p>Description of Policy / Programme</p>	<p>The purpose of CGH is to provide homes to eligible providers who are funded through other Government agencies to provide residential support services to people as detailed in the above bullet points. These people are some of Aotearoa New Zealand's most vulnerable with particular needs who are unable to live independently or who experience barriers getting into housing, be it through conscious or unconscious prejudice, or the need for special designs or modification to properties to make them suitable for the residents.</p> <p>To be eligible for a CGH home, providers must:</p> <ul style="list-style-type: none"> • be contracted to provide services by a government agency; and • be accredited, audited and monitored by a government agency to provide services; and • be a registered charity or entity², an incorporated society or a government funded provider; and • have sufficient funding, governance structure and management capability to achieve the desired outcomes. <p>CGH providers enter into tenancy/lease agreements with HNZC or Kāinga Ora dependant on which entity the property sits under.³ Most CGH providers are charged a rent that remains the same throughout the tenancy and is not market adjusted in subsequent years. The growing rental gap is funded through the 'market rent top-up' appropriation. This 'market rent top-up' appropriation increases annually in line with market movement. Up until 2011, HNZC absorbed this cost through its operating balance, resulting in an operational funding shortfall.</p> <p>Since 2011, HNZC (now Kāinga Ora) has relied on 'top up' funding on an 'as required' basis, through reprioritisation of Vote monies by MoH and MSD (the key CGH funding agencies). However there continues to be a shortfall.</p> <p>In addition to the 'market rent top-up', Kāinga Ora administers the Rent Support Subsidy (RSS). The purpose of RSS is to provide a rental subsidy to those community groups who demonstrate that they cannot meet Kāinga Ora's rent charge from income sources that include; components of government contracts specifically for rent, contributions to rent from residents</p>

² This may include a limited liability company.

³

		<p>and/or service users, donations or grants specifically for rent.</p> <p>CGH providers must apply for RSS annually by completing an application for each property they rent from Kāinga Ora. Kāinga Ora expects Providers to be able to sustain the payment of a market rent and RSS was only ever meant to be an interim fund however, until the funding complexities are worked through with funder agencies and relevant Ministers, CGH will continue to require the RSS appropriation. Market rent top-up and RSS are historical appropriations and although new providers/deliveries may benefit from market rent top-up, they are not able to access RSS and are expected to meet the full rental charge.</p> <p>Where providers enter into a lease agreement for the property they lease, rental increases are factored into the Deed of Lease and the market rent top-up and RSS arrangements do not apply in these cases.</p> <p>As at 3 March 2021, CGH manages 1,532 properties (5,249 beds) nationally which was made up of 1,459 residential tenancies and 73 non-residential leases. These are leased by approximately 220 community groups.</p> <p>Kāinga Ora has developed a set of criteria for eligibility for CGH properties and Rental support. At an operational level, Kāinga Ora generally administers:⁴</p> <ul style="list-style-type: none"> • Residential CGH tenancies under the provisions of the Residential Tenancies Act 1986, or • Residential and Non-residential CGH tenancies under the provisions of the Property Law Act 2007.
3.	Outline of the process to develop this Policy / Programme	<p>Prior to the development of CGH, other agencies contracted community organisations to provide a range of services for vulnerable people. Although these contracts included housing, housing was not the primary purpose of the community organisations. As such, they lack the expertise and funding to manage properties or build specially designed properties to meet the needs of their tenants.</p> <p>The CGH Operational Policies are in place to ensure a consistent approach is taken when concerning any dealings with Community Group Housing Property and customers.</p>
4.	Aims or Objectives of the Policy / Programme	<p>The aim of the CGH programme is to provide residential and non-residential community housing and care for vulnerable people with particular needs.</p>
5.	Outline of steps taken to implement the Policy /	<p>As set out in section 2 above, to be eligible to apply for a property with CGH, community groups must be:</p>

⁴ Community groups are progressively being moved to leases so there may be some exceptions to the application of the Residential Tenancies Act as residential tenancies are moved to Lease Agreements over time. Ideally, community groups should be on commercial leases (this work is yet to commence).

	Programme	<ul style="list-style-type: none"> • be contracted to provide services by a government agency; and • be accredited, audited and monitored by a government agency to provide services; and • be a registered charity or entity⁵, an incorporated society or a government funded provider; and • have sufficient funding, governance structure and management capability to achieve the desired outcomes.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Funder agencies are responsible for monitoring and evaluation the providers and their service delivery within the homes. CGH Providers need to meet funders' criteria and accreditation including outcomes and levels of service.</p> <p>Kāinga Ora is responsible for ensuring the properties continue to remain fit for the customer's purpose, are safe and compliant. Kāinga Ora is also responsible for monitoring CGH providers' continued eligibility for the properties they occupy and/or RSS they receive.</p> <p>Under the new Supported Housing Group, work to review and consider enhancements and improvements required to the CGH program will be undertaken.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>The need for Supported Housing is growing as more New Zealanders require intensive forms of support to live well, and as other agencies struggle to find accommodation for their high-needs customers. Kāinga Ora anticipates that, in the future, Supported Housing could account for up to 30% of its housing portfolio. This is based on the proportion of people placed, from the Public Housing Register, who self-identify as having one or more health, wellbeing or behavioural issues.</p> <p>Supported Housing can be either permanent or transitional in nature. Kāinga Ora provides properties for supported housing but recognises that day to day management of some specialist customer cohorts is better done by service providers e.g. current CGH homes and Transitional Housing.</p> <p>An individual's need for Supported Housing may also be permanent or transitional in nature. The majority of state housing tenants do not need ongoing intensive support to sustain their tenancies but a minority will require permanent support, such as those with significant intellectual or physical disabilities, and some may require supported housing for a finite period, examples being emergency housing, respite care, domestic violence and rehabilitation.</p> <p>The dedicated Supported Housing function has been created to consolidate the CGH and Transitional Housing functions. Its role is to:</p>

⁵ This may include a limited liability company.

		<ul style="list-style-type: none">• build and maintain relationships with both funders (principally Ministry of Health, Health Boards, MSD, Oranga Tamariki and Ara Poutama – Department of Corrections) and providers of support services, as well as• grow the Supported Housing portfolio.
--	--	--

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET
COVID-19 HOMELESSNESS RESPONSE

(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: COVID-19 Homelessness Response</p> <p>Year introduced: 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - The Ministry of Housing and Urban Development (HUD), in collaboration with Kāinga Ora – Homes and Communities (Kāinga Ora), the Ministry of Social Development (MSD) and the Ministry of Health (MoH).</p> <p>High level summary of policy/programme: The programme was part of the All of Government response to the COVID-19 pandemic and lockdown, and the initial focus was the delivery of accommodation capacity with wraparound services for housed clients and whanau. Chronically homeless (often rough sleepers) were moved into temporary accommodation as the COVID epidemic reached Aotearoa New Zealand, noting that they were a highly vulnerable group in terms of COVID-19 infection and transmission risks. Once there, they were supported to be self-isolating and the underlying drivers of their homelessness could be addressed.</p> <p>As at 20 August 2020, the Crown had secured more than 1,200 places in 85 motels for people who were experiencing homelessness. A number of campervans in the Far North were also provided, where the focus was more on alleviating overcrowding in homes while the country was in lockdown.</p> <p>The budget for the programme is \$107.6 million to support accommodation and wrap-around services out to the end of June 2021.</p> <p>Overlapping/Related policies/programmes: While the programme was initiated as a context-specific, one-off intervention designed to address a clear presenting problem (the need to urgently accommodate a cohort of people who needed to be provided the means to self-isolate), it now has a focus on ensuring those accommodated through the response do not need to return to homelessness, but have access to longer-term housing and wrap-around services appropriate for their level of need.</p> <p>Housing this cohort and identifying that a substantial proportion could benefit from (and be most effectively assisted by) transitioning into Housing First puts more pressure on that programme, as it is currently running at or around capacity.</p> <p>There is also an overlap with the government’s public and transitional building programme which is needed to deliver additional</p>
----	--------------------------	---

		housing.
2.	Description of Policy / Programme	<p>The original purpose of the policy was to get the chronically homeless (often rough sleepers) into accommodation so they could self-isolate during the height of the COVID-19 pandemic in 2020. It achieved its aspirations insofar as it managed to rapidly house over 1,200 clients and whānau.</p> <p>The current objective (other than maintenance of that situation) is that those supported through the emergency response are not discharged back into homelessness and that they are supported into permanent housing with the wrap-around support they need, including kaupapa Māori approaches to ensure holistic and cultural wellbeing are maintained.</p>
3.	Outline of the process to develop this Policy / Programme	<p>The operating concept was developed by HUD, MoH and Kāinga Ora in consultation with community groups including iwi and Māori organisations. It leveraged off the underpinning principles of the Housing First programme insofar as the intervention prioritised meeting a housing need over prospective clients meeting any specific behavioural entry criteria (for instance, presenting as being drug and/or alcohol free).</p> <p>Te Āo Māori frameworks were incorporated by the wrap-around service providers where appropriate, noting that a significant proportion of the housed cohort self-identified as Māori. Many of the wrap-around service providers were established Housing First providers with well-developed operating procedures incorporating kaupapa Māori approaches.</p> <p>The policy was rapidly developed, given the need to respond with speed. As such, consultation was minimal but focussed on including those who were best placed to be an active part of the response, for example Housing First providers. There was a clear value proposition and the consequences of failure to act were potentially substantial. MoH advice was sought early and provided promptly to enable clear and appropriate guidance to providers and moteliers as to how to operate safely in the different COVID-19 alert levels.</p> <p>The scope of the project was well defined, and providers and agencies worked together to overcome issues with implementation, including identifying and locating rough sleepers, finding appropriate temporary accommodation, ensuring providers and moteliers felt supported, and that issues were promptly addressed. The high trust environment that operated at this time was generally believed to work well.</p> <p>The plan to deliver the longer- term response is being developed through cross-agency consultation and with input from the providers involved in the initial response. The starting assumption has been that providers who stepped in to support the COVID-19 immediate response will continue to support clients and work with them to identify longer-term accommodation options.</p> <p>For the purposes of on-going development of the programme, a survey of motel providers was undertaken at 1 June 2020 which</p>

		sought to understand the health and housing needs of the cohort. The survey covered approximately 1300 of the 1500 people in motels at that time. Data provided key information on ethnicity (and therefore cultural needs), housing need (in terms of what kind of housing would be required, as well as level of support that would be needed), and health and mental health need.
4.	Aims or Objectives of the Policy / Programme	<p>The principal objective of the programme was to get the chronically homeless into safe and secure accommodation so they could self-isolate.</p> <p>The objective of the programme has evolved to take advantage of the opportunity provided to end homelessness for those accommodated through the initial response. Though not all clients accommodated in COVID-19 temporary accommodation present at the high end of the needs spectrum, it is likely a significant proportion of those who were rough sleeping were accommodated, at least initially.</p> <p>The programme also presented an opportunity to develop and build capacity and capability particularly with Māori providers who may not have previously been partnering with government on housing.</p>
5.	Outline of steps taken to implement the Policy / Programme	<p>Housing First providers, Transitional Housing and other local social services providers initially supported people into the motels, providing them with food, checking in on their wellbeing on a regular basis and connecting them with other services such as healthcare. HUD contracted providers for seven Kaupapa Māori projects to meet unprecedented demand for emergency housing in Māori communities. These providers were Kāhui Tū Kaha, He Korowai Trust, Kahungunu Whānau Services, Visions of a Helping Hand, Housing First Rotorua – Te Taumata o Ngāti Whakauae, Matawhaanui Trust, Te Rūnanga o Whaingaroa, Ko Tuwharetoa Te Iwi Charitable Trust, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Gisborne New Life Fellowship Trust, Ngāti Awa Social and Health Services Trust, Te Tuinga Whānau Support Services Trust, Te Rūnanganui o Ngāti Porou and Te Rūnanga o Tūranganui a Kiwa</p> <p>Furthermore, HUD contracted a range of community social services providers to support the COVID response across most of New Zealand. These providers were The Auckland City Mission, The Wellington City Mission, LinkPeople Limited, The Lifewise Trust, VisionWest Community Trust, and Homes for People Trust.</p> <p>In terms of implementation, the priority of effort was deliberately placed on housing those in need ahead of establishing firm contractual monitoring and reporting requirements when the programme commenced.</p> <p>In terms of the ongoing response:</p> <ul style="list-style-type: none"> • Providers have continued to provide support to meet the needs of those accommodated and to identify longer-term accommodation where they can; and

		<ul style="list-style-type: none"> Options have been put to Government for transitional housing opportunities that could be delivered more quickly than would otherwise be the case, and could provide more suitable accommodation than motels. <p>Limited housing supply and high need across most regions means there is significant reliance on delivery of the new public and transitional housing that is planned in the 2021-24 period.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Reporting requirements as part of the initial response were minimal and there was limited monitoring and evaluation built into the programme. A conscious decision was made in this programme to prioritise identifying and housing clients over other reporting requirements.</p> <p>HUD has worked in retrospect to improve reporting and monitoring arrangements as required, including developing monthly reporting that will track exits from COVID-19 motels and other temporary accommodation as people are moved to longer term housing solutions. This will enable analysis of a set of data for a group for which there has previously been limited information available. Tracking of housing outcomes should also be possible; for example, how many people were able to move into permanent homes, or were evicted, or voluntarily left the programme.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>The initial response ensured approximately 1500 people sleeping rough or in poor housing situations were safely accommodated, through the COVID-19 lockdown period and onward. This number is believed to have included a significant proportion of those rough sleeping in New Zealand at that time. This group have previously been hard to reach and support but have now been able to receive support services in line with their need, including Housing First and Rapid Rehousing services.</p> <p>Several providers have reported that, even at an early stage, people were seeing positive health and wellbeing outcomes from being housed, were developing a sense of community and were providing support to each other. Some of those who have been rough sleeping, in some cases for prolonged periods, have moved into, or are working towards moving into, permanent accommodation.</p> <p>An example of an early success was in Whakatane where Ngāti Awa Social and Health Services (NASH) supported a small group of rough sleepers and homeless in Whakatane over the lock-down. This group were able to move into permanent accommodation not long after lockdown, including a small number who chose to move into shared accommodation together.</p> <p>At the peak of the COVID-19 lockdown, approximately 1,200 motels unit/accommodation places were sourced to support those sleeping rough or in overcrowded situations. As at December 2020 this had reduced to 984 motel units/accommodation places.</p> <p>Providers have supported those placed into more permanent accommodation through services such as Transitional Housing, Housing First and Rapid Rehousing (See separate Evidential Fact Sheets concerning each of these programmes) As at 31</p>

		<p>October 2020, Providers reported that over 300 people had been placed into more permanent accommodation or returned to living with family.</p> <p>HUD continues to collect monthly provider reports to track individuals' progress towards permanent housing.</p> <p>Whilst clients continue to be supported and housed, pressure on the housing register, limited housing supply, and the high cost of private rentals have meant that providers are facing very significant challenges in identifying longer term housing for those who remain in motels.</p> <p>It should be noted that the ethnicity of people who have participated in this programme is not a mandatory reporting requirement as declarations of ethnicity have always been voluntary across the range of Government housing offering applications. Ethnicity, when collected, is usually only for the lead client of a household and the self-identified ethnicity of that person may not be the same for the balance of the household.</p> <p>Assessments of housing supply and demand for each place where people were accommodated as part of the COVID-19 homelessness response have been completed. These have helped develop understanding of the challenges and opportunities to identifying appropriate longer-term accommodation in each place.</p>
--	--	--

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET
DATA AND EVIDENCE INITIATIVE – AOTEAROA NEW ZEALAND
HOMELESSNESS ACTION PLAN –
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW
TE TARI TURE O TE KARAUNA
Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:
M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:
Jacki Cole
Jacki@jcolebarrister.com

1.	Basic information	<p>TITLE OF POLICY / PROGRAMME: Aotearoa New Zealand Homelessness Action Plan: Data and Evidence Initiative</p> <p>Year introduced: 2019</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme: The Data and Evidence Initiative was developed specifically to monitor and evaluate the Aotearoa New Zealand Homelessness Action Plan (HAP). It has a twofold purpose:</p> <ol style="list-style-type: none"> 1. To build a comprehensive, fit for purpose, data and evidence system for homelessness that considers the driving forces and pressures that lead to homelessness and the characteristics of those who are experiencing, have recently experienced, or are at risk of experiencing homelessness; and 2. To deepen understanding of what responses work, for whom and under what circumstances through a synthesis of monitoring, review and/or evaluation across all HAP initiatives. <p>This is one of the initial 18 initiatives within HAP; it takes into account and will support Te Whare o te Maihi (MAIHI) and other housing policy with enhanced data.</p> <p>To undertake this work effectively HUD intends to work with housing providers to ensure access to good quality information. Māori data sovereignty is a central consideration, as is enabling whānau-centred outcomes to be measured and reported.</p> <p>Overlapping/Related policies/programmes:</p> <ul style="list-style-type: none"> • Aotearoa New Zealand Homelessness Action Plan • Te Whare o te Maihi – the Māori and Iwi Housing Innovation Framework for Action (MAIHI). <p>Other agencies involved in development, implementation, or ongoing administration: A technical working group has been set up for the Data and Evidence Initiative to focus on reporting whether current initiatives</p>
----	--------------------------	---

		<p>under the HAP are being delivered as intended and whether they are achieving the desired immediate and long-term outcomes.</p> <p>This technical working group comprises representatives from HUD, Ministry of Social Development, Oranga Tamariki, Ministry of Health, Department of Corrections, and Kāinga Ora – Homes and Communities.</p>
2.	Description of Policy / Programme	<p>Improvements to data and evidence is critical to understanding and reducing homelessness. This Initiative aims to build a stronger evidence base to inform responses to all forms of homelessness and track progress in reducing homelessness and is considered a critical piece in the overall data and evidence puzzle for HUD and other agencies.</p> <p>The Initiative seeks to achieve seven outcomes:</p> <ol style="list-style-type: none"> 1. Kaupapa Māori research methodology to strengthen design outcomes 2. Regular up to date measures and information on characteristics of homeless population 3. Better understanding of the level of demand for future housing support 4. Identification of the population at risk of becoming homeless and tailored interventions for specific at-risk groups 5. Information on the drivers of homelessness in New Zealand 6. Better monitoring and evaluation of the effectiveness of homeless interventions 7. Stronger evidence base for future investment including what works for whom under what circumstances
3.	Outline of the process to develop this Policy / Programme	<p>The Data and Evidence Initiative was developed specifically to undertake monitoring and evaluation of the HAP and to manage challenges with available data and lack of detailed evidence in the homelessness context.</p> <p>It was developed in consultation with the cross-agency working groups responsible for the delivery of the HAP (ie Te Tūāpapa Kura Kāinga, MSD, Oranga Tamariki, Ministry of Health, Te Ara Poutama (Corrections), NZ Police, TPK, Ministry of Pacific Peoples and Kāinga Ora – Homes and Communities). It is recognised that for the Initiative’s programmes to be successfully delivered, partnership with providers is required to ensure the necessary data and evidence is available in a comprehensive and timely manner. This requires the support of the sector who are the kaitiaki of much of the data required. There is a commitment to utilising Kaupapa Māori methodologies and researchers where appropriate.</p> <p>Initial discussions have been had with Community Housing Aotearoa and Te Matapihi regarding working in partnership to improve data and evidence related to homelessness. Sound evidence about what works for Māori, as well as other populations experiencing disproportionate rates of homelessness, will be developed.</p>

		Preliminary conversations with local government officials have also recently commenced to consider their data needs and how central and local government can align at a regional and national level; reducing burden on providers and improving the overall evidence base.
4.	Aims or Objectives of the Policy / Programme	Among other things, key demographic information, including ethnicity, is a focus for the Data and Evidence Initiative when reporting whether current HAP initiatives are being delivered as intended and whether they are achieving the desired immediate and long-term outcomes.
5.	Outline of steps taken to implement the Policy / Programme	<p>In December 2019, the data and evidence strategy for the HAP was presented to its Governance group. Since then, significant progress has been made, including the establishment of a cross-agency Evidence and Data Technical Working Group including StatsNZ and the Social Wellbeing Agency. The focus of this group is on reporting whether current initiatives in the HAP are being delivered as intended and whether they are achieving the desired immediate and long-term outcomes.</p> <p>The approach and deliverables for the Data and Evidence Initiative have been further defined and clarified throughout 2020. This has occurred through both formal and informal stakeholder engagement both within HUD and across other agencies and entities including Community Housing Aotearoa and Te Matapihi, and also preliminary conversations with local government officials.</p> <p>To date, the Initiative has undertaken the following work:</p> <ul style="list-style-type: none"> • established a working group to focus on the reporting of immediate and long-term outcomes of each HAP initiative; • commenced work on the proposed six-monthly progress reports • completed prototypes using a range of data to report on the driving forces and pressures influencing homelessness and the characteristics of those who are, have or are likely to experience homelessness and • initiated discussions with peak bodies on the partnership needed to improve data and evidence related to homelessness.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>The Data and Evidence Initiative is included in all regular HAP monitoring including status reporting.</p> <p>Some initial activities have been completed which have highlighted both the potential for and challenges with programme and administrative data. This information is being used to inform the ongoing development of partnerships with data providers.</p>

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

FIRST HOME GRANT

(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: First Home Grant (formerly KiwiSaver First Home Deposit Subsidy & HomeStart Grant)</p> <p>Year introduced:</p> <p>1 July 2010: KiwiSaver First Home Deposit Subsidy introduced</p> <p>2015: rebranded ‘KiwiSaver HomeStart Grant’</p> <p>September 2019: rebranded ‘First Home Grant’</p> <p>Still current?: Yes.</p> <p>Administering agency(ies):</p> <p>Kāinga Ora – Homes and Communities (Kāinga Ora) administers the grants and is responsible for operational policy.</p> <p>Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) is responsible for the overall policy design.</p> <p>High level summary of policy/programme:</p> <p>The First Home Grant is intended to help first home buyers on modest incomes to access home ownership and its benefits, against a background of falling home ownership rates.</p> <p>Since 2015, it has also been intended to help incentivise new supply of dwellings by providing a larger grant for new builds.</p> <p>The First Home Grant is a benefits or related expense appropriation. For 2020/2021 it was costed at \$109,720,000.</p> <p>Overlapping/Related policies/programmes:</p> <p>The Government Build Programme (including KiwiBuild)</p> <p>First Home Loans</p> <p>Progressive Home Ownerships (PHO) Fund</p> <p>As home ownership has benefits such as wealth generation and security of tenure, it will affect other policies aimed at addressing New Zealand’s housing shortage and thereby ultimately reduce homelessness.</p>
----	--------------------------	--

		<p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>2010-2012: Department of Building and Housing (DBH)</p> <p>2012-2018: Ministry of Business, Innovation and Employment (MBIE)</p> <p>Kāinga Ora–Homes and Communities and its predecessor, Housing New Zealand Corporation.</p>
2.	<p>Description of Policy / Programme</p>	<p>The two major financial barriers to home ownership are the size of the deposit required and one’s ability to service ongoing mortgage costs. The First Home Grant seeks to address the deposit barrier for first home buyers who can service regular loan repayments by providing them with a grant to contribute towards their deposit.</p> <p>The policy was adjusted as part of the Government Build Reset in 2019 by removing the cap on the number of eligible people in a household who could receive the First Home Grant, thereby enabling groups and intergenerational households to fully utilise the Grant.</p> <p>Details of the eligibility criteria (such as house price caps and income caps) are set out on the Kainga Ora website at First Home Grant :: Kāinga Ora – Homes and Communities (kaingaora.govt.nz)</p> <p>To be eligible for a First Home Grant, an applicant must:</p> <ul style="list-style-type: none"> • be over 18 • have earned less than the income caps in the last 12 months (\$85,000 or less before tax for a single buyer; \$130,000 or less before tax for two or more buyers) • not currently own any property • have been contributing at least the minimum amount to KiwiSaver (or complying fund or exempt employer scheme) for 3 years or more • purchase a property that is within the regional house price caps • agree to live in your new house for at least 6 months <p>The house or land sought to be bought must also meet the property requirements.¹</p>

¹ [Check property criteria: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](https://www.kaingaora.govt.nz/first-home-grant) (accessed 24 January 2021).

		<p>If an existing home is sought to be bought, a grant of \$1,000 for each of the 3 (or more) years the applicant has paid into KiwiSaver (or complying fund) with a cap of \$5,000.</p> <p>If it is a new home or land on which to build is sought to be bought, a grant of \$2,000 for each of the 3 (or more) years the applicant has paid into KiwiSaver (or complying fund) with a cap of \$10,000.</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>A 2005 Cabinet paper (agreeing to establish a series of homeownership measures)² indicates that the original policy was developed from an international example from Australia, where a similar grant had previously been introduced. The ‘KiwiSaver First Home Deposit Subsidy’, as it was then called, was introduced as part of a package to address issues of homeownership.</p> <p>[The 2005 Cabinet paper records that it was work jointly undertaken by officials from HNZC, the Treasury, DBH, IRD and MSD with each of Te Puni Kokiri, Ministry of Pacific Island Affairs, Ministry of Youth Affairs, Ministry of Women’s Affairs, Department of Labour and Ministry of Justice also consulted. Details of the consultation were not available.]</p> <p>In 2013 there was a package of changes to the KiwiSaver First Home Deposit Subsidy which increased the income and house price caps, and added a new requirement that buyers have at least a 10 percent deposit to access the support.</p> <p>In 2015, the KiwiSaver First Home Deposit Subsidy was rebranded as the KiwiSaver HomeStart Grant and a grant for new builds was introduced with higher price caps and a larger grant.</p> <p>In 2016, the income and house price caps were again increased. Further increases to the house price caps were made in 2018, which increased the house price caps for Queenstown Lakes District to be equivalent to Auckland District’s house price cap, and to align the lowest new build price caps to the KiwiBuild caps.</p> <p>In 2019 the Government amended the HomeStart Grant (as it was by then known) by:³</p> <ul style="list-style-type: none"> • Allowing HomeStart grants to be paid to all buyers where there are three or more buyers; • Reducing the deposit requirement for HomeStart grants for existing homes and new builds from 10% down to 5%; • Combining the HomeStart Grant and Welcome Home Loan schemes together under a single “First Home” scheme.

² [PDF File - \[6 April 2005\] - Memorandum to Cabinet Policy Committee: 2005 Budget Savings Package: Home Ownership Assistance - Securing Your Future Cabinet Papers Release - The Treasury](#) see HUD.006.1936.

³ [01-Cabinet-Paper-Housing-and-Urban-Development-progress-and-next-steps.pdf \(hud.govt.nz\)](#) see HUD.006.1898 and HUD.001.0881.

<p>4.</p>	<p>Aims or Objectives of the Policy / Programme</p>	<p>The First Home Grant seeks to help households realise the benefits of homeownership earlier than they otherwise would, such as security of tenure and wealth generation. It aims to help people to buy their first home.</p> <p>Since 2015, it also aims to influence broader affordability by incentivising new supply.</p>
<p>5.</p>	<p>Outline of monitoring and evaluation built in to Policy / Programme</p>	<p>Kāinga Ora publishes a quarterly report which includes data on the First Home Loan. This can be found at Financial Products Quarterly Report :: Kāinga Ora – Homes and Communities (kaingaora.govt.nz)</p> <p>While there is no monitoring and evaluation built-in to the First Home Loans programme, monitoring is done on an as needed basis to inform policy changes and to update appropriations.</p>
<p>6</p>	<p>Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims</p>	<p>The graph below demonstrates the number of first home buyers that have been assisted since the policy was introduced.</p> <p>Uptake of the First Home Grant remained high for First Home Buyers during 2020, except for during lockdown when few settlements occurred.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

FIRST HOME LOAN

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

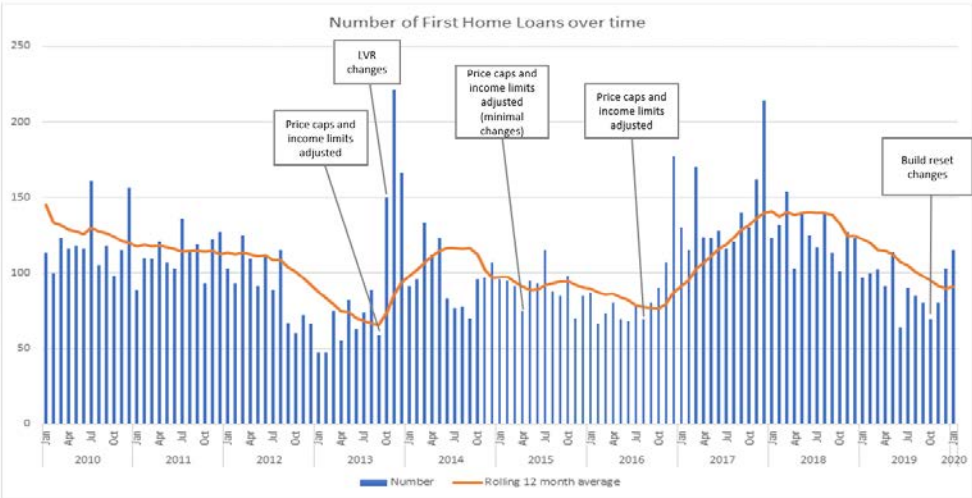
Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: First Home Loan (Formerly KiwiBank In Reach, then Welcome Home Loan)</p> <p>Year introduced:</p> <p>In 2003, a two-year pilot called “KiwiBank In Reach” Pilot Mortgage Insurance Scheme was launched, for KiwiBank customers only.</p> <p>In 2005, this became the Welcome Home Loan and was open to other banks and financial institutions.</p> <p>From September 2019, the Welcome Home Loan was rebranded the First Home Loan as part of the Government Build Reset.¹</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>Kāinga Ora – Homes and Communities (Kāinga Ora) administers the loans and is responsible for operational policy.</p> <p>Te Tūāpapa Kura Kāinga – Ministry for Housing and Urban Development (HUD) is responsible for the overall policy design.</p> <p>High level summary of policy/programme:</p> <p>The First Home Loan is intended to help first home buyers on modest incomes but with a low deposit to access home ownership and its benefits, by insuring the buyer’s mortgage for the lender.</p> <p>There are a series of participation agreements between Kāinga Ora and participating banks, which set out the rules for how banks offer First Home Loans.</p> <p>The current appropriation is \$7.7 million which is managed by Kāinga Ora–Homes and Communities.</p> <p>Overlapping/Related policies/programmes:</p> <p>The Government Build Programme (including KiwiBuild)</p> <p>KiwiSaver Withdrawal</p>
----	--------------------------	---

¹ Refer: <https://www.hud.govt.nz/assets/News-and-Resources/Proactive-Releases/First-Tranche-/ebadefaa2d/01-Cabinet-Paper-Housing-and-Urban-Development-progress-and-next-steps.pdf> - Cabinet paper resetting the Government Build Programme. Includes last changes made to the First Home Grant and First Home Loan Products (including renaming from KiwiSaver HomeStart Grant and Welcome Home Loan).

		<p>First Home Grant</p> <p>Progressive Home Ownerships (PHO) Fund</p> <p>As home ownership has benefits such as wealth generation and security of tenure, it will affect other policies aimed at addressing New Zealand's housing shortage and thereby ultimately reduce homelessness.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Housing New Zealand Corporation (HNZC) (2003), Department of Building and Housing (DBH) (2004), Ministry of Business, Innovation and Employment (MBIE) (2012), Ministry of Housing and Urban Development (HUD) (2018)</p>
2.	Description of Policy / Programme	<p>The two major financial barriers to home ownership are the size of the deposit required and one's ability to service ongoing mortgage costs. The First Home Loan seeks to address the deposit barrier for first home buyers who can service regular loan repayments by enabling them to produce a smaller deposit than normal, without resulting in higher interest rates.</p> <p>Traditionally, a lower than 20 percent deposit is likely to result in higher interest rates for a borrower, or a refusal to lend. Under the Welcome Home Loan, first home buyers could access finance with a 10 percent deposit. With the rebranding to the First Home Loan a change from 10 percent deposit requirement to a 5 percent deposit was made.</p> <p>There is evidence that around 3 to 5 percent of all first home buyers use the First Home Loan.</p>
3.	Outline of the process to develop this Policy / Programme	<p>There has been a long history of state assistance with mortgage loans, this has included the State Advances Corporation Loans which reduced the interest paid on loans and the 1977 Mortgage Guarantee Scheme was introduced by the Housing Corporation. The widening of the KiwiBank In Reach pilot in 2005 to the Welcome Home Loan was part of a package to address issues of homeownership, including the KiwiSaver withdrawal and Deposit Subsidy.</p> <p>For the Government Build Reset in 2019, data based on location, house price and size of households was used to inform decision making associated with the First Home Loan policy. Data is collected on an ongoing basis (when applicants apply for the First Home Loan) and this is available to be used to inform changes to/developments of the policy.</p>
4.	Aims or Objectives of the Policy / Programme	<p>The loan seeks to help households realise the benefits of homeownership, earlier than they otherwise would be able to.</p>
5.	Outline of steps taken to implement the Policy /	<p>The First Home Loan is administered by Kāinga Ora who is responsible for the operational policy. There are a series of participation agreements between Kāinga Ora and participating banks, which set out the rules for how banks offer First Home</p>

	Programme	Loans.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Kāinga Ora publishes a quarterly report which includes data on the First Home Loan. This can be found at Financial Products Quarterly Report :: Kāinga Ora – Homes and Communities (kiangaora.govt.nz)</p> <p>While there is no monitoring and evaluation built-in to the First Home Loans programme, monitoring is done on an as needed basis to inform policy changes and to update appropriations.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>Uptake of the First Home Loan and its predecessors has been variable over time however has supported a number of First Home Buyers into Home Ownership. The below graph shows the number of loans since 2010.</p>  <p>Uptake indicates that the loan is assisting First Home Buyers to purchase their homes. There is evidence that around 3 to 5 per cent of all first home buyers use the First Home Loan.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**FUNDING FOR SUBMARKET/AFFORDABLE RENTALS, INCLUDING
THE HOUSING INNOVATION FUND (HIF) AND
THE SOCIAL HOUSING FUND (SHF)**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT AND
KĀINGA ORA – HOMES AND COMMUNITIES)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Funding for submarket/affordable rentals (including the Housing Innovation Fund (HIF) and the Social Housing Fund (SHF).</p> <p>Year introduced:</p> <p>The HIF was established in 2003 and disestablished in 2011. The Social Housing Fund (SHF) replaced the HIF in 2011.</p> <p>Still current?:</p> <p>The HIF was disestablished in 2011. However, while no new loans are being issued through the HIF, existing HIF recipients can have their suspensory loans or conditional grants forgiven for the purpose of building new social housing and Kāinga Ora can reduce the security (priority) amount relating to suspensory loans and conditional grants issued through the HIF.</p> <p>The SHF was disestablished sometime around 2015.</p> <p>Administering agency(ies):</p> <p>The HIF was originally administered by Housing New Zealand Corporation (HNZC) which was subsumed into Kāinga Ora – Homes and Communities (Kāinga Ora) on 1 October 2019. Kāinga Ora has an ongoing role in administering legacy contracts entered into under the HIF.</p> <p>The SHF was administered by the Social Housing Unit (SHU) which was established as a semi-autonomous unit within the Department of Building and Housing (DBH) in 2011, and subsequently transferred into the Ministry for Business, Innovation and Employment (MBIE) in 2012.</p> <p>The SHU provided capital grant funding to community housing providers (CHPs) for the provision of new social and affordable rental housing through the SHF which was part of the wider Social Housing Reform Programme (SHRP). Its intention was to assist in the development of the community housing sector by growing the balance sheets of these organisations, so that they would be capable of responding to future social and affordable housing need at scale.</p> <p>Following disestablishment of the SHU in 2015, the administration of SHF contracts entered into under the SHF was managed by MBIE. Responsibility to administer legacy SHF contracts was transferred to the Ministry of Housing and Urban Development (HUD) following HUD’s establishment on 1 October 2018. HUD’s role in administering the SHF includes managing the contracts and fulfilling reporting requirements on 892 housing units and a further 110 units which are still to be delivered through the Barrowcliffe development in Auckland.</p>
----	--------------------------	---

	<p>High level summary of policy/programme:</p> <p>The HIF aimed to support low and moderate income households who were not served by the private market, but would be unlikely to be offered a state house, as well as other low income households whose specific housing needs were not being met such as Maori and Pacific groups, or those with mental illness and disabilities. It typically did this through the provision of conditional grants¹ and suspensory or concessionary loans² including organisational development grants to develop plans, policies and procedures; capacity building grants to assess the condition of assets and/or develop asset management plans, policies and procedures; and project feasibility grants to investigate project options, develop cost estimates, plans and valuations.</p> <p>While funding is no longer available under the HIF, there are legacy loans or grants which are managed by Kāinga Ora both for repayment and/or forgiveness.</p> <p>The SHF was established to more narrowly provide capital grants to support the physical construction of social and affordable housing.</p> <p>Overlapping/Related policies/programmes:</p> <p>In December 2011 the Government signalled a new direction for social and affordable housing in New Zealand which culminated in the establishment of the Social Housing Reform Programme (SHRP). The SHRP was intended to deliver a number of outcomes, including:³</p> <ul style="list-style-type: none"> • A level playing field between CHPs and HNZ (through the extension of the Income Rent Related Subside (IRRS) to registered CHPs); • Development of the CHP sector (through a programme of targeted capital grant funding (the SHF), the establishment of a regulatory agency to oversee CHPs in receipt of IRRS and capital grant funding, and exploring possibilities for the transfer of HNZ stock and surplus land to registered CHPs; and, • Providing government with visibility of the trust cost of social housing provision. <p>As part of these initiatives, the Community Housing Regulatory Authority (CHRA) was established in April 2014, at which time registered CHPs were able to access IRRS funding. Although the SHF ran concurrently to the provision of public housing funding for a short time, the provision of funding for public housing (through IRRS and later other funding tools such as up-front funding and the Operating Supplement) and initially public housing transfers, ultimately became the main avenue through which the Government supported the growth and development of the community housing sector. These public housing funding tools do not however directly fund the provision of sub-market rental housing (i.e. non-public housing). The availability of funding for public housing assists CHPs (which typically provide both public and submarket rental housing) to</p>
--	--

		<p>build their asset base and a secure income stream potentially making it easier for them to access finance which could indirectly support their provision of sub-market rental housing.</p> <p>Other agencies involved in development, implementation, or ongoing administration: N/A</p>
2.	<p>Description of Policy / Programme</p>	<p>The Housing Innovation Fund (HIF)</p> <p>The HIF was established in 2003 to increase the supply and quality of delivery of social housing to key target groups namely:</p> <ul style="list-style-type: none"> • low and moderate income households who cannot meet their own needs in the private market, who are unlikely to be offered a state house, for whom the Accommodation Supplement does not adequately address housing needs, and where the problem is not affordability; • low income households whose specific housing requirements are not being fully met by the market or by current housing instruments, such as iwi, Māori groups, and Pacific peoples; and • low income households whose specialised housing needs are not being fully met, such as people with mental illness, disabilities, and elderly people with support needs. <p>It included two funding streams described below.</p> <p><i>The Community based Housing Innovation Fund</i></p> <p>This fund:</p> <ul style="list-style-type: none"> • provided government support for Community Based Organisations (CBOs) to contribute to developing a sustainable housing sector; • developed the capacity and infrastructure required to support an effective and efficient housing sector; and • encouraged the development of creative approaches to social housing solutions for the target groups.

¹ A conditional grant is a grant provided with conditions attached. In this case grants of 15% of the project cost were typically provided on the condition that the property was retained as “social housing” for a period of 10 years.

² A suspensory loan is a loan which provides the borrower with delayed repayment requirements. In this case a small number of suspensory loans were provided but it was more typical for support to be provided through concessionary loans with a 25 year term which were interest free for 10 years.

³ See separate Evidential Fact Sheet on the SHRP.

Local Government Housing (LGH) initiative

This fund:

- encouraged local authorities to retain and modernise their existing rental housing stock;
- assisted local authorities to buy new stock; and
- supported local authorities to identify new ways of working on social housing projects with other councils and CBOs in the region.

The first four years of the HIF involved establishing a number of demonstration projects to test the approach to community based housing development and gauge the interest of local government in retaining and expanding their social housing investment.

Over time, eligibility was restricted to local authorities and CHPs and then finally CHPs alone. This included a contestable fund (the Māori Demonstration Partnership Fund) to help in the development of multiply-owned Māori land.

In summary, a total of \$114.5m allocated in grants and loans were provided through the HIF to support 1,750 housing units

Kāinga Ora continues to administer the HIF, including the ongoing forgiveness of loans and grants. During COVID-19 lockdowns, Kāinga Ora granted repayment holidays or, for loans on historical long term interest rates, broke the rates and used the new rates, which were significantly lower. By way of example, the Wellington Night Shelter Trust was granted a one-year repayment holiday and Kāinga Ora agreed to transfer the loan to the City Mission so that it could take over operations, although the loan is now in the process of being written off.

The Social Housing Fund (SHF)

The Social Housing Fund operated a competitive tender process for four sub-funds:

- Growth fund – Pūtea Whakatipu
- Māori fund – Pūtea Māori
- Niche fund – Pūtea Kaupapa Motuhake
- Rural fund – Pūtea Taiwhenua

		The SHF allocated approximately \$140m of capital grants to 33 CHPs to support 1,011 new social and affordable units (often in mixed tenure developments e.g. the Waimahia Inlet development). Of this, \$17.895m was explicitly set aside for 100 Māori social and affordable homes and \$1m for project feasibility (Putea Māori).
3.	Outline of the process to develop this Policy / Programme	This information was unable to be located.
4.	Aims or Objectives of the Policy / Programme	<p>The ultimate aim of both HIF and SHF was to support the growth of third sector social housing in New Zealand and reduce reliance on Government-provided housing through HNZC (as it then was) and its successors.</p> <p>These funds did this by providing funding for the provision and/or upgrading of social and submarket/affordable rental housing helping to free up capital to finance new social housing projects.</p>
5.	Outline of steps taken to implement the Policy / Programme	This information was unable to be located.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Cabinet mandated that an evaluation of the HIF be completed as a condition of funding it provided to establish the fund. This evaluation was undertaken in two phases in 2006 and 2007 and is available at - The Outcomes Evaluation of the Housing Innovation Fund » The Hub (swa.govt.nz). As noted above, Kāinga Ora has an ongoing role in the monitoring of legacy contracts entered into under the HIF.</p> <p>HUD has an ongoing role in the monitoring of legacy contracts entered into under the SHF.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>The HIF provided a total of \$114.5m allocated in grants and loans were provided to support 1,750 housing units.</p> <p>The SHF Fund allocated approximately \$140m of capital grants to 33 CHPs to support 1,011 new social and affordable units.</p>

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

**GOVERNMENT POLICY STATEMENT ON HOUSING AND
URBAN DEVELOPMENT (GPS-HUD)**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy: Government Policy statement on housing and urban development (GPS – HUD)</p> <p>Year introduced: Required to be issued no later than 1 October 2021.</p> <p>Still current?: Not yet drafted</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy:</p> <p>Pursuant to Part 2 of the Kāinga Ora – Homes and Communities Act 2019, the Ministers¹ must issue a GPS (government policy statement²) on housing and urban development, the first of which must be issued by no later than 1 October 2021 and is then reviewable at intervals that are no more than 3 years apart.³ Kāinga Ora–Homes and Communities (Kainga Ora) must give effect to the GPS-HUD when performing its functions.⁴</p> <p>The purpose of the GPS-HUD is to state the Government’s overall direction and priorities for housing and urban development. It will provide a shared long-term vision for all those in the system including Community Housing Providers (CHPs), non-government organisations (NGOs), iwi and Māori and others. It will inform and guide the decisions and actions of New Zealand government agencies involved in housing and urban development.</p> <p>Addressing the many negative housing outcomes experienced by Māori⁵ is a key feature of the GPS-HUD, with one of the mandatory matters for inclusion being the Government’s expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests.⁶</p> <p>Overlapping/Related policies/programmes: See diagram at Part 5 below.</p>
----	--------------------------	--

¹ See s5 Kainga Ora – Homes and Communities Act 2019: Ministers means the Minister of Finance and the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act.

² A government policy statement is a declaration of a government's political activities, plans and intentions relating to a concrete cause or, at the assumption of office, an entire legislative session.

³ Section 22 Kainga Ora – Homes and Communities Act 2019.

⁴ Section 26 Kainga Ora – Homes and Communities Act 2019.

⁵ Negative housing outcomes include high rates of homelessness, inadequate quality of housing, limited options for intermediate housing and disproportionately low homeownership rates which contribute to other negative outcomes.

⁶ Section 23(e) Kainga Ora – Homes and Communities Act 2019.

		<p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Kāinga Ora, Te Arawhiti, Te Puni Kōkiri, Ministry of Business, Innovation and Employment, Ministry for the Environment, The Treasury, Ministry of Transport, Waka Kotahi-NZTA, Ministry of Education, Department of Internal Affairs, Ministry for Pacific Peoples, Ministry of Health, Tāmaki Regeneration Company, Climate Commission, Statistics New Zealand, Te Waihangā-NZ Infrastructure Commission, Ministry of Social Development, Land Information New Zealand, Social Wellbeing Agency.</p>
2.	<p>Description of Policy / Programme</p>	<p>The GPS-HUD outlines the Government’s vision and sets a direction for the housing and urban development system. As part of this it will reflect the MAIHI approach to partnering with Māori to design and implement solutions related to housing and urban development. Under the Kainga Ora – Homes and Communities Act, the GPS-HUD <u>must</u> include:</p> <ol style="list-style-type: none"> a) the Government’s overall direction for housing and urban development, which must include a multi-decade outlook; b) the Government’s priorities for housing and urban development; c) how the Government expects Kāinga Ora–Homes and Communities to manage its functions and operations to meet the Government’s direction and priorities for housing and urban development; d) how the Government expects other agencies to support that direction and those priorities; e) the Government’s expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests; f) how the Government expects Kāinga Ora–Homes and Communities to recognise the need to mitigate and adapt to the effects of climate change.
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>In 2019 Cabinet agreed that a GPS-HUD needed to be established to:</p> <ul style="list-style-type: none"> • Provide strategic direction for the housing and urban system; and, • sets expectations as to how Kāinga Ora- Homes and Communities manages its functions and operations. <p>Following enactment of the Kāinga Ora – Homes and Communities Act 2019, HUD established a cross agency working group⁷ to assist with the development of the GPS-HUD and sought decisions from Ministers on an engagement strategy. This work was put on hold over the Covid-19 lockdown period to focus on more immediate priorities. The project resumed with a series of online workshops with partners and stakeholders throughout August and September 2020. There were a total of eight, three-hour workshops where a wide variety of interests were represented, with around 120 attendees in total. Two of the workshops were focused on conversations with iwi and Māori, however, many matters discussed in these two workshops were also covered</p>

⁷ The agencies involved are those listed in item 1 above.

		<p>in the other six workshops.</p> <p>Qualitative data from stakeholder workshops will be used in the drafting of the GPS-HUD, together with additional qualitative and quantitative data sourced by HUD during the course of drafting.</p> <p>Officials are working to draft the GPS-HUD, continue targeted engagement with partners and stakeholders, and will look to take a draft to Ministers in early 2021. Subject to Cabinet approval, the draft GPS-HUD will then undergo a period of public consultation⁸ (including with whānau, hapū, iwi, and Māori organisations), before further Cabinet consideration and publication no later than 1 October 2021.</p>
4.	Outline of monitoring and evaluation built in to Policy	The monitoring and evaluation function of the GPS-HUD will be developed in conjunction with development of the vision and priorities. Officials will work on the best way to progress monitoring and evaluation for the GPS-HUD in the coming months.
5.	Interdependencies – How does the GPS-HUD fit with everything else?	<p>The diagram below sets out how the GPS-HUD fits within the overall regulatory system. As noted above, the Kāinga Ora-Homes and Communities Act 2019 states that Kāinga Ora <u>must</u> give effect to the GPS-HUD when performing its functions. In addition, the GPS-HUD will have influence over (as opposed to giving direction to) other parts of government and it is intended to create a vision that will guide others beyond government. That influencing role is important as, over time, it is anticipated that the GPS-HUD will help shape the direction of other Government policies, actions and investments critical for the housing and urban development objectives being sought, such as transport and other infrastructure investment.</p> <p>Further work will be undertaken on understanding how the GPS-HUD can influence various parts of the system, including clarifying what is meant by ‘the system’; better understanding the roles of key players in the system; and exploring how the GPS-HUD can influence policy and funding levers to achieve the Government’s objectives for housing and urban development. This will also include linking with the various reform programmes underway (such as the Resource Management Act reforms and the Urban Growth Agenda) and understanding how the GPS-HUD might create change in the context of those changes.</p>

SEE DIAGRAM ON NEXT PAGE

⁸ The Kāinga Ora – Homes and Communities Act 2019 requires Ministers to consult “persons, and representative groups of persons, who have an interest in housing and urban development in New Zealand” (s24(b)), which is being interpreted by officials as a broad public consultation requirement.

How does the GPS fit with everything else?

Constitutional & international environment e.g.



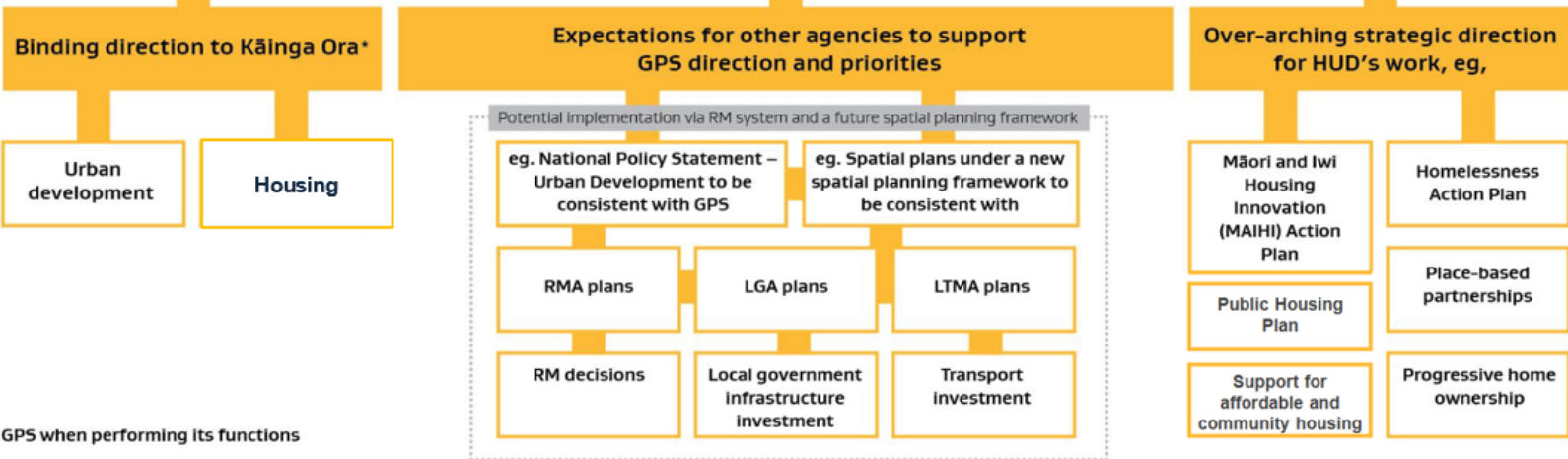
Alignment mechanism

– GPS seeks alignment across policy affecting housing and urban development



Implementation mechanism

– GPS doesn't have its own funding but will be implemented in a number of ways



* Kāinga Ora "must give effect to" the GPS when performing its functions

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

**HE WHARE ĀHURU HE ORANGA TĀNGATA –
THE MĀORI HOUSING STRATEGY**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: He Whare Āhuru He Oranga Tāngata – The Māori Housing Strategy</p> <p>Year introduced: 2014</p> <p>Still current: Yes - it is considered still relevant and is given effect through the Māori and Iwi Housing Innovation (MAIHI) Framework for Action.</p> <p>Administering agency(ies):</p> <p>Previously administered by Ministry of Business, Innovation and Employment (MBIE), with elements of the delivery by Te Puni Kōkiri. It was carried over to Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development, and there is agreement with iwi and Māori providers to complete a review as to current/ or continued relevance</p> <p>High level summary of policy/programme:</p> <p>He Whare Āhuru was established in 2014 as the Crown’s strategic framework for responding to Māori housing needs. Its aims were to improve housing for Māori and their whānau and to increase housing choices for Māori by growing the Māori housing sector and identifying opportunities for Māori to take a more proactive role in housing. It identified the application of the right of first refusal Treaty redress mechanism to land being disposed of by the Crown, as well as Kāinga Ora land as a potential enabler of more housing development. He Whare Āhuru proposed a pathway to achieve home ownership goals and was a foundational basis for the establishment of the programmes delivered by, the Māori Housing Network by Te Puni Kōkiri. In the current environment it has also provided continuity for the housing kaupapa on which the MAIHI Framework has been constructed.</p> <p>He Whare Āhuru has value and currency as a strategy championing kaupapa Māori approaches, is recent and was developed by the Crown with input from several Treaty partners and others with valuable expertise in the housing sector. In the current environment, He Whare Āhuru, is seen as remaining a relevant strategy that is being advanced through MAIHI as the framework ‘action plan’.</p> <p>Overlapping/Related policies/programmes:</p> <p>MAIHI, Māori Housing Network, Kāinga Whenua Loans</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Te Puni Kōkiri - creation and implementation of the Māori Housing Network to realise housing outcomes.</p>
----	--------------------------	---

2.	Description of Policy / Programme	<p>He Whare Āhuru Oranga Tangata – The Māori Housing Strategy was designed to support Māori aspirations to have reliable and appropriate housing and support Māori-led housing programmes. He Whare Āhuru starts from the premise that housing is of major concern to Māori, demonstrated by high numbers of Māori suffering housing deprivation or in social housing, a history of inter-generational dependence on state housing and more rapidly declining rates of home ownership relative to the rest of the population.</p> <p>He Whare Āhuru identifies six directions to improve housing outcomes for Māori; sets out planned government actions to improve housing for those in most need; provides case studies to illustrate action led by Māori organisations to improve or develop housing; and identifies the opportunities arising for Māori to take a more proactive role in housing.</p> <p>The six directions are:</p> <ol style="list-style-type: none"> 1. Te Huarahi Tuatahi – Direction One: Ensure the most vulnerable Māori have secure tenure, and access to safe, quality housing with integrated support services 2. Te Huarahi Tuarua – Direction Two: Improve the quality of housing for Māori communities 3. Te Huarahi Tuatoru – Direction Three: Support Māori and their whānau to transition to preferred housing choices 4. Te Huarahi Tuawhā – Direction Four: Increase the amount of social housing provided by Māori organisations 5. Te Huarahi Tuarima – Direction Five: Increase housing on Māori-owned land 6. Te Huarahi Tuaono – Direction Six: Increase large-scale housing developments involving Māori organisations.
3.	Outline of the process to develop this Policy / Programme	<p>In 2011 the Auditor-General produced a performance audit report examining the effectiveness of government support for Māori seeking to build housing on their land.¹ The Auditor-General found that, despite good intentions, the process to build a house on Māori land was fraught and that government responses to housing Māori were not well coordinated and were difficult to navigate</p> <p>In 2013, as part of the government’s response to the report, officials at MBIE were asked by the Minister of Housing to develop a Māori Housing Strategy. It was on this basis He Whare Āhuru was formed, which brought together a range of other government initiatives relating to Māori housing:²</p> <ul style="list-style-type: none"> • The Social Housing and Affordable Housing reform programmes

¹ See [HUD.002.1300]

² From *Project Management Plan (PMP): Development of a Māori Housing Strategy*, 25 November 2013 (version 8) See [HUD.006.3536]

- He kaikei aku ringa: The Crown-Māori economic growth partnership
- Whānau Ora
- Māori Potential Framework (Te Puni Kōkiri)
- Response to issues raised in the report by the Office of the Auditor General (OAG) Government Planning and Support for Housing on Māori Land
- The Productivity Commission’s report on its Housing Affordability Inquiry.

He Whare Āhuru identifies the opportunities arising for Māori to take a more proactive role in housing. It also notes its role in supporting the economic growth agenda of the Crown and Māori, stating He Kai Kei Aku Ringa: The Crown-Māori Economic Growth Partnership presents a shared vision for Māori economic development, with one of its goals being that home ownership for Māori households equals national averages by 2040.

The following individuals, groups and organisations assisted MBIE with the development of He Whare Āhuru:

- Māori Housing Advisory Group (Victoria Kingi [Chair], Anne Horowai, Brett Ellison, Ricky Houghton, Che Wilson and Yvonne Wilson)
- Aronui Technical Training Centre
- Auckland City Council
- Bank of New Zealand Māori Business Team
- Community representatives from Maraenui Napier
- He Korowai Trust
- Independent Māori Statutory Board (Auckland)
- Kiwibank
- Maketū Healthy Housing Working Group
- Navigation Building Group
- Navigators
- New Zealand Housing Foundation

- Ngā Pōtiki Settlement Trust
- Ngāi Tūhoe
- Ngāti Whātua o Kaipara
- Ngāti Whātua o Ōrākei
- Port Nicholson Settlement Trust
- Power 2U
- Tāmaki Redevelopment Company
- Te Matapihi
- Te Rūnanga ā Iwi o Ngāpuhi
- Te Rūnanga o Kirikiriroa
- Te Rūnanga o Ngāi Tāhu
- Te Tumu Paeroa
- Tū Whare Oranga
- Unaiki Memorial Trust.

The He Whare Āhuru strategy document notes a Māori-specific set of values which have been integrated into the Māori Housing Strategy as a means of increasing Māori buy-in, acceptance and uptake, which is central to the future development of a Māori-led housing sector. These values which underpin He Whare Āhuru include:

- Ngā Taonga Tuku Iho

He Whare Āhuru recognises the centrality of those things passed down to Māori from their tupuna such as whenua.

- Kaitiakitanga

He Whare Āhuru acknowledges the relationship which exists between Māori as kaitiaki (guardians) in relation to the whenua within the broader context of the environment and impacts upon it.

- Manaakitanga

He Whare Āhuru acknowledges manaaki tangata or the obligation to take care of people as being central in discharging

		<p>Māori leadership responsibilities.</p> <ul style="list-style-type: none"> • <u>Te Kotahitanga</u> He Whare Āhuru recognises the importance of working with purpose and in unity through coordination and collaboration with those around us. • <u>Whanaungatanga</u> He Whare Āhuru acknowledges the strengths, skills and resources that can be harnessed from within local communities in order to improve Māori housing outcomes. <p>The following qualitative and quantitative research and data was used to support the development of He Whare Āhuru:</p> <ul style="list-style-type: none"> • 1926, 1991 – 2006 and 2013 Census data, plus the following references: • Amore, K., Viggers, H., Baker, M. G., & Howden-Chapman, P. (2013). Severe housing deprivation. The problem and its measurements. Wellington: Statistics New Zealand. • Business and Economic Research Limited (BERL). (2011). The asset base, income, expenditure and GDP of the 2010 Māori economy. Wellington: BERL & Te Puni Kōkiri. • Cox, W., & Pavletich, H. (2013). 10th annual demographic international housing affordability survey: 2014. Retrieved from http://www.demographia.com/dhi.pdf • Flynn, M., Carne, S., & Soa-Lafoa'i, M. (2010). Māori housing trends 2010. Wellington: Housing New Zealand Corporation. • Free, S., Howden-Chapman, P., Pierse, N., Viggers, H., & Housing, Heating and Health Study Research Team. (2009). Does more effective home heating reduce school absences for children with asthma? <i>Journal of Epidemiology and Community Health</i>, 64(5), 379–386. • Howden-Chapman, P., Baker, M. G., & Bierre, S. (2013). The houses children live in – Policies to improve housing quality. <i>Policy Quarterly</i>, 9(2), 35–39. • Jaine, R., Baker, M., & Venugopal, K. (2011). Acute rheumatic fever associated with household crowding in a developed country. <i>Paediatric Infectious Disease Journal</i>, 30(4), 315–319. • Keall, M., Baker, M., Howden-Chapman, P., Cunningham, M., & Cunningham, C. (2012). Home injury hazards and home injury in New Zealand. <i>Injury Prevention</i>, 18(S1), A48. • Laing, P., Mackay, J., Pfitzner, F., Pomia, L., Simler, K., Vailini, R., & Fairbairn-Dunlop, P. (2010). Longitudinal study of Corporation tenants and applicants – Initial findings from wave one research undertaken in Porirua. Wellington: Housing
--	--	--

		<p>New Zealand Corporation.</p> <ul style="list-style-type: none"> • Laing, P., Kendall, L., & Smith, L. (2013). Housing pathways of Corporation applicants and tenants. Initial findings from wave one of the longitudinal study undertaken in Christchurch in March 2010. Wellington: Housing New Zealand Corporation. • PricewaterhouseCoopers. (2011). Valuing the role of construction in the New Zealand economy final report. Retrieved from http://www.constructionstrategygroup.org.nz/downloads/PwC%20Report%20-%20Construction%20Sector%20Analysis%20Final%204%20Oct.pdf • Stangl, J., & Matthews, C. (2013). How young New Zealanders learn about personal finance: A longitudinal study – Ngāi Tahu cohort. Wellington: Financial Education and Research Centre. • Statistics New Zealand. (2006). Statistics New Zealand. (2013). Customised report and licensed by Statistics New Zealand for re-use under the Creative Commons Attribution 3.0 New Zealand Licence. • Thorns, D., & Sedgwick, C. (1997). Understanding Aotearoa/New Zealand: Historical statistics. Palmerston North: Dunmore Press. • Waldegrave, C., King, P., Walker, T., & Fitzgerald, E. (2006). Māori housing experiences: Emerging trends and issues. Wellington: Centre for Housing Research Aotearoa New Zealand & Te Puni Kōkiri. <p>To assist with the Strategy’s implementation, including progressing changes to the Kāinga Whenua Loan scheme (notably being made available also for trusts) in 2015 a Māori Housing Unit was established in Te Puni Kōkiri (referred to on establishment as the Māori Housing Network).</p> <p>(See separate Evidential Fact Sheet on the Māori Housing Network.)</p>
4.	<p>Aims or Objectives of the Policy / Programme</p>	<p>He Whare Āhuru aims to support two major outcomes:</p> <ul style="list-style-type: none"> • Improving housing for Māori and their whānau • Increasing housing choices for Māori by growing the Māori housing sector. <p>MAIHI builds on the foundation of He Whare Āhuru. The aspirations of He Whare Āhuru are now being articulated by the Crown through the MAIHI Framework for Action, which has in turn informed the implementation of Kaupapa Māori approaches into the Homelessness Action Plan, including the following key actions:</p> <ul style="list-style-type: none"> • partner with Māori, Iwi, hapū and marae to prevent homelessness through whenua-based initiatives;

		<ul style="list-style-type: none"> • support Māori community housing providers - and other Māori and Iwi providers - to expand supply; and • build capability and capacity of Māori providers and services working with Māori experiencing homelessness.
5.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>In 2014, the Auditor-General produced a follow-up report on the progress of implementing the recommendations of its 2011 performance audit report noting that “the Ministry of Business, Innovation and Employment [was] preparing a Māori Housing Strategy that addresses most of the recommendations in our 2011 report”.³</p> <p>An Impact Evaluation of the Māori Housing Network undertaken by independent company Litmus Limited in 2017 outlined the investments made by the Māori Housing Network in 2015-2017 and discussed the early impacts of that investment, with key findings including:⁴</p> <ul style="list-style-type: none"> • investment of \$40.7 million in 158 Māori housing projects • 63 affordable housing units funded, with 11 housing units complete • Infrastructure support for 182 whānau homes • 42 papakāinga development and infrastructure support projects funded • Support for 15 emergency housing projects • 387 urgent and essential whānau home repairs complete • 108 building condition assessments complete • 43 capability building projects funded, including 24 project capability initiatives, 86 workshops to increase whānau knowledge about housing issues, including papakāinga development, and 14 papakāinga feasibility studies.
6.	Funding associated with policy / programme	<p>There is no funding presently tagged directly to the He Whare Āhuru - He Tāngata Oranga Māori Housing Strategy. The primary delivery mechanism for He Whare Āhuru post its establishment in 2014 was through the Māori Housing Network, established in 2015 (for papakāinga new supply, urgent and critical house repair programmes, capacity building and for Te Ara Mauwhare: Pathways to Home Ownership trials). Crown funding for the Māori Housing Network is administered by Te Puni Kōkiri. For funding information relating to the Māori Housing Network, please refer to the separate evidential fact sheet on the Māori Housing Network.</p>

³ *Joint Brief of Evidence of Dianne Kay Grennell and Christopher John Bunny on Behalf of Te Puni Kōkiri and the Ministry of Business, Innovation and Employment*, 7 November 2016, submitted to the Waitangi Tribunal in the matter of the Treaty of Waitangi Act 1975 and in the matter of Te Paparahi o Te Raki (Northland Inquiry), Wai 1040 #Z3, page, 13.

⁴ [Impact evaluation of the Māori Housing Network \(tpk.govt.nz\)](https://www.tpk.govt.nz) (link accessed 25 November 2020) See [HUD.002.1829]

Subsequently, the Crown has developed the MAIHI Framework for Action with Māori and Iwi housing experts and sector leaders. The MAIHI Framework for Action was endorsed by Cabinet in May 2020. MAIHI is led by Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development, which is responsible for achieving better housing outcomes for whānau Māori across the system. Funding has been allocated to Te Tūāpapa Kura Kāinga to implement the MAIHI Framework for Action through Budget 2020, and the kaupapa Māori contingency fund of \$20 million within the Homelessness Action Plan.

Budget 2020 funding of \$40 million was for delivering bespoke outcomes including:

- building, for the benefit of Māori, thriving communities and quality urban development;
- having whānau wellbeing as the focus in kāinga design, location, connections, conventions and retention; and
- ensuring whānau are able to adopt healthy lifestyles, enjoy full participation in society, have confident participation in Te Ao Māori, experience economic security and active involvement in wealth creation, celebrate cohesion within the whānau and practice self-management and self-direction.

Te Tūāpapa Kura Kāinga administers three funds to give effect to MAIHI delivery through:

He Taupua	To build the capability of Iwi and Māori housing providers to improve the delivery of kaupapa Māori approaches to support people facing homelessness	(one-off \$4 million from the Homelessness Action Plan Contingency Fund)
He Kūkū ki te Kāinga	To contribute to increasing housing supply for whānau Māori, by Māori, to help prevent homelessness	(one-off \$20 million from the Homelessness Action Plan Contingency Fund PLUS \$9 million per year from Budget 2020)
He Taupae	To increase technical capability across Māori housing.	(\$1 million per year from Budget 2020)

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Housing Accords and Special Housing Areas Act 2013 (HASHAA)</p> <p>Year introduced: 2013</p> <p>Still current?: In part</p> <p>The provisions in the Act which allowed for the creation of new Special Housing Areas (SHAs) – sections 16 and 17 - repealed on 16 September 2019. All SHAs were disestablished at this time.</p> <p>The remainder of the Act will repeal on 16 September 2021.</p> <p>Administering agency(ies):</p> <p>Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme:</p> <p>The purpose of the HASHAA is/was “...to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, identified as having housing supply and affordability issues.”¹</p> <p>The Act sought to encourage affordable housing provision in certain areas of regions and districts facing housing and affordability issues by providing a fast-tracked consenting process for qualifying developments.</p> <p>The provisions of the HASHAA which allowed for the creation of new Special Housing Areas was repealed on 16 September 2019 and the remainder of the Act will repeal on 16 September 2021. Prior to the repeal of sections 16 and 17, the Government considered extending the Act, but on balance, the benefits did not outweigh the costs. The Act had resulted in some examples of increased housing supply (at least in the short-term) but it did not lead to more affordable housing.</p> <p>Overlapping/Related policies/programmes:</p> <p>Nil – however note that consent applications lodged pursuant to section 16 and 17 of the HASHAA before 16 September 2019 will continue to be processed through the permissive resource consent process provided by SHAs until 16 September 2021.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Ministry of Business, Innovation and Employment (MBIE), Ministry of Education (MoE), Waka Kotahi (NZTA), Department</p>
----	--------------------------	---

¹ HASHAA 2013, s 4.

		of Internal Affairs (DIA), Department of Prime Minister and Cabinet (DPMC), Ministry of Justice (MoJ), The Treasury, local councils
2.	Description of Policy / Programme	<p>The concept of the HASHAA was to address the Crown’s concerns about housing affordability by working with local councils in regions or districts where significant housing supply and affordability issues had been identified. The SHA policy originally only applied to Auckland as the area with the most acute housing supply and affordability issues, and was expanded to include a number of other areas a few months after the legislation was passed.</p> <p>A number of SHAs were established between 2013 and 2019, in areas such as Auckland, Nelson, Wellington and Hamilton. Many of these SHAs were developed into housing. All SHAs have now been disestablished.</p> <p>HASHAA intended to enhance housing affordability by facilitating an increase in land and housing supply. It is difficult to determine whether housing built within SHAs was built solely because of the SHA classification, or would have otherwise been built through standard RMA processes.</p> <p>The experience of HASHAA is that increasing supply alone did not necessarily lead to more affordable houses. There were instances where houses within a SHA were more expensive than the houses outside the SHA. While the Act had resulted in some examples of increased housing supply (at least in the short-term) but it did not lead to more affordable housing.</p>
3.	Outline of the process to develop this Policy / Programme	<p>A Regulatory Impact Statement (RIS) was prepared prior to the creation of the HASHAA.² The RIS analysed options “<i>to increase the supply of land for housing development and redevelopment over the short term (0 to 3 years) in order to reduce pressure on housing supply, in particular parts of New Zealand (such as Auckland) that are currently experiencing severe housing affordability problems.</i>”</p> <p>The RIS noted there were some limitations to the analysis undertaken, including that policy options were developed “<i>under budget secrecy rules, which has meant that options have not been consulted on with stakeholders and affected parties outside of government</i>”.</p>
4.	Aims or Objectives of the Policy / Programme	To enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, identified as having housing supply and affordability issues, and by doing so, provide another tool for increasing housing supply in Aotearoa New Zealand.
5.	Outline of steps taken to implement the Policy / Programme	The Minister entered into Housing Accords under the Act with various territorial authorities. The Accords aimed to set targets and actions to increase the immediate and longer-term supply of land, and therefore improve the affordability of housing.

² See [Regulatory Impact Statement: Creating Special Housing Areas](#) (17 May 2013). (Link accessed 29 January 2021).

		The Minister also considered various applications for SHAs that were submitted by relevant territorial authorities under the Act.
6.	Outline of monitoring and evaluation built in to Policy / Programme	Local councils generally provided annual monitoring reports to the responsible agency, which monitored progress towards the targets set out in the Housing Accord.
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>The following quantitative information is available on the effectiveness of HASHAA:</p> <ul style="list-style-type: none"> James, B., 2017, Getting the housing we say we want: Learning from the special housing area experience in Tauranga and the Western Bay of Plenty. Paper 1 - National Policy and Initial Local Implementation. Report for Building Better Homes, Towns and Cities SRA: The Architecture of Decision-Making, Life as Lived Component, BBHTC, Wellington http://www.buildingbetter.nz/publications/SRA1/James_2017_getting_the_housing.pdf. James, B. https://www.buildingbetter.nz/publications/homes_spaces/adm/posters/SHA-Tauranga_WBoP-poster.pdf James, B., 2019, <i>Developers' decision-making: a case study of development in Special Housing Areas</i>, Building Better Homes Towns and Cities: SRA 1 – The Architecture of Decision-making, BBHTC, Wellington, https://www.buildingbetter.nz/publications/homes_spaces/James_2019_developers_decision-making.pdf James, B., 2018, Special Housing Areas: A practical pathway to liveable homes? in E. Tracada and G. Cairns (eds) Proceedings <i>Cities, Communities and Homes: Is the Urban Future Liveable?</i> AMPS, Architecture, University of Derby, 22-23 June 2017. James, B., 2018, Spaces in Contention in the Western Bay of Plenty sub-region: Special Housing Areas and Public Consultation, Building Better Homes Towns and Cities: SRA 1 – The Architecture of Decision-making, BBHTC, Wellington https://www.buildingbetter.nz/publications/homes_spaces/adm/James_2018_spaces_in_contention_in_WBOP_SHAs.pdf Murphy, L., 2016, The politics of land supply and affordable housing: Auckland's Housing Accord and Special Housing Areas. <i>Urban Studies</i>. 53(12): 2530-2547. Murphy, L. (2017). Housing affordability, urban planning and Auckland's special housing areas. In: Howden-Chapman P., L. Ea-rly & J. Ombler (eds.) <i>Cities in New Zealand: Preferences, patterns and possibilities</i> (pp. 67-78). Wellington: Steele Roberts Aotearoa.

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

HOUSING FIRST

(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Housing First</p> <p>Year introduced: 2017</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>The Ministry of Housing and Urban Development (HUD), since October 2018. Prior to HUD’s establishment, the Ministry of Social Development (MSD) was the administering agency.</p> <p>High level summary of policy/programme:</p> <p>Housing First is a programme to house and support people who have been homeless for a long time or who are homeless and face multiple and complex issues. Recognising that Māori are disproportionately represented in all areas of housing need and homelessness, Housing First is one of a range of initiatives across government that seek to reduce disparities for Māori experiencing homelessness.</p> <p>Overlapping/Related policies/programmes:</p> <p>Aotearoa New Zealand Homelessness Action Plan (HAP)</p> <p>Māori and Iwi Housing Innovation Framework for Action (MAIHI)</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>N/A</p>
2.	Description of Policy / Programme	<p>Housing First is an internationally recognised programme to house and support people who have been homeless for a long time, or who are homeless and face multiple and complex issues. Housing First aims to end homelessness for people, not just manage it. The goal is that homelessness should be brief, rare and non-recurring.</p> <p>Housing First sits within the ‘support’ area of the Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP). The ‘support’ focus of HAP is for individuals, families, and whānau experiencing homelessness to move quickly into stable accommodation and access wider social and cultural support to address needs and thereby lead better lives.</p> <p>Housing First recognises it is much easier for people to address issues, such as poor physical or mental health, substance abuse</p>

		<p>and unemployment, once they are housed. To address the complex issue of homelessness, Housing First is premised on the understanding that a collective effort is needed across services, organisations and communities:</p> <ul style="list-style-type: none"> • HUD funds providers¹ to deliver Housing First services and pays rent subsidies for tenants. • Housing First providers reach out to homeless people, find houses, manage tenancies and properties, offer long-term social support and connect with other frontline services. • Private landlords, iwi and community housing providers and Housing New Zealand provide houses. • Frontline services - health, mental health, income support, police, education, probation, iwi and community social services - support and work with people in Housing First. • Local councils provide vital support and may also boost funding. • Communities and whānau create social and cultural connections and opportunities such as learning and employment.
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>The Housing First model originated in the United States of America, and was driven by the work of Dr Sam Tsemberis, a clinical-community psychologist at the Columbia University department of psychiatry. Tsemberis founded <i>Pathways to Housing</i> in 1992 in New York.²</p> <p><i>The People's Project</i> in Hamilton, which was established by the Wise Group to end chronic homelessness in Hamilton, was the first large-scale, researched pilot of Housing First in New Zealand. Housing First has operated in Hamilton since 2014 and was piloted in Auckland by a collective of providers since March 2017. By 31 March 2018, the Auckland Housing First programme had housed 215 households in both public and private housing.</p> <p>Decisions were made through the 2017 budget process to fund Housing First in Auckland and in other high need locations. Extensive international research was used to develop Housing First, together with information learned from the 2013 Social Housing Deprivation Report³ and other administrative data.⁴</p> <p>There is international literature that supports Housing First's ability to be adapted to local contexts. A key consideration for</p>

¹ HUD funds a total of 12 Housing First programmes which are delivered both individually and collectively by 17 community-based providers in Mid-Far Northland, Whangarei, Auckland, Hamilton, Tauranga, Rotorua, Napier/Hastings, Wellington, Nelson, Blenheim and Christchurch. Of these 17, 10 are iwi or Māori providers. Providers differ in the length of time they have delivered Housing First. For example, Housing First has been operational in Hamilton since 2014, while other programmes have only just been implemented.

² [Pathways Housing First](#) (accessed 14 January 2021).

³ See **HUD.002.1580**.

⁴ Administrative data used included data from the Emergency Housing Special Needs Grants, and the Public Housing Register as well as the 2016 Auckland street count ([storyofhousingfirst_digitalFinal.pdf \(lifewise.org.nz\)](#)).

		<p>planned evaluation is whether Housing First meets the needs of Māori.</p> <p>Housing First Auckland launched⁵ in March 2017 as a joint initiative between MSD, Auckland Council, and a collective of five services including Affinity Services, Auckland City Mission, Lifewise, LinkPeople and VisionWest. The pilot made \$4.7 million available and aimed to house 472 homeless Aucklanders and provide wrap-around services to address the causes of their homelessness.</p> <p>In Budget 2017, \$16.45m was allocated⁶ to support Housing First to expand into regions of high-need across New Zealand. This funding enabled the purchase of approximately 500 new housing places, and support services, for individuals and families who are homeless across New Zealand. Budget 2018⁷ expanded Housing First services to a further 550 households in other regions - \$42.9 million and Budget 2019⁸ provided \$197 million to ensure that Housing First programmes are sustainable and can continue to deliver services for over 2,700 people and whānau over the next few years.</p>
4.	Aims or Objectives of the Policy / Programme	The principal aim of Housing First is to get individuals, families, and whānau experiencing homelessness to move quickly into stable accommodation and access wider social support to address needs and thereby lead better lives.
5.	Outline of steps taken to implement the Policy / Programme	<p>A total of 12 Housing First programmes in Aotearoa New Zealand are currently funded by HUD and delivered both individually and collectively by 17 lead-providers in Mid-Far North, Whangarei, Auckland, Hamilton, Tauranga, Rotorua, Napier/Hastings, Wellington, Nelson, Blenheim and Christchurch. Of these 17, 8 are iwi or Māori providers. HUD also engages with Arohanui ki te Tangata, a national Māori Housing First collective.</p> <p>Providers differ in the length of time they have delivered Housing First. For example, Housing First has been operational in Hamilton since 2014, while other programmes have only just been implemented. Some Housing First places are delivered in collaboration with iwi, who work with people in Housing First and provide housing places and support.</p>
6.	Outline of monitoring and evaluation built in to	Regular monthly data is collected from providers and used for the Housing Dashboard and Contracts Management. The Housing Dashboard is a publicly available portal on the Te Tūāpapa Kura Kāinga website and is a single place to track progress of key parts of the Government's housing programme. ⁹ The Housing Dashboard records there were 1,800 households engaged

⁵ [Housing First launches to help Auckland's homeless | Beehive.govt.nz](#) see **MIS.001.0021**.

⁶ [Helping more rough sleepers into homes | Beehive.govt.nz](#) see **MIS.001.0018**.

⁷ [Fact-sheet-Budget-2018-Housing-First-for-homelessness.pdf \(hud.govt.nz\)](#) see **HUD.002.1808**.

⁸ [Housing-First-Fact-Sheet-Budget-2019.pdf \(hud.govt.nz\)](#) see **HUD.002.1892**.

⁹ The purpose of the dashboard is to demonstrate what people are experiencing by tracking things such as how many families have bought their first home, how many households are in public housing, and how many new homes are being built. The dashboard shows the results being achieved in housing and is updated and produced monthly. The dashboard tracks aspects of the current housing situation, the government outputs in response, and the results of those. It can be found at: [The Government Housing Programme Dashboard | Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development \(hud.govt.nz\)](#).

	Policy / Programme	<p>in the Housing First programme in November 2020. This number reflects those people who have been accepted into the programme and continue to need the intensive support provided through Housing First.</p> <p>A report was completed by Advisian in March 2020 that looked at the funding model for Housing First. The raised the key question of sustainability, which is being considered in upcoming evaluation.</p> <p>A comprehensive evaluation of Housing First has been launched and the data collected from providers will be a key part of the evaluation. A core question for this work will be understanding more about how the programme has been adapted to the local context and how it is responsive to Māori.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>Two pūrākau that tell the story of Housing First in Christchurch and Rotorua have been published:</p> <ul style="list-style-type: none"> • He orange ngākau, he pikinga wairua – A pūrākau of He Kāinga Ora ki Ōtautahi Housing First Christchurch (see HUD.006.1591) • He whare kōrero o Mangatakitahi – Housing First Rotorua (see HUD.006.1641)

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

INFRASTRUCTURE FUNDING AND FINANCING ACT 2020

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Infrastructure Funding and Financing Act 2020</p> <p>Year introduced: 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme:</p> <p>The purpose of the Infrastructure Funding and Financing Act 2020 (IFF Act) is to provide a new funding and financing tool to support and speed up the delivery of infrastructure for housing and urban development.</p> <p>The IFF Act is intended to reduce the impact of local authority funding and financing constraints which act as a barrier to the delivery of infrastructure projects. The aim is to better enable local authorities to plan and deliver infrastructure to support current and future community housing needs.</p> <p>The IFF Act is one of the many ways the Crown is trying to address housing affordability.</p> <p>Overlapping/Related policies/programmes:</p> <p>The model enabled by the IFF Act is one of a number of tools available to help enable urban development and increase housing supply. The use of the new funding and financing model is most appropriate when the primary barrier to delivery of an infrastructure project is local council debt constraints. Other barriers to urban development are best addressed by other tools such as specified development projects under the Urban Development Act 2020.¹ The new funding and financing model can also be used alongside these other tools where appropriate or necessary to enable urban development.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>The Treasury took the lead on the initial design and development of the model enabled by the Act. Once the model had been</p>
----	--------------------------	---

¹ See separate Evidential Fact Sheet addressing 'Kāinga Ora-Homes and Communities Act, and Urban Development Act'.

		<p>developed, the Department of Internal Affairs (DIA) took over as the lead agency for the legislative process.</p> <p>Crown Infrastructure Partners (CIP)² has assumed the facilitator role for the infrastructure levy model. This non-legislative role is intended to support the proposer of a levy in developing the levy proposal to be approved by the responsible Minister.</p> <p>The Treasury is responsible for negotiating and monitoring a government support package for each infrastructure project that utilises the model.</p>
2.	Description of Policy / Programme	<p>The model created by the IFF Act provides for alternative financing options which will speed up the delivery of new infrastructure essential for housing and urban development. It does so by freeing infrastructure investment from local authority financial constraints using ‘Special Purpose Vehicles’ (SPVs) to fund and construct the necessary infrastructure.</p> <p>The new funding and financing model allows debt raised by SPVs to sit off local councils’ books. SPVs will repay any finance raised by charging a multi-year levy to those who benefit from the infrastructure (for example – homeowners in the area serviced by the new infrastructure). The levy will be collected by local councils alongside rates and then transferred to the SPV.</p> <p>Once constructed, the infrastructure will transfer to the responsible local authority or infrastructure provider who will be responsible for the ongoing operation and maintenance of the asset.</p> <p>HUD is responsible for administering the IFF Act. The Act establishes the statutory roles of the ‘recommender’ and ‘monitor’. HUD has been appointed to both of these roles:</p> <ul style="list-style-type: none"> • As the recommender, HUD will provide advice to the responsible Minister on whether to approve a levy proposal. • As the monitor, HUD will protect levy payers by ensuring SPVs comply with the IFF Act and levy orders made under the Act. <p>CIP has assumed the facilitator role to assist levy proposers in developing levy proposals to be considered by the responsible Minister.</p> <p>Pursuant to s 24 of the IFF Act, protected Māori land may only be included in a proposed levy area (ie can only be subject to IFF Act levies) if the owners of the land have provided their written consent.³</p>

² Crown Infrastructure Partners is a Crown-owned company, listed under Schedule 4A of the Public Finance Act 1989. In July 2017 CIP was mandated with additional responsibilities relating to developing commercial models for the funding of bulk housing infrastructure.

³ The definition of ‘protected Maori land’ for the purposes of the IFF Act is provided in section 11 of the Act.

3.	Outline of the process to develop this Policy / Programme	<p>The funding and financing model enabled by the IFF Act was based off the model developed by CIP for the Milldale Development in Auckland. This development offered a proof of concept for the model.</p> <p>During policy development, Treasury and DIA consulted with relevant stakeholders such as local authorities (particularly Auckland Council, Hamilton City Council, Queenstown Lakes District Council and Tauranga City Council), Local Government New Zealand, the Local Government Funding Agency and developers. This consultation assisted in identifying the need for alternative financing models for infrastructure and tested the viability and design of the proposed new model.</p> <p>The Bill was introduced to the House on 12 December 2019 and had its first reading on 17 December 2019, after which it was transferred to the Transport and Infrastructure Committee (the Committee) for the select committee stage. The second reading occurred on 21 July 2020, and the Committee of the whole House and third reading both followed on 24 July 2020.</p>
4.	Aims or Objectives of the Policy / Programme	<p>The Crown recognises that New Zealand is facing a housing affordability challenge. One of the fundamental drivers of house prices is the supply of urban land that is serviced by infrastructure. However, infrastructure supply is constrained by debt constraints on local authorities which require local authorities to maintain net debt/total revenue below a certain level. These debt constraints limit local authorities' ability to invest in the infrastructure necessary to support and service growth, particularly in high growth areas.</p> <p>To manage these debt constraints, local authorities have typically sequenced infrastructure projects on a 'just in time' basis and have been unable to fund and finance large investments ahead of demand. As a result, economically viable projects are not proceeding, leading to a shortage of serviced 'ready to go' urban land for development. This has contributed to uncompetitive land markets and housing unaffordability.</p> <p>The aim of the IFF is to provides for alternative financing options which will speed up the delivery of new infrastructure essential for housing and urban development and thereby seek to address housing affordability.</p>
5.	Outline of steps taken to implement the Policy / Programme	<p>HUD has been providing education to local authorities and other interested parties on the IFF Act and how it could be used for the funding and financing of infrastructure projects.</p> <p>HUD has also been working with the Treasury and CIP to establish how each party can work together to perform their respective roles and responsibilities. CIP, in its facilitation role, is working on identifying and progressing potential infrastructure projects that could utilise the IFF Act and developing levy proposals for these projects.</p>
6.	Outline of monitoring and evaluation built in to	<p>Monitoring and evaluation of the outcomes of the IFF Act is not built in. However, as part of its stewardship function, HUD will monitor the Act's performance against its intended outcomes and, if necessary, provide advice on any amendments needed to</p>

	Policy / Programme	ensure the Act's objectives are achieved.
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	It is too early to comment on this.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

**Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**KĀINGA ORA – HOMES AND COMMUNITIES ACT, AND
URBAN DEVELOPMENT ACT**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of legislation:</p> <ol style="list-style-type: none"> 1. Kāinga Ora Homes and Communities Act 2019 (Kāinga Ora Act) 2. Urban Development Act 2020 (UD ACT) <p>Years introduced:</p> <p>The Kāinga Ora Act commenced on 1 October 2019,¹ and the UD Act commenced on 7 August 2020.² The policy work that directly informed the drafting of both pieces of legislation began in 2017.</p> <p>Still current?:</p> <p>Yes</p> <p>Administering agency(ies):</p> <p>Policy development began in the Housing and Urban Branch of the Ministry of Business, Innovation and Employment (MBIE). This work transferred to the Ministry of Housing and Urban Development (HUD) on its establishment in October 2018.</p> <p>High level summary of legislation:</p> <p>The two pieces of legislation are related.</p> <ul style="list-style-type: none"> • The Kāinga Ora Act creates an urban development authority (Kāinga Ora) that can be an urban development authority and deliver urban development which connects homes with the jobs, transport, green spaces and community facilities communities need as well as be a world-class public landlord. • The UD Act supports the delivery of complex urban development that can transform communities by creating a streamlined process for progressing such projects and by providing access to a toolkit of development powers. <p>The creation of Kāinga Ora-Homes and Communities (Kāinga Ora) has resulted in an entity with public housing and tenancy management functions alongside urban development functions. The UD Act draws on and incorporates powers and processes</p>
----	--------------------------	--

¹ Section 2 Kāinga Ora – Homes and Communities Act 2019.

² Section 2 Urban Development Act 2020.

		<p>from a range of existing Acts including the Local Government Act 1974, Local Government Act 2002, Local Government (Rating) Act 2002, Public Works Act 1981 and the Resource Management Act 1991 (RMA).</p> <p>Powers equivalent to those in the UD Act are largely available to either local authorities or central government.</p> <p>Together, the two Acts promote early and meaningful engagement and partnership with Māori. They require Kāinga Ora to support Māori aspirations for urban development and ensure Māori rights and interests are actively protected. They also build on the principles of partnership, participation and protection which underpin the relationship between the Government and Māori under Te Tiriti o Waitangi.³</p> <p>Overlapping/Related policies/programmes:</p> <p>Administrative responsibility for most of the KiwiBuild programme transferred from HUD to Kāinga Ora upon its establishment. This includes responsibility for managing the KiwiBuild pre-qualification, registration and ballot processes, and administering the Buying off the Plans initiative. Kāinga Ora has also been tasked with facilitating the delivery of KiwiBuild homes with in its current and future urban development projects, and through supporting sector innovation. Some of these projects could be enabled through the UD Act. This policy was developed before MAIHI, but there is alignment between the statutory expectations on Kāinga Ora and MAIHI.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Kāinga Ora was formed by the Kāinga Ora Act. Kāinga Ora implements the UD Act. HUD administers the Kāinga Ora Act and the UD Act.</p>
2.	<p>Description of Kāinga Ora-Homes and Communities Act 2019</p>	<p>The purpose of the Kāinga Ora Act is to create a new Crown entity (namely, Kāinga Ora) with two key roles:</p> <ul style="list-style-type: none"> • to be a world class public landlord and • to be an urban development authority. <p>The new entity, ‘Kāinga Ora-Homes and Communities’, consolidated all three then-existing essential centres of central government development capability:</p> <ol style="list-style-type: none"> 1. Housing New Zealand Corporation (HNZC);

³ The Kāinga Ora Act and the UD Act are designed to ensure there is meaningful and early engagement with Māori on urban development, active identification and protection of Māori interests particularly in land, opportunities are provided for Māori to partner and participate in urban development projects, and the Treaty of Waitangi and Te Ture Whenua Maori Act 1993 are upheld. The UD Act also takes a new approach to right of first refusal land, to better enable iwi to benefit from the development of that land.

		<p>2. HNZC’s subsidiary, HLC (2017) Ltd.; and</p> <p>3. the KiwiBuild unit within the Ministry of Housing and Urban Development.</p> <p>The overarching objective of Kāinga Ora is to contribute to sustainable, inclusive, and thriving communities that:⁴</p> <ol style="list-style-type: none"> a. provide people with good quality, affordable housing choices that meet diverse needs; and b. support good access to jobs, amenities, and services; and c. otherwise sustain or enhance the overall economic, social, environmental, and cultural well-being of current and future generations. <p>The Kāinga Ora Act contains a number of provisions in order to recognise and respect the Crown’s responsibility to consider and provide for Māori interests, including:⁵</p> <ol style="list-style-type: none"> a. the Kāinga Ora Board must ensure that Kāinga Ora maintains systems and processes to ensure that, for the purposes of carrying out its urban development functions, it has the capability and capacity to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to engage with Māori and to understand Māori perspectives; b. a function of Kāinga Ora is to understand, support, and enable the aspirations of Māori in relation to urban development; c. that the operating principles of Kāinga Ora include: <ol style="list-style-type: none"> i. identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and ii. partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development d. that Kāinga Ora cannot use the exemptions for Housing New Zealand Corporation and its subsidiaries to dispose of land subject to rights of first refusal under Treaty settlement legislation; and e. that a Government Policy Statement must include the Government’s expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests
--	--	---

⁴ Section 12(1) Kāinga Ora – Homes and Communities Act 2019.

⁵ Section 4 Kāinga Ora – Homes and Communities Act 2019.

		<p>Kāinga Ora is a Crown Entity. The Kāinga Ora Board has specific statutory obligations relating to Māori. It must ensure that Kāinga Ora maintains systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora has the capability and capacity:⁶</p> <ul style="list-style-type: none"> • to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles, • to understand and apply Te Ture Whenua Maori Act 1993, and • to engage with Māori and to understand perspectives of Māori.
3	<p>Description of Urban Development Act 2020</p>	<p>The UD Act has established a process to progress a new type of urban development project – called a Specified Development Project (SDP). These are the kinds of projects that have historically struggled to progress due to barriers such as:</p> <ul style="list-style-type: none"> • fragmented land parcels, • uncoordinated decision-making processes, • poor and aging infrastructure, and • restrictive planning. <p>To overcome these barriers, the UD Act gives Kāinga Ora access to a tool-box of development powers that it can use when undertaking SDPs. Their use is considered and approved on a project by project basis, with the exception of its land acquisition powers which can be used outside the SDP process.</p> <p>While the UD Act specifically provides functions and powers to Kāinga Ora, it will have the ability to delegate the majority of these to its partners as it sees fit. Delegation allows for SDPs to be led and delivered by others such as iwi and Māori, with Kāinga Ora retaining accountability.</p> <p>The UD Act builds on the broad framework provided in the Kāinga Ora Act for considering and providing for Māori interests in urban development. The views of local Māori are captured at multiple points of the Specified Development Project (SDP) process through both formal consultation and more flexible engagement requirements. This allows the views of Māori to shape an SDP's direction, outcomes and design.</p>

⁶ Section 11(b) Kāinga Ora – Homes and Communities Act 2019.

4.	Outline of the process to develop this legislation	<p>Policy work on urban development authorities in New Zealand dates to 2006. Over this period, various government agencies (including the Ministry for the Environment (MfE), the Department of Internal Affairs (DIA) and units within the Department of Prime Minister and Cabinet (DPMC), and MBIE) as well as the Productivity Commission identified a need for an urban development authority with an appropriate suite of tools to facilitate comprehensive, large-scale, timely and transformational urban development projects.</p> <p>There were several government discussion documents and Productivity Commission reports over this period that informed the policy which underlies the Kāinga Ora and the UD Acts.</p> <p>While urban development authorities are common overseas, a key policy consideration in the New Zealand context was recognising the aspirations that Māori have in housing and urban development, as potential development partners, as people significantly impacted by historic and current pressures in housing, and through their connections with the land and other natural resources. MBIE, and later HUD, worked closely with Te Arawhiti and Te Puni Kōkiri to develop a framework for protecting Māori interests and realising Māori aspirations through the legislation.</p> <p>Engagement on early proposals included:</p> <ul style="list-style-type: none"> • discussion documents published by the Government in 2008 and 2017; • open public consultation as part of Productivity Commission reports in 2012, 2015 and 2017;⁷ • the select committee process for the Kāinga Ora Act and UD Act. <p>Cabinet policy decisions were made between December 2017 and November 2018, informed by the 2017 government discussion document.⁸ The Kāinga Ora Act went through the legislative process between May and September 2019, and the UD Act between December 2019 and August 2020. In addition, officials from MBIE and HUD met with iwi and Māori groups, local authorities and other stakeholders on several occasions in 2017 to 2019 to discuss policy proposals and inform decision-making.</p>
5.	Examples of the legislation in action	<p>The Kāinga Ora Act established clear statutory expectations on Kāinga Ora to have meaningful relationships with Māori and to partner with Māori. An example of this in action is the establishment of Te Kurutao, a business unit to lead and facilitate</p>

⁷ New Zealand Productivity Commission- Housing Affordability (2012) <https://www.productivity.govt.nz/inquiries/housing-affordability/> and New Zealand Productivity Commission- Using land for housing (2015) <https://www.productivity.govt.nz/inquiries/using-land-for-housing/> and New Zealand Productivity Commission- Better Urban Planning (2017) <https://www.productivity.govt.nz/inquiries/better-urban-planning>

⁸ Urban Development Authorities - Discussion Document (2017) <https://www.mbie.govt.nz/dmsdocument/4598-urban-development-authorities-discussion-document>

		<p>the relationships Kāinga Ora has with iwi/rōpū Māori. This group provides support through a centre of expertise to lift Māori capability, and establish and maintain strong and trusted relationships with iwi/ rōpū Māori across the country.</p> <p>The UD Act was passed in August 2020, so it is too early to provide concrete instances of the policy underlying the legislation in action.</p>
6.	Outline of steps taken to implement the Policy / Programme	Kāinga Ora implements both Acts, HUD (primarily the Urban Development Regulatory Tools team) is working with them to ensure the Acts are implemented as intended
7.	Outline of monitoring and evaluation built in to legislation	<p>As a Crown entity, Kāinga Ora is monitored by the Ministry of Housing and Urban Development.</p> <p>Kāinga Ora has its own monitoring and evaluation function.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

KIWIBUILD / THE GOVERNMENT BUILD PROGRAMME

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT AND
KĀINGA ORA – HOMES AND COMMUNITIES)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: KiwiBuild (part of the Government Build Programme which focuses on building homes across the spectrum of housing need: addressing homelessness, building new public homes, homes for renters and owner occupiers, tailored to the underlying demand and people’s needs in an area).</p> <p>Year introduced: 2018</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>KiwiBuild was originally administered by the KiwiBuild Unit within the Ministry of Business Innovation and Employment (MBIE).</p> <p>Te Tūāpapa Kura Kāinga - The Ministry of Housing and Urban Development (HUD) assumed responsibility for the programme when HUD was formed on 1 October 2018.</p> <p>Kāinga Ora-Homes and Communities (KO) took over administration of the KiwiBuild Unit once Kāinga Ora was established on 1 October 2019.</p> <p>KiwiBuild policy responsibility remains within HUD, as does the Land for Housing Initiative within KiwiBuild which is one delivery channel of the overall KiwiBuild programme.</p> <p>High level summary of policy/programme:</p> <p>While KiwiBuild is mainly focussed on improving home ownership through supply of modest affordable starter homes for first home buyers, it also indirectly contributes to addressing homelessness by supporting the increased supply of affordable housing more generally, and by potentially helping to support larger multi-tenure developments.</p> <p>KiwiBuild helps facilitate new housing developments in three main ways:</p> <ol style="list-style-type: none"> 1. reduces risk by underwriting homes in new developments; 2. making land available for development; 3. integrating affordable housing into major urban development projects. <p>When a developer is supported by the KiwiBuild programme, they are required to offer a portion of the homes at agreed price caps to eligible KiwiBuild buyers first. As a temporary response to Covid-19, in July 2020, Cabinet agreed:</p>
----	--------------------------	--

- to change the definition of KiwiBuild eligible purchasers to include existing homeowners who seek to relocate due to COVID-19 or are selling their home to purchase a KiwiBuild home, provided that at the end of the transaction they own only one home;¹ and
- that after a developer makes reasonable attempts to sell KiwiBuild homes to KiwiBuild eligible buyers, KiwiBuild homes can be offered for sale to:
 - Progressive Home Ownership providers, community housing providers, or Kāinga Ora;
 - up to 25 per cent of KiwiBuild homes across a development may be offered to the open market without prior Cabinet or Ministerial approval; and
 - the Minister of Finance and the Minister of Housing to approve open market KiwiBuild sales of more than 25 per cent of the KiwiBuild homes across a development.

The above Covid-19 policy settings were subject to a six-month review.²

If, despite all measures outlined above, the house is still unable to be sold, then properties backed by an underwrite will be purchased by the Government with the intention for it to be sold at a later date.

The KiwiBuild programme broadly aims to unlock opportunities to increase the number and speed of delivery of affordable homes in areas where such homes can be delivered at a competitive price point.

Implementation of KiwiBuild remains the joint responsibility of the KiwiBuild Unit within Kāinga Ora (for Kāinga Ora developments) and the Land for Housing Unit within HUD (for contracts they negotiate with private developers to deliver KiwiBuild homes). It has a total budget allocation of \$2 billion with an expectation that this funding will be recycled over a 10-year period.³

The Government has acknowledged that KiwiBuild has not met initial expectations. This resulted in a significant reset of the policy on 4 September 2019. It is too early to evaluate the success of this reset.

¹ This has not been implemented in practice.

² This six-month review is currently underway, as at 1 February 2021.

³ By 'recycled', it is intended that for any dollar spent from the \$2 billion KiwiBuild budget allocation, the Crown expects that a dollar will return to the Crown within ten years. For example, the Crown may be required to purchase an unsold KiwiBuild home but could recover its money by selling the property within 10 years.

		<p>Overlapping/Related policies/programmes:</p> <p>KiwiBuild First Home Loans</p> <p>KiwiBuild First Home Grants</p> <p>Progressive Home Ownership (PHO) Fund</p> <p>In 2019 the Government Build Programme reset took place, with decisions announced in September 2019. As part of this, changes were made to KiwiBuild. Other changes were made to the First Home Grant and First Home Loan, and the PHO fund was announced. Māori households are a key priority group for the Government’s PHO fund.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>N/A</p>
2.	<p>Description of Policy / Programme</p>	<p>KiwiBuild is part of the Government Build Programme. The Government Build Programme focuses on building homes across the spectrum of housing need: addressing homelessness, building new public homes, homes for renters and owner occupiers, tailored to the underlying demand and people’s needs in an area.</p> <p>The overall KiwiBuild programme aims to:</p> <ul style="list-style-type: none"> • increase the supply of dwellings generally; • increase the supply of dwellings on the market at prices attainable for first home buyers. <p>It does this through five separate initiatives:</p> <ol style="list-style-type: none"> 1. The Buying off the Plans Initiative (which is the element of the programme which most people know as “KiwiBuild” and involves Government underwriting specific affordable properties within developments for sale). 2. Large-Scale Projects (LSPs) being undertaken by Kāinga Ora. 3. Land for Housing (a redesign of the Crown Land Development Programme that involves acquiring and on-selling vacant and underutilised Crown-owned land, as well as land purchased from the private sector and others, to developers to increase the supply of housing in supply constrained markets, including the delivery of public homes and affordable / KiwiBuild dwellings). 4. Investigating innovative approaches to addressing current constraints within the development sector, including alternative

		<p>financing approaches and construction methodologies (like off-site manufacturing).</p> <p>5. Existing Government-led developments. These are now being led by Kāinga Ora but were previously being undertaken by a range of agencies (e.g. Hobsonville Point and the Tāmaki Regeneration Programme).</p> <p>Long-term development partnerships with iwi and Māori is a special focus of Kāinga Ora in delivering the Government Build Programme. The Kāinga Ora – Homes and Communities Act 2019 places an explicit requirement on Kāinga Ora to operate in a way that provides for meaningful and early engagement with iwi and Māori. This requires collaboration and effective partnerships between Te Kahui Kāinga Ora (within HUD, at a strategic level), Kāinga Ora (at an operational level) and iwi or hapū groups, post settlement governance entities, Māori land trusts and incorporations and urban Māori authorities to enable participation in development projects.</p> <p>The KiwiBuild website provides information for prospective developers and buyers of KiwiBuild homes and information about how KiwiBuild works.⁴</p>
3.	Outline of the process to develop this Policy / Programme	<p>KiwiBuild was a significant policy programme established in 2017 and improvements were made over time. MBIE/HUD undertook further policy work to implement KiwiBuild.</p> <p>Policy development was informed by data which showed significant declines in the rate of home ownership in recent decades, data on increasing house prices and data suggesting that the rate of building/consenting was not keeping pace with population growth particularly in Auckland. Data also showed that the construction activity was skewed towards delivery of non-entry level homes.</p> <p>Additionally, the recognition that Māori have been disproportionately affected by the decline in home ownership rates was a relevant consideration in policy work undertaken on home ownership initiatives including the development of KiwiBuild.</p>
4.	Aims or Objectives of the Policy / Programme	<p>The overall KiwiBuild programme aims to:</p> <ul style="list-style-type: none"> • increase the supply of dwellings generally • increase the supply of dwellings on the market at prices attainable for first home buyers <p>Moreover, the policy aims to overcome various barriers to the provision of affordable housing including:</p> <ul style="list-style-type: none"> • Lower returns and/or potentially higher risks associated with sale of affordable houses, which requires a high percentage of

⁴ <https://www.kiwibuild.govt.nz/>

		<p>presale as a condition to obtain finance</p> <ul style="list-style-type: none"> • The difficulty of aggregating land for housing development • The limited demand for housing innovations such as the provision of prefabricated housing.
5.	Outline of steps taken to implement the Policy / Programme	<p>Key steps in the implementation of the KiwiBuild programme included:</p> <ul style="list-style-type: none"> • the establishment of the KiwiBuild unit in December 2017. This was initially housed within MBIE, but subsequently moved to HUD following HUD's establishment on 1 August 2018 and more recently Kāinga Ora since its establishment on 1 October 2019; • the establishment of the Land for Housing Programme in December 2017; • the launch of the Buying off the Plans Initiative in April 2018; • the establishment of high level definitions, eligibility criteria and associated processes for the KiwiBuild programme in April 2018; and • the reset of the Government's Build Programme which altered some of the operational parameters for KiwiBuild to ensure it was delivering the right homes, in the right places and the right price in September 2019.
6.	Outline of monitoring and evaluation built into Policy / Programme	<p>As part of the Government Build Reset in 2019, the Government committed to releasing monthly updates on the Government's Build Programme which includes KiwiBuild. These can be found at the Government Housing Programme Dashboard.⁵</p> <p>The KiwiBuild Unit within Kāinga Ora has responsibility for monitoring the underwrite contracts it has with private developers.</p> <p>The Land for Housing team within HUD has responsibility for monitoring contracts it has with developers who have received land through the Land for Housing Programme.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p><u>Buying off the Plans Initiative</u>: By the end of 2020 there had been 44 developments supported through the Buying off the Plans Initiative. These have been primarily located in Auckland, Wellington and the Bay of Plenty and will result in over 2,200 affordable homes being delivered by 2024/25 (715 of which have already been delivered with a further 1,485 to be delivered in the future). A list of all homes currently available to buy is found at: Available homes KiwiBuild</p> <p><u>Large-Scale Projects (LSPs)</u>: The Tamaki Regeneration Programme (The Regeneration Programme Tamaki Regeneration) is a good example of a Large-Scale Development supported by the KiwiBuild programme while the Auckland Housing Programme is</p>

⁵ [The Government Housing Programme Dashboard | Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development \(hud.govt.nz\)](#).

		<p>an example of how the initiative has leveraged existing programmes. See Large-scale projects :: Kāinga Ora – Homes and Communities (kaingaora.govt.nz)</p> <p><u>Land for Housing</u>: The Land for Housing programme is currently administering 21 different sites for development. These include the Unitec / Carrington residential development⁶ in Auckland. Around 80% of the development agreements reached so far have involved iwi development partners, for example, Ngāi Tahu Property in Queenstown.</p>
--	--	---

⁶ The Carrington residential development is one of the projects listed in the COVID-19 Recovery (Fast Track Consenting) Bill.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**KIWISAVER FIRST HOME SAVINGS WITHDRAWAL AND THE
KIWISAVER SAVINGS WITHDRAWAL DETERMINATION FOR
PREVIOUS HOMEOWNERS**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: KiwiSaver First Home Savings Withdrawal and the KiwiSaver Savings Withdrawal Determination for Previous Home Owners</p> <p>Year introduced:</p> <p>KiwiSaver started on 1 July 2007. However, the savings withdrawal could not be used until April 2010 because one of the eligibility criteria is 3 years' KiwiSaver membership.</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>The Ministry of Business, Innovation and Employment (MBIE) and the Inland Revenue Department (IRD) are responsible for the overall KiwiSaver policy and regulation.</p> <p>The Ministry of Housing and Urban Development (HUD) is responsible for the policy settings of the withdrawal mechanism.</p> <p>The KiwiSaver provider or complying fund provider is responsible for assessing applications by first time buyers to withdraw from KiwiSaver funds.</p> <p>Kāinga Ora is responsible for assessing applications by previous home-owners to determine that they are in the same financial position as a first home buyer that has never held an estate in land, and do not currently own a home. The KiwiSaver Provider uses this determination in their assessment to withdraw from KiwiSaver funds.</p> <p>High level summary of policy/programme:</p> <p>This programme allows first home buyers (and some “second chancers”) to make a one-time withdrawal of their KiwiSaver savings to buy their own home. The policy assists with deposit barrier facing many prospective first home buyers in New Zealand. Since 2015 the criteria have been broadened and allow for buying off the plans and for buying empty land to build a home.</p> <p>The 2015 amendments also sought to overcome the barrier of securing capital to build or buy a home on Māori land due to difficulties of taking security over multiply owned land. This was achieved by allowing the deposit to be taken out to buy or build a home on Māori land.</p>
----	--------------------------	---

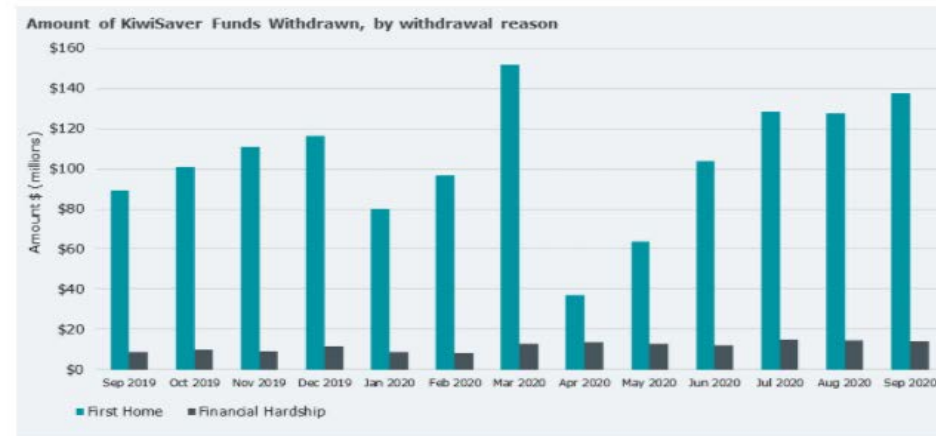
		<p>Overlapping/Related policies/programmes:</p> <p>KiwiBuild</p> <p>KiwiSaver</p> <p>First Home Loan</p> <p>First Home Grant</p> <p>Progressive Home Ownership (PHO) Fund</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Kāinga Ora collects data on all KiwiSaver housing products, and also determines whether previous (but not current homeowners) are eligible to apply to withdraw their KiwiSaver funds.</p> <p>The Financial Markets Authority (FMA) produces annual reports on KiwiSaver.</p> <p>Various financial institutions manage the invested KiwiSaver funds and are also responsible for the withdrawal process.</p>
2.	<p>Description of Policy / Programme</p>	<p>The KiwiSaver Act 2006 introduced a voluntary national superannuation scheme aimed at addressing issues with savings and financial literacy among New Zealanders. As stated in the legislation:</p> <p><i>The purpose of this Act is to encourage a long-term savings habit and asset accumulation by individuals who are not in a position to enjoy standards of living in retirement similar to those in pre-retirement. The Act aims to increase individuals' well-being and financial independence, particularly in retirement, and to provide retirement benefits.</i></p> <p>The default position is that KiwiSaver savings may not be withdrawn until the KiwiSaver member becomes eligible for superannuation (currently age 65). One of the exceptions to this rule is to allow first home buyers to make a one-time withdrawal of their KiwiSaver savings to buy their own home. This recognises that individuals who own their own home are more likely to achieve financial independence and a higher standard of living in retirement. In financial terms, this is largely because income typically falls upon retirement while the cost of rental housing does not.</p> <p>The withdrawal is targeted at first home buyers provided they meet certain criteria, previous homeowners who no longer own a home and have never accessed their KiwiSaver funds may also withdraw their KiwiSaver savings to buy their own home.</p>

3.	Outline of the process to develop this Policy / Programme	Treasury appears to have initially led policy development of a package of financial and home ownership assistance products, including the “Work Based Savings Scheme”. Once the “Work Based Savings Scheme” was renamed KiwiSaver, joint papers were produced by IRD and Ministry of Economic Development (as it then was, later merged into MBIE) and Treasury.
4.	Aims or Objectives of the Policy / Programme	The primary aim of KiwiSaver is to improve individual’s well-being in retirement by both encouraging a long-term saving habit and asset accumulation. Allowing withdrawal of KiwiSaver funds to purchase a home also recognises that individuals who own their own home are likely to achieve a higher standard of living in retirement and that saving for a home is an important saving priority for many people.
5.	Outline of steps taken to implement the Policy / Programme	<p>IRD administer the KiwiSaver scheme, collecting contributions and transferring them to scheme providers for investment. Currently there are 3 million people enrolled in KiwiSaver.</p> <p>When applying for the First-Home Withdrawal, applications are processed through KiwiSaver providers or complying fund providers. (An applicant who has been a previous homeowner must apply through their provider, but Kāinga Ora will need to determine that they are in the same financial position as a first home buyer that has never held an estate in land, and do not currently own a home.)</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Kāinga Ora produces a Financial Products Quarterly Report¹ which includes applications received and granted. In addition to providing data on the KiwiSaver First Home Savings Withdrawal and the KiwiSaver Savings Withdrawal Determination for Previous Homeowners, this also provides data on the First Home Loan, First Home Grant and Tenant Home ownership programmes.</p> <p>The Financial Markets Authority produces annual reports on KiwiSaver as a regulator relating to KiwiSaver.</p> <p>In 2015, a multi-agency evaluation of KiwiSaver from 2007 – 2014 was produced. The report discusses the First Home Withdrawal and the increasing uptake. A copy of the report is at: 129-Kiwisaver-IRD-KiwiSaver-evaluation-report-2015.pdf (amazonaws.com) (see [HUD.006.1959])</p>

¹ [Financial Products Quarterly Report :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](#)

7. Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims

Amount of KiwiSaver fund withdrawals by withdrawal reason each month



Source: IRD

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET
THE LOCAL INNOVATION AND PARTNERSHIP FUND
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: The Local Innovation and Partnership Fund (LIP Fund)</p> <p>Year introduced: August 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - The Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme: All communities around New Zealand are different, with their own distinct challenges and aspirations. Local leadership is essential to respond to local needs and drivers of homelessness. Local communities are already involved in developing innovative and locally responsive approaches, however existing national funding parameters, programmes and settings do not always fund or enable locally designed or innovative initiatives. The LIP Fund has been established to provide funding for such initiatives with the aim of contributing to the reduction of homelessness in Aotearoa.</p> <p>Overlapping/Related policies/programmes: Aotearoa New Zealand Homelessness Action Plan 2020/2023 (HAP) Public Housing Plan Housing First Increasing the Supply of Transitional Housing to Reduce the Use of Emergency Accommodation Rapid Rehousing MAIHI – He Taupua Fund</p> <p>Other agencies involved in development, implementation, or ongoing administration: N/A</p>
2.	Description of Policy / Programme	Supporting and enabling local approaches is a guiding principle of the HAP, and the LIP Fund. All communities around New Zealand are different, with their own distinct challenges and aspirations. The Crown is of the view that local leadership is

essential to effectively respond to local needs and drivers of homelessness. While local communities are already involved in developing innovative and locally responsive approaches, funding is not always available for development, design and implementation costs.

The LIP Fund is designed to:

- support the development and implementation of local initiatives that respond to and prevent homelessness
- enable and support community organisations, Iwi and wider community partners to work together on initiatives to address homelessness
- support innovative ways of working to address homelessness, address system gaps and improve responses tailored to needs in local areas
- support functional zero (ending or reducing the most acute forms of homelessness) approaches to street homelessness and/or reduce reliance on motels
- fund wider homelessness projects where a community identifies a need that is currently not being responded to, or where existing support is not adequate
- enable locally designed innovative initiatives to be funded, planned, and implemented in a local area. Initiatives should propose new ways to respond to local causes and drivers of homelessness that may not be addressed by existing national policy, programmes or operations.

The LIP Fund is intended to complement existing responses, particularly the Housing First approach (for example by targeting those who are not in Housing First or providing additional services that are needed such as hubs), and build stronger partnerships between agencies, local authorities, providers, iwi and communities. The LIP Fund will stimulate innovation for agencies to work more strategically and effectively together towards a shared outcome of addressing street homelessness.

Ministers initially agreed the fund would support approaches to respond to street homelessness and/or reduce reliance on motels. Following the initial response to the first COVID-19 lockdown, Ministers agreed that the first round of the fund support population groups identified in the HAP, with the potential for future funding rounds to focus more tightly on specific groups. This recognised that many people who were formerly rough sleeping were accommodated as part of the COVID-19 response, and the ability to consider a wider range of projects where a community identifies a need would support the aim of the fund to respond to local needs rather than telling communities what to focus on.

The LIP Fund's first Round opened on 21 August 2020 and closed on 16 October 2020. The opening date of the fund was delayed as providers were focussed on the immediate COVID-19 homelessness response and did not have the capacity to

		<p>develop applications in this time period. Applicants to Round 1 have now been informed of the outcome of their application. HUD is currently in discussions with successful applicants to negotiate grant conditions. (The assessment criteria for Round 1 is discussed in section 4 below.)</p> <p>There is \$16.6 million available in the LIP Fund over four years, with up to 25% (\$4.15 million) of the LIP Fund being released in Round 1 for fund-ready initiatives, with initiatives that require further development encouraged to apply for Round 2. Round 2 initiatives will be sought mid 2021.</p>
3.	Outline of the process to develop this Policy / Programme	The LIP Fund was developed as part of the HAP and responds to the need to enable local and innovative approaches to reducing homelessness. One of the criteria against which applications to the Fund are assessed is how the initiative improves outcomes for Māori, and how the initiative includes Kaupapa Māori principles.
4.	Aims or Objectives of the Policy / Programme	<p>The aim of the LIP Fund is to support innovative location-based initiatives to address gaps in responding to and reducing street homelessness, with positive flow-on wellbeing impacts. It will improve support to people who are homeless with high needs and aim to reduce the reliance on motels and reduce the number of people experiencing homelessness.</p> <p>The aims of the programme are illustrated by the high-level assessment criteria against which applications are assessed. These are:</p> <ul style="list-style-type: none"> • Innovation – describes research, development and implementation of a new or scaled up product, process or service or new way of working, including new services that have been tailored to cultural or regional needs, that may have been used elsewhere in New Zealand or internationally but are new to that particular region. • Kaupapa Māori approaches and principles – demonstrates how kaupapa Māori approaches and principles will be incorporated, how delivery will be in line with those principles, and how Iwi and Māori partners will be involved in planning and delivery (as appropriate) • Impact – demonstrates how the initiative will address rather than manage homelessness and details how they will evaluate and evidence the benefit to the priority homelessness groups (people at risk of experiencing homelessness including Māori, Pacific peoples, women, rangatahi/young people, migrants and refugees, older people, the rainbow community, and disabled people) • Partnership – describes how partners (such as community organisations, Iwi and wider community stakeholders) will collaborate and build on their strengths to plan and deliver the initiative • Capability to deliver – describes capability and capacity to deliver the initiative (governance, payment systems, personnel, risk management).

5.	Outline of steps taken to implement the Policy / Programme	<p>The LIP Fund was one of the immediate initiatives prioritised for action under the HAP. The process to identify and prioritise initiatives included agencies:</p> <ul style="list-style-type: none"> • identifying a long list of initiatives/actions informed by existing analysis of data, regional insights, international evidence and an initial review of the emergency housing systems; • undertaking initial viability and impact analysis, which involves applying criteria to initiatives to determine a short list; • engaging with stakeholders to determine fit and any gaps in the proposed initiatives; • assessing whether seeking contingency or Budget funding would be most appropriate including identifying scaling options. <p>Findings from engagement with Māori and iwi providers have informed both development and implementation. HUD engaged with Homelessness Sector Services (made up of Community Housing Aotearoa and Te Matapihi) to advise on the information for guidance and criteria, opening and closing dates and the review process.</p> <p>HUD consulted with Te Matapihi to recommend an independent panellist from the community with knowledge and experience working with Māori communities and Kaupapa Māori frameworks.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Monitoring of project delivery is built into funding agreements. A review process is still to be established that will enable reporting on the efficacy of different initiatives.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>It is currently too early to evaluate, and an evaluation will occur in future.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**MĀORI AND IWI HOUSING INNOVATION FRAMEWORK FOR ACTION
“MAIHI”**

**(TE TŪĀPAPA KURA KĀINGA -
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Te MAIHI o Te Whare Māori - Māori and Iwi Housing Innovation <i>Framework for Action</i> (MAIHI)</p> <p>Year introduced: 2019 Approved by Cabinet (2020 May)</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (Te Tūāpapa Kura Kāinga)</p> <p>High level summary of policy/programme:</p> <p>There is widespread recognition within the Crown and across iwi and Māori that the current housing system does not meet Māori housing needs. Only 28% of Māori are home-owners compared to 57% for the general population (2018 census); Māori and Pacific peoples have the higher rates of rental housing and are more likely to be impacted by cold, damp homes; and Māori are five times more likely than Pākehā to be homeless.</p> <p>MAIHI was developed in response to a need to attend to the housing system, to accelerate Māori housing outcomes. At the heart of MAIHI was the need to focus on Māori wellbeing and ensure the role of the community in this development, to ensure the inclusion of localised perspectives and applying kaupapa Māori and whānau-centred approaches. The Crown considers healthy, secure and affordable housing is a fundamental right to living with dignity. Addressing the inequity in housing across the system (from homelessness to Māori home ownership) will support whānau to provide for their current and future aspirations.</p> <p>Overlapping/Related policies/programmes:</p> <p>He Whare Āhuru He Oranga Tāngata – the Māori Housing Strategy 2014</p> <p>Aotearoa New Zealand Homelessness Action Plan</p> <p>Kainga Ora – Homes and Communities – Māori Housing Focus</p> <p>Ministry of Social Development – Emergency Housing Special Needs Grant</p> <p>Te Puni Kōkiri – Māori Housing Network</p>
----	--------------------------	--

		<p>Other agencies involved in development, implementation, or ongoing administration:</p> <ul style="list-style-type: none"> • Te Puni Kōkiri • Kāinga Ora – Homes and Communities (Kāinga Ora) • Ministry of Social Development (MSD) • Department of Internal Affairs (DIA) • Ministry of Business, Innovation and Employment (MBIE) • Te Arawhiti – the Office for Maori Crown Relations <p>The Department of Prime Minister and Cabinet was involved through the Cabinet process.</p>
2.	<p>Description of Policy / Programme</p>	<p>MAIHI drives the following critical approaches to the Crown’s response to Māori housing:</p> <ul style="list-style-type: none"> • a deliberate approach to delivering housing solutions at pace, particularly as Aotearoa recovers and rebuilds post-COVID-19, • a connected system approach to connect Crown, local government and Māori towards the delivery outcomes for Māori housing, • collaboration in the review and reset of the housing system, services and delivery – including close partnership with Māori, Iwi and Te Matapihi as the sector body lead for Māori Community Housing Providers. <p>MAIHI includes both urgent and long-term system responses to critical gaps identified for Māori in mainstream housing solutions through a ‘respond, review, reset’ approach. It is a dedicated and deliberate change in the system to deliver at pace, with Māori as central partners, a system-wide response (including through Crown policy and practice) to address Māori housing stress in ways that consider all aspects of wellbeing, through the coronavirus pandemic (COVID-19) and the post-pandemic recovery periods.</p> <p>Attached as Appendix A is a pictorial representation of the context, components and objectives of Te Maihi o Te Whare Māori.</p>

3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>MAIHI builds on the foundation set down through He Whare Āhuru He Tāngata Oranga – the Māori Housing Strategy led by MBIE and released in 2014.¹ He Whare Āhuru sought to demonstrate how the Crown would support Māori-led housing programmes in response to the aspirations of whānau Māori for reliable and appropriate housing. These aspirations are now being articulated by the Crown through the MAIHI Framework, the foundation of which is a set of kaupapa Māori principles developed with Māori, including through the following key actions:²</p> <ul style="list-style-type: none"> • partnering with Māori, Iwi, hapū and marae to prevent homelessness through whenua-based initiatives; • supporting Māori community housing providers and other Māori and Iwi providers to expand supply; and • building the capability and capacity of Māori providers and services working with Māori experiencing homelessness. <p>In mid-2019 officials met with the then Associate Minister for Housing (Māori Housing), Hon. Nanaia Mahuta, to discuss the need to accelerate better housing outcomes for Māori, including addressing homelessness. This was in response to:</p> <ul style="list-style-type: none"> • the recognition of institutional racism, inequitable programmes and policy settings present in the housing sector; • exclusion of Māori from opportunities across the housing continuum; and • a lack of Crown understanding of different cultural contexts and how these affect people’s concepts of, and relationships to, land, homes and whānau. <p>Internal advice was commissioned by the Minister³ following which Te Tūāpapa Kura Kāinga organised a workshop facilitated by the ThinkPlace design company in October 2019, with key stakeholders selected for their breadth of experience across the Māori housing sector. This critical workshop was called to devise a framework for attending to the housing needs and aspirations of Māori which became known as MAIHI. Attendees included:⁴</p> <ul style="list-style-type: none"> • Kara George, Wayne Knox and Rau Hoskin of Te Matapihi Trust; • Jade Wikaira of Wikaira Consulting;
----	---	--

¹ See separate Evidential Fact Sheet on He Whare Āhuru He Tāngata Oranga.

² The MAIHI Framework has in turn informed the implementation of the Aotearoa New Zealand Homelessness Action Plan.

³ *Advice Paper to Minister Mahuta* BRF18/19070329, 5 July 2019 (see **HUD.006.1536**); *Advice on a cross-system approach to Māori wellbeing through Housing* BRF19/20070339, 16 July 2019 and Report AMI19/20090189 (see **HUD.005.1015**).

⁴ ThinkPlace workshop notes documents, *181019 Māori Housing Hui_[1]_TP* and *HUD_Māori Housing Sector development hui_v0.1.pptx* (see **HUD.006.3099** and **HUD.006.3106**).

		<ul style="list-style-type: none"> • Karen Vercoe of Te Pumautanga o Te Arawa; • Karleen Turner of Tainui Group Holdings; • Robyn Rauna of the Iwi Leaders' Forum (technician); • Ali Hamlin and Rua Eagle of Kahungunu Social Services; • Pauline Tangohau of Te Komiti Nui of Ngāti Whakaue. <p>All relevant Housing Ministers were briefed on the proposed action plan emerging from the October workshop on 1 November 2019. The Framework was then put to Cabinet for final endorsement in May 2020, communicated through existing networks and engagements across the sector and formally launched in August 2020.</p> <p>MAIHI considers:</p> <ul style="list-style-type: none"> • a home is more than a house – kāinga rather than whare; • housing is not only a foundation for whānau wellbeing and supporting the rights to adequate housing, but is also a vehicle for achieving whānau prosperity and intergenerational wellbeing; and • as the housing needs and aspirations of Māori are met right across the housing continuum, the opportunities for them to thrive and experience positive outcomes from Crown initiatives are significantly increased.
4.	Aims or Objectives of the Policy / Programme	<p>MAIHI objectives include – in addition to the objectives of He Whare Āhuru to:</p> <ul style="list-style-type: none"> • grow capacity and capability of Māori providers and support; • revitalisation of public housing supply and to make it more accessible to Māori (preferred placement); • increase immediate housing responses - emergency housing options that are adequate and appropriate for whānau (timing critical). <p>High-level MAIHI outcomes sought include:</p> <ul style="list-style-type: none"> • building supply, for the benefit of Māori, enabling thriving communities and supporting quality urban development; • placing whānau wellbeing at the centre in kāinga design, location, connections, conventions and retention; and

	<ul style="list-style-type: none"> • ensuring whānau are able to adopt healthy lifestyles, enjoy full participation in society, have confident participation in Te Ao Māori, experience economic security and active involvement in wealth creation, celebrate cohesion within the whānau and practice self-management and self-direction. <p>Intermediate outcomes sought through MAIHI include Māori having:</p> <ul style="list-style-type: none"> • access to quality and appropriate housing supply, • surety of housing; • decreased homelessness; • increased home ownership; • increased potential to access whenua Māori land; and • realisation of commercial aspirations and wealth generation. <p>Overall, MAIHI focuses on achieving better housing outcomes for whānau Māori that meet their housing needs and aspirations that they, themselves, have – and continue to – articulate through their interactions with government agencies and housing service providers. The intention of MAIHI, in seeking to realise positive housing outcomes for whānau, hapū and iwi, and contribute to the improved overall wellbeing outcomes for Māori, by complementing other related work underway across the health, education and employment sectors.⁵</p> <p>MAIHI also aims to create and realise opportunities for better connections across Crown agencies to consolidate resources, intelligence and effort through the ‘single door approach’ enabled by the MAIHI Partnerships Programme. Complementary to this, Te Tūāpapa Kura Kāinga is working on building the cultural capability of its staff through its new team, Te Tautiaki, with the intention that Crown officials will progressively take greater responsibility for their housing engagement which meaningfully would result in benefits to Māori housing solutions over time.</p> <p>Increasing housing for low-income Māori whānau will help prevent homelessness at the same time as increasing the connection of whānau Māori to Māori land. MAIHI includes the following kaupapa Māori principles which are embedded within the Homelessness Action Plan:</p>
--	---

⁵ The cross-agency work currently underway relating to the Homelessness Action Plan is a good example of this.

		<ul style="list-style-type: none"> • Te Mauri o te whānau, • Tikanga, • Whanaungatanga, • Manaakitanga, • Whakamana and • Tino Rangatiratanga.
5.	<p>Outline of steps taken to implement the Policy / Programme</p>	<p>Te Tūāpapa Kura Kāinga officials are engaged in ongoing relationships and projects with Te Matapihi sector body, iwi, hapū and other Māori providers. The MAIHI Partnerships Programme, which is a cross agency initiative supported by Te Tūāpapa Kura Kāinga, Kainga Ora, Te Puni Kōkiri and MSD, continues to work collectively to advance Māori and Iwi housing projects which increase housing supply, attend to whānau needs, prevent homelessness, and improve Māori housing security.⁶</p> <p>Key in the implementation of MAIHI is Te Tūāpapa Kura Kāinga’s progression of three work streams:</p> <ul style="list-style-type: none"> • Respond - to immediate need through building the capability of Māori housing providers and increasing Māori housing supply. • Review - systemic issues in existing housing policies and services particularly through the Wai 2750 Kaupapa inquiry. • Reset - the system through long-term investment and governance changes to ensure the system attends to whānau needs, prevents homelessness and improves Māori housing security. <p>The cross-agency MAIHI Partnership Programme⁷ continues to work alongside Iwi and Māori to understand their aspirations and the opportunities and challenges of undertaking housing developments on Māori owned land.</p> <p>Te Tūāpapa Kura Kāinga also administers three funds to give effect to MAIHI, through partnering with Māori organisations to support bespoke projects that seek to procure positive housing outcomes for whānau Māori:</p>

⁶ The MPP has a ‘no wrong door’ approach which provides the opportunity for early engagement on projects, together with an assessment of investment readiness and opportunities to take a strategic, cohesive approach to government partnerships and support of whānau and communities.

⁷ The MAIHI Partnership Programme also brings together other agencies and programmes, as required, to work with Iwi and Māori on specific housing issues in specific rohe.

		<ul style="list-style-type: none"> • He Taupua fund: for building kaupapa Māori providers' capability and capacity (one-off \$4 million from the Homelessness Action Plan Contingency Fund);⁸ • He Kūkū ki te Kāinga: for Māori-led supply and innovation projects (one-off \$20 million from the Homelessness Action Plan Contingency Fund plus \$9 million per year from Budget 2020);⁹ • He Taupae: to build the capability of Māori housing suppliers (\$1 million per year from Budget 2020).¹⁰ <p>The He Taupua and He Kūkū ki te Kāinga funds were originally established from a specific allocation of \$24 million to partner with Māori, iwi, hapū and marae to prevent homelessness; support Māori Community Housing Providers and other Māori and Iwi providers to expand supply; build capacity and capability of Māori providers; and enable and support kaupapa Māori approaches to homelessness. The He Kūkū ki te Kāinga fund was extended and a new fund He Taupae was established in Budget 2020.</p> <p>Areas of focus for Te Tūāpapa Kura Kāinga over the last six months have been:</p> <ul style="list-style-type: none"> • The delivery of the 18 immediate priorities in the Homelessness Action Plan through MAIHI (four of which focus solely on addressing Māori homelessness); • Supporting the public housing plan particularly with Māori Community Housing Provider engagement; • Creating opportunities for policy engagement, for example, for public housing on Māori land and the impact of preferred placements; • Supporting ongoing work to reform the Resource Management Act; • Consolidating MAIHI within the Government Policy Statement on Housing and Urban Development; • Supporting policies such as the Residential Tenancies Act review to improve housing quality and whānau wellbeing across
--	--	--

⁸ This fund supports projects that build the capability of whānau and Ahuwhenua Trusts, hapū, iwi, and Māori housing providers that work with Māori experiencing homelessness and housing insecurity. During 2019/20, six projects received a total of \$900,000 through the He Taupua fund to address homelessness due to COVID-19. The remaining \$1.1 million He Taupua funding available for the 2020/21 year has now been fully committed, subject to completion of the contracting process presently underway.

⁹ This is an existing funding stream which acts as an enabler to MPP through supporting housing supply-based projects. To date, Te Tūāpapa Kura Kāinga has committed a total of \$8,806,000 through the He Kūkū ki te Kāinga fund to increase housing supply in the 2019/20 and 2020/21 financial years, with additional funding presently progressing through contracting.

¹⁰ In 2020/21, two capability building projects, with a total value of \$266,000, have been approved for funding under the He Taupae Fund, with funding for additional projects presently progressing through the contracting process.

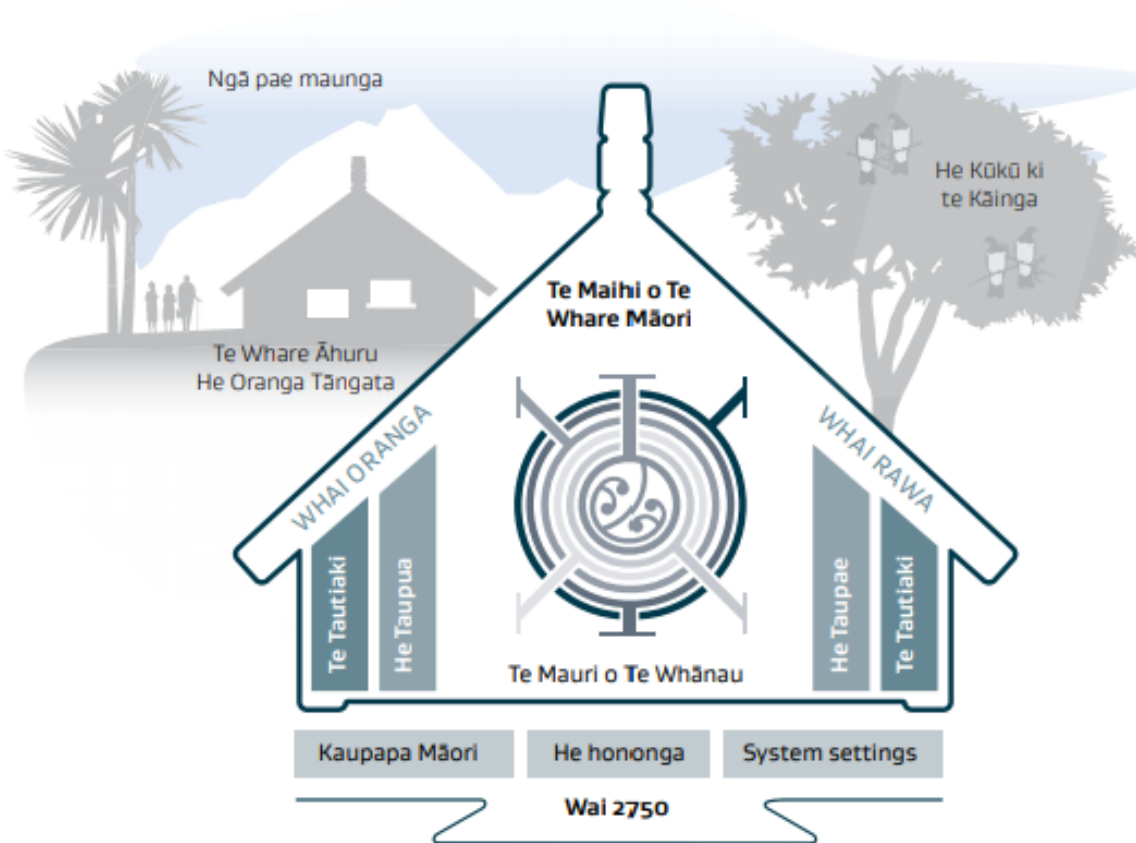
		<p>the continuum;</p> <ul style="list-style-type: none"> • Building the understanding of the broad ranging impacts including as lead for the Crown response to Wai 2750 to provide influence; and • Supporting the delivery of the Iwi and Māori Progressive Home Ownership Pathway.
6.	<p>Outline of monitoring and evaluation built in to Policy / Programme</p>	<p>MAIHI is a living framework, and feedback loops are built in to support the Crown’s responses so they can be constantly informed by the experiences of Māori, the relevant context and what can be learnt as initiatives are implemented.</p> <p>Under MAIHI, a six-monthly¹¹ Cabinet report back process through Te MAIHI Whare Wānanga has been established with representation of iwi, Māori communities, Te Matapihi for the Māori housing sector, and Crown officials. Te MAIHI Whare Wānanga oversees the delivery of the MAIHI Framework for Action and informs its evolution to the next stage through a reciprocal engagement between the Crown and Māori. This reciprocity brings the strengths of the partners together as a fundamental change in engagement and elevates the strength of MAIHI in the process. Te MAIHI Whare Wānanga intends to:</p> <ul style="list-style-type: none"> • drive change at the pace, scale and integration needed using the different strengths of partners across the whole system and the full housing continuum; • provide greater transparency to the MAIHI Framework for Action and the workstreams applying MAIHI; • facilitate shared interest, shared development, shared investment, and shared outcomes; and • enhance collaboration and partnership between whānau, hapū and iwi and the Crown, particularly post COVID-19. <p>On 16 December 2020, Māori and Iwi leaders, housing experts, Crown partners and the four Housing Ministers met at the inaugural Te MAIHI Whare Wananga to discuss MAIHI and Māori housing and to hear the report-back on progress. Feedback from the event has been positive with both the Iwi Chairs Forum and Te Matapihi giving a strong endorsement for MAIHI.</p> <p>Housing Ministers received a presentation of 15 recommendations from the December 2020 Iwi Housing Symposium in Napier. These recommendations were refined to 10 recommendations through Te MAIHI Whare Wānanga. Funding and financing was the central theme across the Te MAIHI Whare Wānanga and the Iwi Housing Symposium’s recommendations. Recommendations from Te MAIHI Whare Wānanga covered the levels of investment, ease of progressing funding applications and enabling Māori to provide housing solutions (Māori leadership and innovation).</p>

¹¹ Whare Wānanga will be held six-monthly for the first two ‘establishment’ years and held annually thereafter.

		<p>All investment through MAIHI must demonstrate alignment to the MAIHI outcomes framework for increased wellbeing. Providers submit progress updates at contractual milestones with an Insights Report within one month of project completion. This is to ensure continued learning is advanced through outcomes.</p> <p>The first Insight Reports are expected in July 2021, and the last reports from the current funding round are expected by July 2022. In advance of the Insights Reports, officials have analysed the progress updates to ascertain key learnings. Key themes are:</p> <ul style="list-style-type: none"> • <u>Funding is being used productively</u>: Providers are meeting contractual obligations despite COVID-19 challenges. Additionally, there are examples of providers engaging with other funded providers to learn from one another. • <u>Kaupapa Māori approaches are being implemented successfully</u>: Several examples show providers are using a Kaupapa Māori approach in their services. For instance, He Korowai Trust has held 'daily housing classes' where tenants were able to identify their housing/homelessness experiences in order for them to begin their development pathway. • <u>Innovation is recurring and targeted</u>: During the COVID 19 lockdown, one provider was operating at 50% staffing, so worked with emergency housing tenants to create solutions. This involved appointing 'head tenants' who supported work to identify tenants' needs and how services could be better tailored to these.
7.	<p>Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims</p>	<p>Reports received from the first providers contracted through the He Taupua and He Kūkū ki te Kāinga funds indicate that the urgent response by Crown agencies to address homelessness - and rough sleeping in particular - when COVID-19 was detected in Aotearoa has helped to address homelessness generally and that the vast majority of tenants feel their circumstances have improved under the provider arrangement. In addition, the reports highlight the importance of having effective coordination of services to ensure tenants' ongoing success for example through a project or service delivery manager.</p>

Appendix A

The context, components and objectives of Te Maihi o Te Whare Māori



Three work streams - six priority areas

RESPOND (short-term 6-12 months)	REVIEW (short to medium-term 12-18 months)	RESET (medium to long-term)
<ol style="list-style-type: none"> 1. Decrease homelessness (rough sleeping, insecure housing, unsafe housing) 2. Increase housing security (decreasing homelessness and increasing ownership and secure rental tenure) 	<ol style="list-style-type: none"> 3. Resolve claims relating to housing policy and services 4. Review current Crown policy and practice 	<ol style="list-style-type: none"> 5. Consolidate fragmented Crown delivery and investment 6. Co-design and co-govern a cohesive, kaupapa Māori housing wellbeing approach

Key terms

He Whare Āhuru, He Oranga Tāngata – Māori Housing Strategy 2014. This is the Crown's previous Māori housing strategy and it is depicted as a whare tawhito (an old wharenuī).

Te Mauri o Te Whānau – the essence of wellbeing of the family. This represents the Māori principles that underpin our kaupapa Māori approach to supporting the wellbeing of whānau through housing.

Maihi – the bargeboards of a wharenuī which represent the shelter that wharenuī offer. The term maihi is the name of our framework for action for Māori housing – 'Te MAIHI o te whare Māori'.

Ngā pae maunga – the mountain ranges. The mountain ranges set a horizon that is linked to the 'he taupae' fund.

He Taupae – the ridge of a mountain range. 'He Taupae' is a fund focused on developing technical support for increasing housing supply. The horizon on the ridge of the mountain range visible from the wharenuī identifies the future-facing focus of this fund.

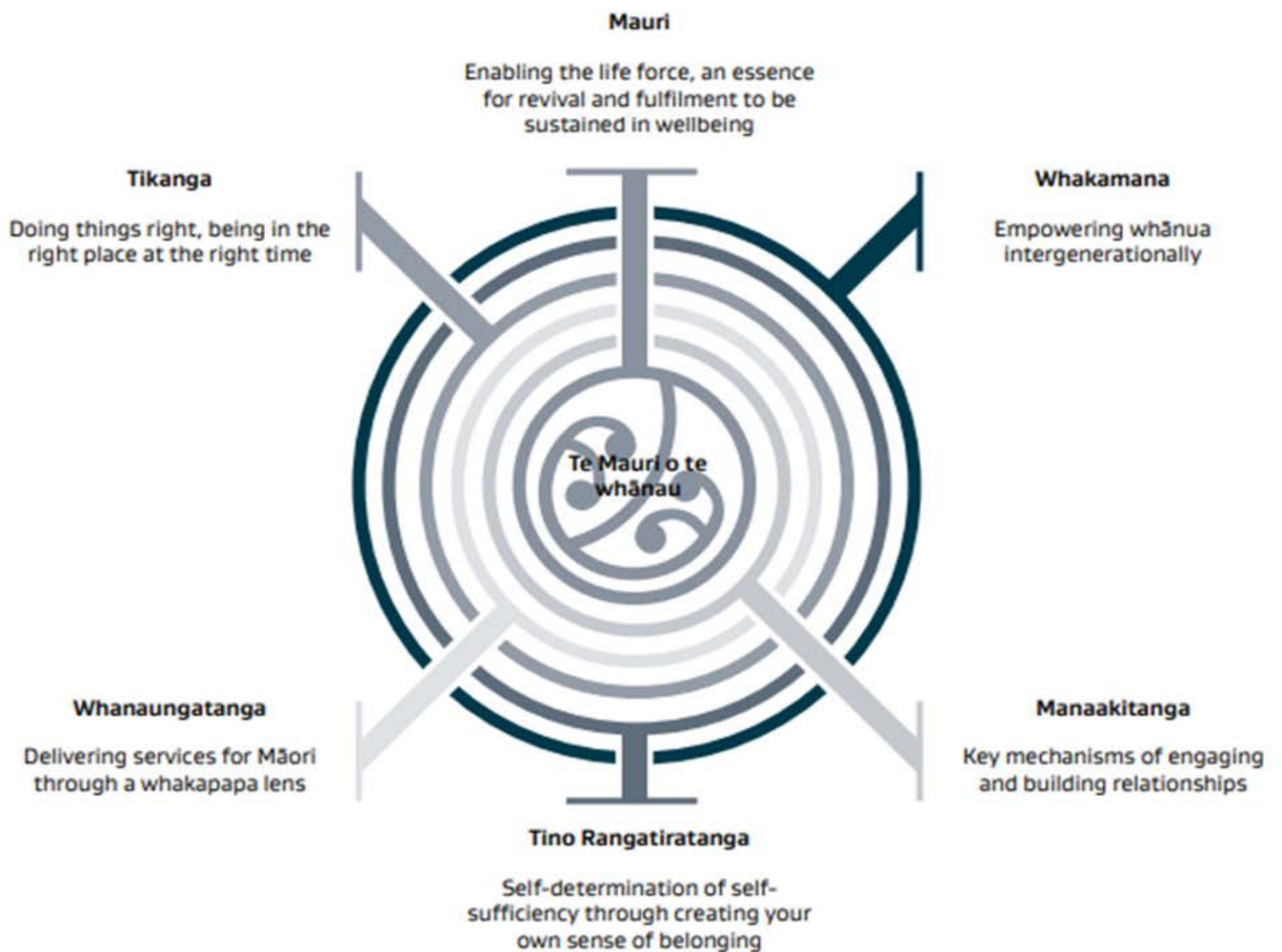
He Taupua – to strengthen or provide support. 'He Taupua' is a fund focused on building the capability of whānau trusts, ahuwhenua trusts, iwi and registered Māori housing providers to provide housing support.

He Kōkū ki te Kāinga – wood pigeons nested at home. 'He Kōkū ki te Kāinga' is available through the MAIHI partnerships programme to increase housing supply and the name is connected to the sound of content heard when whānau are in the right homes and connected to communities.

Te Tautiaki – the posts that provide support to the maihi (bargeboards). Te Tautiaki is our strategy and action plan for lifting HUD's capability to understand and respond to the aspirations of Māori, to apply the Treaty of Waitangi, and to partner well with Māori in our work.

I raro i a MAIHI, ko te Māori te poutokomanawa i te whare kōrero ā-kāinga o Aotearoa, ka tirohia te hītori o ngā whare Māori me te urupare i ngā hiahia o ngā whānau Māori, mā te whai i te kaupapa Māori me te mahitahi me ngā iwi, ngā Māori anō hoki. Ka whakaahuahia e te anga MAIHI te aronga kaupapa Māori ki te oranga o te Māori mā roto mai i ngā mahi whare.

MAIHI puts Māori at the heart of Aotearoa New Zealand’s housing narrative, acknowledges the history of Māori housing and seeks to respond to the needs of whānau Māori, including through kaupapa Māori approaches, in partnership with iwi and Māori. The MAIHI framework articulates a kaupapa Māori approach to Māori wellbeing through housing:



KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

**NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT
CAPACITY 2016 (NPS-UDC 2016)**

AND

**NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020
(NPS-UD 2020)**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: National Policy Statement on Urban Development Capacity 2016 (NPS-UDC 2016)¹ and National Policy Statement on Urban Development 2020 (NPS-UD 2020)²</p> <p>Year(s) introduced: The NPS-UDC 2016 was introduced in 2016³ and was replaced by the NPS-UD 2020 in 2020.</p> <p>Still current?: NPS-UDC - no NPS-UD - yes</p> <p>Administering agency(ies): The NPS-UDC was developed by the Ministry of Business, Innovation and Employment (MBIE) and the Ministry for the Environment (MfE) and was administered by MfE and MBIE initially, until HUD was established when it assumed MBIE's role. The NPS-UD was developed by Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) and MfE and is administered by both of those agencies.</p> <p>High level summary of policy/programme: As National Policy Statements, both NPS-UDC 2016 and NPS-UD 2020 seek to remove planning barriers to housing supply, including ensuring councils understand barriers to development of particular housing types, such as papakāinga. This is intended to facilitate development in the housing system generally and also under other supply policies such as KiwiBuild and the Public Housing Plan.⁴ The intention is to lead to an increased supply of housing and therefore contribute to housing affordability (both purchase price and rents) and thereby reduce demand for other services (such as accommodation supplements or public housing).</p> <p>Overlapping/Related policies/programmes: The NPS-UDC 2016/NPS-UD 2020 contribute to the objectives of other policies, such as the Government Build Programme, by removing overly restrictive planning barriers to development, enabling a greater supply of housing, reducing the costs of</p>
----	--------------------------	---

¹ NPS-UDC 2016 (see: **HUD.006.3255**).

² NPS-UD 2020 (see **HUD.006.3224**).

³ The NPS-UDC was the first national policy statement focused on urban areas.

⁴ See separate Evidential Fact Sheets addressing Kiwibuild/the Government Build Programme and the Public Housing Plan.

		<p>development, and ensuring there is sufficient development capacity in local plans to meet the identified housing need.</p> <p>It is also an important part of the Urban Growth Agenda (UGA) and the pillars under the UGA including the Infrastructure Funding and Financing Act and Urban Growth Partnerships.⁵</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Implementation of both the NPS-UDC 2016 and NPS-UD 2020 was/is reliant on local authorities, which must give effect to the objectives and policies contained in the documents.</p> <p>Ministry of Transport (MoT) and Waka Kotahi New Zealand Transport Agency (NZTA) have had important roles in the development of car parking policies and related guidance for the NPS-UD 2020.</p> <p>Te Puni Kōkiri (TPK) and Te Arawhiti played important roles in the development of the policies relating to the Treaty of Waitangi (Te Tiriti o Waitangi) and iwi/Māori interests in urban environments, again for the NPS-UD 2020.</p> <p>The Treasury and the Department of Internal Affairs (DIA) were both involved in the development of the NPS-UDC 2016 and the NPS-UD 2020 as part of the Urban Growth Agenda.</p>
2.	<p>Description of Policy / Programme</p>	<p>A national policy statement is an instrument issued under the Resource Management Act 1991 (RMA) that directs local authorities to do specific things in their regional and district plans relating to matters of national significance. They contain objectives and policies (the ‘why’ and ‘what’) that local authorities must give effect to in their resource management planning. They cannot direct decisions made under other legislation (such as the Local Government Act 2002). Since 2017 they can include direction on how local authorities are to give effect to the objectives and policies of the national policy statement.</p> <p>The NPS-UD 2020 came into effect on 20 August 2020. It replaced the NPS-UD 2016.</p> <p>Both National Policy Statements (NPSs) were designed to support productive and well-functioning cities, as the Crown recognises the importance that there are adequate opportunities for land to be developed to meet community, business and housing needs. Both NPSs seek to address how inflexible planning practice under the RMA is a barrier to growth, while seeking to influence other forms of planning (transport, infrastructure) as much as possible.</p> <p>Both NPSs aim(ed) to ensure that planning decisions enable the supply of housing and business development needed to meet demand, reduce artificial inflation of property values/prices and contribute to housing affordability. This applies to both the</p>

⁵ See separate Evidential Fact Sheets addressing the Urban Growth Agenda, Urban Growth Partnerships and the Infrastructure Funding and Financing Act 2020.

		<p>absolute quantum of housing supply and, particularly in the case of the NPS-UD 2020, its quality and suitability to the needs of different groups and individuals in the community.</p> <p>The NPS-UD 2020 builds on the NPS-UDC 2016 by providing technical improvements, being more specific with regard to the desired outcomes, and (taking advantage of amendments to the RMA in 2017) is more directive on how local authorities are to give effect to the objectives and policies of the NPS.</p> <p>The NPS-UD 2020 recognises the national significance of:</p> <ul style="list-style-type: none"> • having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; • providing sufficient development capacity to meet the different needs of people and communities. <p>The NPS-UD 2020 is more directive than the NPS-UDC 2016 and also has broader policies and objectives. These include:</p> <ul style="list-style-type: none"> • more explicit referencing to housing affordability and climate change; • having both an explicitly stated objective as well as policy emphasising obligations to take account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and extends these obligations to documents councils must prepare under the NPS-UD 2020;⁶ • having specific outcomes for Māori including requiring: <ul style="list-style-type: none"> • an analysis of how the current and likely future demands for housing by Māori are met by the housing market and council's plans; and • that the values and aspirations of Māori (both hapū/iwi and Māori that do not hold mana whenua over the urban environment where they now live) for urban development inform <u>Future Development Strategies</u> (30-year plans for providing for development). <p>Local authorities are/were responsible for implementing both NPSs.</p> <p>NOTE:</p> <p>Key policy documents on the NPS-UD 2020 can be found on the MfE website, including the Cabinet Papers, Cost-Benefit</p>
--	--	---

⁶ This policy (policy 9) includes minimum requirements to undertake early and meaningful engagement, take into account the values and aspirations of hapū/iwi and provide opportunities for the involvement of Māori in decision-making.

		<p>Analysis (CBA), Regulatory Impact Statement (RIS), Evaluation reports prepared under s 32 and s 32AA of the Resource Management Act 1991 (RMA) and the Recommendations and Decisions Report.⁷</p> <p>Similar documents are also available for the NPS-UDC 2016, although they are no longer listed on a single page since the introduction of the NPS-UD 2020. These include but are not limited to the RIS,⁸ CBA,⁹ s 32AA,¹⁰ Recommendations and Decisions Report¹¹ and other evidentiary reports.¹²</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>The NPS-UDC 2016 was developed in response to the Productivity Commission’s 2015 report <i>Using Land for Housing</i>,¹³ which highlighted the role that resource management planning practices were contributing to the rising costs of housing.</p> <p>The NPS-UD 2020 was developed as part of the Urban Growth Agenda,¹⁴ and again drew on the Productivity Commission’s work, this time from their 2017 report <i>Better Urban Planning</i>.¹⁵</p> <p>Development of both NPSs involved a variety of options being considered to address the issues, including national direction instruments such as national policy statements. Both used variants of the process established under the RMA for issuing a national policy statement.</p> <p>The development of the NPS-UDC 2016 used a two-stage consultation process. Under the first step, all local authorities, iwi and select other groups were consulted on the case for the use of a national direction instrument. This occurred between December 2015 and February 2016. Public consultation on a draft NPS-UDC then took place over six weeks from 3 June 2016.</p> <p>Early development of the NPS-UD 2020 was supported by an advisory group for the early problem definition, as well as a hui with Māori technical planning and design experts and consultation with central government officials, Auckland Council and a technical working group. Public consultation took the form of an officials-led process, with public consultation occurring in August to October of 2019 as part of an MfE-led roadshow on national direction, including 14 hui around the country. Submissions were primarily written, with verbal feedback received during the roadshow. A Technical Advisory Panel of four</p>

⁷ [About the National Policy Statement on Urban Development | Ministry for the Environment \(mfe.govt.nz\)](#)

⁸ [Regulatory Impact Statement for the Proposed National Policy Statement on Urban Development Capacity under the Resource Management Act 1991 | Ministry for the Environment \(mfe.govt.nz\)](#)

⁹ [Cost benefit analysis of policy options for a National Policy Statement on Urban Development Capacity | Ministry for the Environment \(mfe.govt.nz\)](#)

¹⁰ [Section 32AA report on changes to the National Policy Statement on Urban Development Capacity 2016 | Ministry for the Environment \(mfe.govt.nz\)](#)

¹¹ [Recommendations and decisions report on the National Policy Statement on Urban Development Capacity 2016 | Ministry for the Environment \(mfe.govt.nz\)](#)

¹² [Signals of under-capacity: the practicalities of monitoring price signals under the National Policy Statement on Urban Development Capacity | Ministry for the Environment \(mfe.govt.nz\)](#)

¹³ [using-land-for-housing-final-report-v2.pdf \(productivity.govt.nz\)](#) (see **HUD.006.2588**).

¹⁴ See separate Evidential Fact Sheet on the Urban Growth Agenda.

¹⁵ [Final-report.pdf \(productivity.govt.nz\)](#) (see **HUD.006.2072**).

		<p>members was established to review the intent of the NPS-UD and its provisions in December 2019 and January 2020, which included a panel member with tikanga Māori expertise. Further targeted consultation was undertaken in early 2020, with:</p> <ul style="list-style-type: none"> • a number of local authorities; and • representatives of Ngāti Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Tauranga iwi as officials had not received submissions from these iwi and their lands formed part of two areas most affected by the policies. <p>The development of the NPS-UD 2020 was also informed by research into Māori participation in urban development including:</p> <ul style="list-style-type: none"> • John Ryks, Philippa Howden-Chapman, Bridget Robson, Keriata Stuart, Andrew Waa. 2014. <i>Māori participation in urban development: challenges and opportunities for indigenous people in Aotearoa New Zealand</i>;¹⁶ • Te Marino Lenihan, Jacky Bartley, Bidy Livesey (ed.). 2016. <i>Māori planning futures: Review of Productivity Commission’s “Better Urban Planning”</i> Draft Report. Prepared for Ngā Aho and Papa Pounamu. <p>The final step for both NPSs took the form of an Order in Council signed by the Governor-General.</p>
4.	Outline of steps taken to implement the Policy / Programme	<p>As noted above, local authorities bear the responsibility of implementing the requirements of the NPSs. This implementation has been supported by MfE and MBIE (later HUD) for the NPS-UDC 2016, and by MfE and HUD for the NPS-UD 2020.</p> <p>The central government budget for guidance and implementation support of the NPS-UDC 2016 was \$4.9m on top of business as usual (BAU) operating funding. The NPS-UD 2020 implementation budget was expected to be \$1m-\$1.7m per annum, met from agency baselines.</p>
5.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Both the NPS-UDC 2016 and NPS-UD 2020 divide local authorities into three categories, or ‘Tiers’ (with a fourth by default consisting of those not bound by the regulation). The three categories are subject to a range of requirements, including reporting and monitoring, although the local authorities in each category varies between the two policies.</p> <p>The top two tiers under both are required to produce or review products called Housing and Business Development Capacity Assessments and Future Development Strategies, as well as reporting annually on housing indicators that they are required to monitor.</p> <p>Under the NPS-UD 2020, the ‘Tier One’ authorities are also required to report on development uptake in medium- and high-density zones, and local authorities are required to set “bottom lines” and report to the Minister if they are unable to achieve</p>

¹⁶ Ryks, J. et al: *Māori participation in urban development: challenges and opportunities for indigenous people in Aotearoa New Zealand*, Lincoln Planning Review. 6(1-2), 4 – 17.

		<p>them.</p> <p>Oversight and evaluation will occur through these processes as well as by monitoring and inputting into plan changes through the Urban Growth Partnerships established between central and local government.¹⁷</p>
6.	<p>Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims</p>	<p>The NPS-UDC 2016 has begun to have an impact on council planning and decision making through regular monitoring requirements, assessments made by councils of the sufficiency of development capacity enabled by their planning documents, and the production of Future Development Strategies. Some plan changes to enable increased development have been made in response to NPS-UDC 2016 requirements.</p> <p>Tauranga is one example of a local authority that has produced a Future Development Strategy¹⁸ as required by the NPS-UDC 2016.</p> <p>Due to the timeframes involved in plan changes and urban development, it is too early to tell what impacts the NPS-UD 2020 is having at this stage, although some of the policies of the NPS-UD 2020 have already been incorporated, and have had an impact on council consenting decisions. For example the NPS UD 2020 has been referenced by independent hearings panels considering plan changes. The Independent Commissioners appointed by the Porirua City Council to make recommendations to the Minister for the Environment on a proposed plan change that would provide for urban development concluded that the “need to give effect to the NPS-UD is a significant additional justification for our recommendation to the Minister to accept PC18”. Also, a number of local authorities have already removed their minimum car parking requirements from their District Plan, in accordance with the NPS-UD 2020, including Nelson, Hutt City and Selwyn.</p>

¹⁷ See separate Evidential Fact Sheet about Urban Growth Partnerships.

¹⁸ [SmartGrowth Future Development Strategy - Tauranga City Council](#)

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**PREVENTING AND REDUCING HOMELESSNESS: INCREASING
SUPPLY IN THE SHORT TERM TO REDUCE RELIANCE ON MOTELS**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Preventing and reducing homelessness: Increasing supply in the short term to reduce reliance on motels (to be read in conjunction with Evidential Fact Sheet on Transitional Housing)</p> <p>Year introduced: November 2019</p> <p>Still current?: Yes</p> <p>Administering agency(ies): The Ministry of Housing and Urban Development (HUD) in partnership with Kāinga Ora – Homes and Communities (Kāinga Ora), and the Ministry of Social Development (MSD)</p> <p>High level summary of policy/programme: This programme is one of the 18 immediate actions funded through the Aotearoa New Zealand Homelessness Action Plan (HAP) and sits within the ‘Supply’ pillar of the framework. The HAP has a particular focus on partnering with, supporting and empowering Māori, iwi and local communities in responding to local needs; and aims to embed, support and promote strength based and positive Kaupapa Māori approaches. The programme seeks to identify more appropriate solutions for priority groups accommodated in motels.</p> <p>Overlapping/Related policies/programmes: Transitional Housing; Homelessness Action Plan; MAIHI (He Taupua Fund, He Kuku Fund);</p> <p>Other agencies involved in development, implementation, or ongoing administration: Kāinga Ora, MSD, Department of Prime Minister and Cabinet (DPMC), The Treasury</p>
2.	Description of Policy / Programme	<p>The increasing pressures in New Zealand’s housing market and a lack of supply have meant there has been increasing reliance on shorter-term solutions such as motel accommodation. This programme seeks to urgently provide more appropriate transitional housing for people living in motels to improve their housing outcomes and to boost their wellbeing, including employment, health and social outcomes.</p> <p>Agencies received \$175 million in operating funding from the consolidated homelessness contingency fund for this programme in 2019. In addition, Kāinga Ora’s borrowing protocol has been raised by \$650 million to finance the capital costs of additional short-term supply.</p>

		<p>Through this programme the Crown continues to build on its relationships with Māori and Iwi housing providers who provide critical, kaupapa Māori focussed, accommodation and support. For example, in partnership with Kāhui Tū Kaha, 21 places have been delivered. Kāhui Tū Kaha provide essential housing and mental health support services for households in Auckland and Whangarei. In addition Kāhui Tū Kaha will be opening an additional 150 transitional housing properties within the next two months.</p> <p>It is worth noting that as at 9 February 2021, 1,005 additional Transitional housing places have been provided. Numbers of Transitional Houses are reported in HUD's Quarterly Reports..</p>
3.	Outline of the process to develop this Policy / Programme	<p>Development of this programme was initiated by HUD, Kāinga Ora, and MSD in 2019, in response to the increasing number of people living in motels and the Government's desire to reduce motel use. The programme coordinates the efforts, experience, and strengths of each agency to ensure supply is delivered at pace and scale to ensure whānau do not live in motel accommodation for longer than necessary. DPMC and the Treasury were also involved in the programme's formation.</p> <p>In July 2019, Cabinet agreed to a strengthened approach to addressing homelessness that recognises the need for cross-agency action in conjunction with iwi and Māori organisations, people with lived experience of homelessness, non-governmental organisations (NGOs), and local authorities. Following this, HUD, Kāinga Ora, and MSD worked together to assess demand and devise a short-term supply strategy to introduce more supply to help reduce demand for motels.</p> <p>In close consultation with DPMC, those agencies assessed which cohorts would be prioritised into any new supply. HUD and Kāinga Ora then used their experience and knowledge of the housing markets to outline what supply options would be appropriate for that cohort and how many places each could realistically be delivered within short-term timeframes.</p> <p>A Cabinet paper was submitted to the Cabinet Social Wellbeing Committee on 11 November 2019 and, two days later, the Cabinet Social Wellbeing Committee approved this programme.¹</p>
4.	Aims or Objectives of the Policy / Programme	<p>This policy was designed with the aim of delivering an additional 950 – 1,150 transitional housing places by December 2020 to reduce the reliance on motels as emergency housing. It sought to improve the housing outcomes of priority groups living in motels by increasing the supply of transitional housing and offers the opportunity to:</p> <ul style="list-style-type: none"> • contribute to a system of support that responds quickly and appropriately to people's needs (for example: culturally appropriate services, typology and accessibility of housing, support tailored to specific cohorts including Māori, Pacific peoples or rangatahi young people);

¹ SWC-19-MIN-0181 see HUD.001.0137 and HUD.001.1299.

		<ul style="list-style-type: none"> • reduce the amount of money Government spends on expensive motel accommodation which generally lacks wrap around support; and • build a flexible and resilient system in which government agencies work effectively together, and with the wider sector. • As mentioned above, the target number of places has been met and in fact exceeded as at February 2021.
5.	Outline of steps taken to implement the Policy / Programme	<p>Qualitative and quantitative data was used to identify both demand and supply needs. Emergency Housing Special Needs Grants statistics were assessed which provided information about:</p> <ul style="list-style-type: none"> • The number of distinct clients receiving an EH SNG • Government spend on EH SNGs • Time spent in receipt of an EH SNG • Growth statistics, by region • Ethnicity statistics • Household size • Cohort type (i.e. how many families with children or households with mental health needs were living in EH SNG motels). <p>Housing Register statistics were assessed to identify:</p> <ul style="list-style-type: none"> • The number of applicants on the Public Housing Register • Areas with increasing demand for public housing • The priority ratings of applicants as a method of assessing severity of housing need <p>Supply pipelines for public and transitional housing were assessed to understand where the greatest areas of need may be and officials completed work to identify opportunities to look at how to bring on more supply in the short term. This involved:</p> <ul style="list-style-type: none"> • undertaking a nationwide land search • leveraging engagements with local councils, churches, marae; and • drawing on market knowledge and delivery expertise

		<p>There is no doubt that COVID-19 has had a negative impact on this programme. The immediate impact of COVID-19 affected the delivery of additional supply through this programme by a minimum of 8 weeks. Alert Level 4 meant construction, refurbishment, and remedial works ceased for approximately five weeks. Similarly, businesses which enable the tenancing of vacant properties, such as home removal companies or those who sell and deliver whiteware and other furniture, were required to pause operations. Agencies were also unable to conduct face to face engagement and negotiations with providers to seek additional supply.</p> <p>Alert Level 3 resulted in further delays because, for example, fewer contractors were permitted on site to undertake works. Other factors such as reduced council capacity to process consents, restrictions on agencies' ability to meet face-to-face with potential developers or accommodation providers, and general restrictions on transport also impacted timeframes.</p> <p>Agencies have continued to face challenges in seeking supply in the post-COVID markets. In the new build property markets, for example, low interest rates and banks' willingness to lend has significantly increased competition between buyers. This competition impacted agencies' ability to acquire properties which satisfied quality criteria, and which represented value for money.</p>
6.	<p>Outline of monitoring and evaluation built in to Policy / Programme</p>	<p>Following implementation in November 2019, cross agency working and supply management groups were established and continue to meet regularly to coordinate action and monitor implementation. This oversight helps to ensure supply is matched against demand in each location, that agencies do not compete for the same supply, that support providers are in place, and that new places are tenanted as quickly as possible.</p> <p>Agencies provide Ministers with weekly progress updates on supply projects as well as key upcoming community and stakeholder engagements. Agencies update Ministers on progress towards the 1,000 place target on an ad hoc basis.</p> <p>Public reporting on this programme is aligned with broader HAP reporting which is published every 6 months. A first update was published in August 2020. The second public report is expected to be published in early 2021.</p> <p>HUD is currently developing the framework which will evaluate this programme. Where appropriate, evaluations will adopt the key elements or principles of kaupapa Māori research (such as whakapapa, rangatiratanga, use of te reo and tikanga Māori). Evaluations will also measure how kaupapa Māori approaches have been incorporated into the delivery of initiatives. As a supply side intervention, this programme is also likely to be evaluated against HAP supply outcomes including 'motels as a form of emergency accommodation are used rarely and for the shortest time'.</p>

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET
PROGRESSIVE HOME OWNERSHIP FUND
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Progressive Home Ownership Fund (PHO Fund)</p> <p>Year introduced: 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme:</p> <p>The PHO Fund is an initiative targeted at increasing the opportunities for people to access home ownership. It will leverage off the expertise from the existing PHO sector and support iwi and Māori aspirations for home ownership through iwi and Māori organisations, while also offering a product directly to households where appropriate.</p> <p>Progressive home ownership enables a family to partner with a provider to help them become homeowners. Types of progressive home ownership products already available in New Zealand, and available through the PHO Fund, are shared ownership, rent to buy and leasehold.</p> <p>Eligible households will be able to access the PHO Fund through one of three ways:</p> <ul style="list-style-type: none"> • through progressive home ownership providers; • through iwi and Māori organisations delivering PHO schemes in particular places and/or projects; and • directly from government as delivered by Kāinga Ora - Homes and Communities (Kāinga Ora). <p>Overlapping/Related policies/programmes:</p> <p>The PHO Fund is part of the broader Government Build Programme and was announced as part of the Government Build Reset in December 2019. (See separate Evidential Fact Sheet on Kiwibuild/the Government Build Programme.)</p> <p>Te Puni Kōkiri (TPK) is also trialling six PHO models through the Te Ara Mauwhare pilot. (See separate Evidential Fact Sheet on Te Ara Mauwhare.)</p> <p>Te Maihi o Te Whare Māori: Māori and Iwi Housing Innovation Framework for Action (MAIHI) will support the ongoing delivery of the PHO Fund.</p>
----	--------------------------	---

		<p>The PHO Fund may increase demand for products such as the First Home Grant and First Home Loan as the Fund is designed to enable households using PHO to also access these products. It may also impact the Tenant Home Ownership run by Kāinga Ora. Likewise, demand for KiwiBuild and Axis Series homes may increase as more households may be able to buy these homes through support from the PHO Fund.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Kāinga Ora is responsible for delivering the government direct-to-household pathway and designing the government shared ownership product.</p> <p>HUD will also run an Invitation to Participate process that will see it contract a group of Progressive Home Ownership providers and with iwi and Māori organisations who will deliver PHO schemes to households.</p>
2.	Description of Policy / Programme	<p>The PHO Fund is a targeted initiative to increase opportunities for people to access home ownership who would not have otherwise been able to do so. It is expected to support between 1,500 and 4,000 households into home ownership over four years through the \$400 million PHO Fund.¹</p> <p>The PHO Fund has a specific aim to address housing affordability issues for three priority groups: Māori, Pacific peoples, and families with children. In order to deliver better housing outcomes for Māori, the PHO Fund has a dedicated iwi and Māori pathway that will work with iwi and Māori organisations who have a specific focus on better outcomes for Māori. The iwi and Māori pathway will provide greater flexibility for iwi and Māori organisations to provide for bespoke solutions for whānau Māori. For example, it enables iwi and Māori organisations to work with government, on a case-by-case basis, to determine the outcomes that they wish to achieve through the delivery of PHO schemes to their iwi, hapū, or whānau and how PHO schemes can support these aspirations.</p> <p>For the provider pathway the PHO Fund will initially focus on places in New Zealand where housing affordability issues are most severe and where progressive home ownership can best help to address this. It will then move to be made available to PHO providers looking to deliver anywhere in New Zealand. The government direct scheme will also be available to households nationwide that meet the eligibility criteria.</p>

¹ There are two elements to the funding of the PHO. \$400m in capital expenditure is allocated from KiwiBuild funding to be used for the concessionary loans. Concessionary loans will be provided to PHO providers, iwi and Māori organisations and to Kāinga Ora to deliver their PHO schemes. These funds will need to be recovered within 15 years from these organisations. An additional \$85million has been secured for the four years between 2020 and 2024, for costs that cannot be recovered, including foregone return on the loan/capital, provision for bad debt and default, establishment costs, administration and other costs and wraparound financial capability support.

		<p>The PHO Fund is targeted at two cohorts that face slightly different issues:</p> <ul style="list-style-type: none"> • Lower-to-medium income households that are unlikely to buy a home without a reasonable level of financial and non-financial support • Households at or above median income that cannot get a large enough deposit together to buy a home due to high rents and growing house prices, and/or have insufficient income to service a low deposit mortgage at current house prices.
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>HUD worked closely and openly with community housing providers and iwi and Māori organisations to co-design the approach and develop the policy. For example, in response to feedback from Te Matapihi and iwi and Māori housing providers and organisations, HUD established a dedicated iwi and Māori pathway for the PHO Fund. The purpose of the pathway is to provide greater flexibility for iwi and Māori organisations to provide for bespoke solutions for whānau Māori.</p> <p>HUD also consulted regularly with a group of cross-government agencies in the development of the PHO policy settings, which included officials from:</p> <ul style="list-style-type: none"> • Te Puni Kōkiri • Ministry of Pacific Peoples • Kāinga Ora – Homes and Communities • Treasury • Ministry of Social Development <p>In development phase, HUD also considered:</p> <ul style="list-style-type: none"> • research of the existing progressive home ownership market in New Zealand through a stocktake of existing providers which included iwi and Māori providers; • analysis of KiwiBuild data related to ethnicity was included which identified barriers for Maori and pacific households to access KiwiBuild products; • broad homeownership data and trends which demonstrate the need for new home ownership assistance; and • international examples of progressive home ownership products. <p>The policy development process is captured in the following Cabinet papers:</p>

		<ul style="list-style-type: none"> Resetting the Government Build Programme see HUD.001.0881. Report Back on the Progressive Home Ownership Fund see HUD.005.3131. Design of the Progressive Home Ownership Fund see HUD.004.0532.
4.	Aims or Objectives of the Policy / Programme	The PHO Fund is part of the broader Government Build Programme and was announced as part of the Government Build Reset. By enabling more people to access the benefits of home ownership, such as security of tenure, it helps to address some of the drivers of homelessness. MAIHI will support the ongoing delivery of the PHO Fund, particularly the iwi and Māori pathway.
5.	Outline of steps taken to implement the Policy / Programme	<p>HUD took a staged approach to rolling out the PHO Fund, starting with initial funding of \$45 million to deliver Phase 1. For Phase 1, HUD worked with well-established housing providers with existing progressive home ownership products.</p> <p>HUD has confirmed around \$39 million in loans to four PHO providers to help around 160 households into home ownership in Auckland, Queenstown, Pāpāmoa, Hamilton and Nelson - areas with significant housing affordability issues.</p> <p>HUD intends to launch Phase 2 of the PHO Fund in February 2021 with loan applications open for PHO providers and iwi and Māori organisations delivering PHO schemes.</p> <p>It is intended that from around March 2021, households will be able to access the government direct scheme from Kāinga Ora.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>PHO Phase 1 will be reviewed over three stages. The first stage focussed on the design of Phase 1 application documentation and processes. Subsequent stages will consider the outputs from Phase 1 and early outcomes for whānau.</p> <p>For later Phases, the Investment Framework will set out reporting requirements for providers to ensure that HUD has adequate data to track the performance of the PHO Fund. An initial evaluation of the PHO Fund as a whole is intended for mid-2021, followed by annual evaluations.</p> <p>Operational changes may be required over time in which case they will inform the review and evaluations of the PHO Fund.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>As noted above, HUD has confirmed around \$39 million in loans to four PHO providers to help around 160 households into home ownership in Auckland, Queenstown, Pāpāmoa, Hamilton and Nelson - areas with significant housing affordability issues. The loan to Manawa PHO Limited (the housing arm of Ngā Pōtiki ā Tamapahore Trust) will help around 30 registered Ngā Pōtiki whānau step into home ownership in Pāpāmoa.</p> <p>The other three confirmed providers are the NZ Housing Foundation, Queenstown Lakes Community Housing Trust and</p>

		<p>Habitat for Humanity. It is anticipated that there will be a high share of Māori households engaged by these providers.</p> <p>Grant funding was also provided for wrap around support for whānau, for example, for financial capability services.</p> <p>As at 1 November 2020, two families working with the Housing Foundation have already become owners of new homes through the funding provided by the PHO Fund. More families are expected to move into their new homes over coming months.</p> <p>As the PHO Fund only launched in July 2020, it is too early to evaluate its impact.</p>
--	--	---

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

**Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**PROVISION OF DATA AND ANALYSIS ON MĀORI HOUSING AND
HOMELESSNESS – RESEARCH AND INSIGHTS RŌPŪ**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>RESEARCH AND INSIGHTS RŌPŪ WITHIN TE TŪĀPAPA KURA KĀINGA MINISTRY OF HOUSING AND URBAN DEVELOPMENT</p> <p>The Research and Insights Rōpū within Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (Research and Insights) identifies and compiles data and research from a range of sources to support HUD’s policy development, implementation, and evaluation, as well as provides reports to housing Ministers, and to the public through the Housing Dashboard and other reports.</p> <p>When established in early 2019, Research and Insights took over some specific research, data management and analysis functions of MSD and MBIE. In July 2020 the Data and Reporting team, which supports the work of the Housing Response, Supply and Partnerships (HRSP) group, became part of Research and Insights. A Data and Research working group which will guide the future development of Te Tūāpapa Kura Kāinga’s research and insights work as a whole, will shortly be established.</p> <p>Research and Insights also manages the Data and Evidence Initiative (DEI) for the Homelessness Action Plan (HAP), collecting and analysing information on behalf of the HAP agencies. (There are separate evidential fact sheets for both the DEI and the HAP.)</p> <p>A key focus of the Research and Insights work programme is on improving the accessibility and useability of data by HUD, and in future potentially by other organisations and the public. The Data Explorer, currently an internal service, was launched in November 2020. The intention is in future to make this service available to other Crown agencies, other organisations in the housing system, and the public.</p> <p>Data is sourced from other Crown agencies (including the Ministry of Social Development (MSD), Land Information New Zealand (LINZ), Tenancy Services (MBIE), Energy Efficiency & Conservation Authority (EECA) and Statistics New Zealand (StatsNZ)), commercial sources such as CoreLogic, and from housing and support service providers.</p> <p>All research, including evaluations, is undertaken with consideration being actively given to the principles of Te Tiriti o Waitangi. When conducting research with Māori, particularly evaluations, all approaches aim to be responsive to Māori, and officials work to ensure that participants are involved at all stages with opportunities to discuss the focus and to engage in sense-making opportunities.¹ In this way the interpretation is done in partnership rather than just by one party. By way of example, in the HAP Data and Evidence Initiative the use of tikanga Māori approaches for the collection, storage, analysis and use of data is a core focus. Members of the Research and Insights rōpū endeavour to develop appropriate tikanga Māori</p>
----	-------------------	---

¹ Sense-making is a process of sharing early results and discussing what they could mean.

		<p>approaches in collaboration with participants in the Māori housing sector to ensure appropriate cultural approaches are consistently adopted going forward.</p> <p>HUD respects and acknowledges the role of housing providers and others as the Kaitiaki of the data, and discussions are planned with the Māori housing sector to ensure data is used to benefit providers (and thereby their clients) as well as the Crown.</p>
2.	<p>Description of Work Programme, in particular in relation to Māori homelessness</p>	<p>HUD’s data and research programme is driven by its organisational strategy and work programme, and by the needs of its functions to understand the wider housing system and the impacts on people. The work programme includes specific commissioned reports and projects.²</p> <p>Work in development across Research and Insights, relevant to the Wai 2750 Inquiry, includes:</p> <ul style="list-style-type: none"> • a strategy to address Māori data sovereignty principles, to be initiated in 2021; • a Māori ‘data explorer’, being developed with Te Kāhui Kāinga Ora (the Māori housing unit within HUD) currently being piloted; • an evaluation of the HAP against the Kaupapa Māori principles set out in the HAP. <p>In relation to Māori homelessness, Research and Insights’ work programme also includes the generation of regular reports that are available for Ministers, and to the public through the HUD website:</p> <ul style="list-style-type: none"> • the monthly Government Housing Dashboard; • monthly and quarterly public housing reports <p>HUD accesses most of its data on Māori homelessness from MSD:</p> <ul style="list-style-type: none"> • Emergency Housing Special Needs Grants (EHSNG) data – this includes data by ethnicity; and • Housing Register data (supplied monthly).³

² An example is the Severe Housing Deprivation in Aotearoa New Zealand report commissioned by HUD and undertaken by the University of Otago, specifically Dr Kate Amore. A copy of the Severe Housing Deprivation report was filed by the Crown on 13 July 2020: Wai 2750, #3.1.235(a).

³ This includes data on Māori who apply to be on the Housing Register. Note: an applicant may be applying on behalf of a whānau or household and it is not mandatory for applicants to list ethnicity.

3.	Integrated Data Infrastructure (IDI) analysis	<p>Research and Insights intends to build its capability to analyse data in the IDI, which will allow for more analysis of population groups by locality, age groups, ethnicity and other variables.</p> <p>In December 2020, HUD received certification from StatNZ for its own IDI data laboratory which will significantly increase functionality, for instance in developing new measures.</p>
4.	Data and research reports for the Inquiry	<p>The Research and Insights rōpū has a work programme to support the Wai 2750 Inquiry.</p> <p>In 2020, it has submitted the following reports:</p> <ul style="list-style-type: none"> • Māori data stocktake • Māori specific analysis of Te Tūāpapa Kura Kāinga programme data • 2018/2019 Household Economic Survey results • MSD Actuarial modelling • Te Kupenga 2018 • Severe Housing Deprivation estimate • Māori-specific analysis of 2018 General Social Survey Housing-related data and information • Māori-specific analysis of census-related census data and information: <ul style="list-style-type: none"> • Census update #1 - Household crowding; By age group, TA and AKL Local Board • Census Update #2 - Damp and mould by ethnicity; By age group, TA and AKL Local Board • Census Update #3 Tenure including individual home ownership • Census Update #4 - Access to basic amenities.

		<p>Two reports are still being finalised for submission to the Tribunal in early 2021:</p> <ul style="list-style-type: none">• Analysis of the 2013 Census severe housing deprivation estimate in the IDI to align methodology with 2018• 2018 estimate of the population living in uninhabitable housing by ethnicity.
--	--	--

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

**PUBLIC AND COMMUNITY HOUSING MANAGEMENT ACT
(PACHMA) 1992 AND THE SOCIAL HOUSING REFORM (HOUSING
RESTRUCTURING AND TENANCY MATTERS AMENDMENT) ACT 2013**

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme:</p> <ol style="list-style-type: none"> 1. Public and Community Housing Management Act (PACHMA) 1992. 2. Social Housing Reform Programme (SHRP) 2014 <p>Year introduced:</p> <p>The Housing Restructuring Act was enacted in 1992. This Act was subsequently renamed the Housing Restructuring and Tenancy Matters Act on 30 June 2006 and then the Public and Community Housing Management Act on 1 October 2019.</p> <p>Substantial amendments were made to the Act through the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013.</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>The former Department of Building and Housing (DBH) and the Treasury drove the development of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 which came into force on 14 April 2014.</p> <p>In 2019 the Ministry of Housing and Urban Development (Te Tūāpapa Kura Kāinga) led a minor legislative update which changed the name of the Housing Restructuring and Tenancy Matters Act to the Public and Community Housing Management Act (PACHMA). The new name better reflects the overall content and purpose of the Act, following repeal of the original restructuring provisions.</p> <p>The Public and Community Housing Management Act is currently jointly administered by Te Tūāpapa Kura Kāinga and the Ministry of Social Development (MSD).</p> <p>In the past the Act has been administered by the former Department of Building and Housing, the Treasury, and (jointly with MSD) the Ministry of Business, Innovation and Employment (MBIE).</p> <p>High level summary of policy/programme:</p> <p>The PACHMA establishes the regulatory framework for public housing. Expanding the supply of public housing is a key part of the Crown’s strategy to address homelessness, reduce the current reliance on Emergency and Transitional Housing, assist those</p>
----	--------------------------	---

		<p>who may struggle to access private rental accommodation, and expand the supply of affordable housing in New Zealand.</p> <p>PACHMA is complementary to other initiatives aimed at increasing the supply of affordable housing in New Zealand including KiwiBuild and the Residential Construction Fund. The Government’s support for public housing has and will continue to help catalyse large scale multi-tenure housing developments such those at Hobsonville Point.</p> <p>The PACHMA, in providing a framework for a multiple-provider social housing market, implements the aims and objectives of the SHRP. The regulatory regime governs all applications for registered CHP status and the annual monitoring process for all registered CHPs: see <i>Public and Community Housing Management (Community Housing Provider) Regulations 2014</i> (link).</p> <p>Agencies involved in development, implementation, or ongoing administration:</p> <p>Te Tūāpapa Kura Kāinga, MBIE, Treasury, MSD</p>
2.	<p>Description of Policy / Programme</p>	<p>Parts 7, 8, 9 and 10 of the PACHMA reform the provision of social housing by establishing a framework for a multiple-provider social housing market. Among other things, the PACHMA enables the assessment of need and eligibility for social housing, and eligibility for an income-related rent, defines the role of Kāinga Ora–Homes and Communities (Kāinga Ora) in the provision of social housing in a multiple-provider environment, facilitates the growth of the community housing sector by enabling the extension of an Income Related Rent Subsidy (IRRS) to registered CHPs, provides flexibility for the social housing agency and social housing providers to enter into tailored agreements for the provision of social housing and any related services and enables the appointment of a government agency as a regulatory authority for registered community housing providers, with associated objectives, functions, and powers to monitor and enforce compliance with regulatory standards.</p> <p>Currently the regulatory authority established under Part 10 of the Act is the Community Housing Regulatory Authority (CHRA). See separate Evidential Fact Sheets on the CHRA and the CHP Sector.</p> <p>When Te Tūāpapa Kura Kāinga commenced operations on 1 October 2018, it assumed responsibility for public housing policy and IRRS administration, including payment and contracting with providers. CHRA also shifted from MBIE to Te Tūāpapa Kura Kāinga. MSD retains responsibility for other functions including social housing needs assessment and waitlist management.</p> <p>Te Tūāpapa Kura Kāinga is working to incorporate the MAIHI principles into all Relationship Agreements between the Crown (through Te Tūāpapa Kura Kāinga) and CHPs.</p>

3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>In 2010, following receipt of the 2010 Housing Shareholders’ Advisory Group (HSAG) report,¹ Cabinet agreed to support “greater involvement of third-party providers of social housing”, recognising that the then-current delivery model for social housing was not sustainable.² This was the overarching drive behind what was to become the Social Housing Reform Programme (SHRP).³</p> <p>It was envisaged that the reforms could help support the development of a more diverse community housing sector including specialist iwi and Māori housing providers which could deliver housing in accordance with a kaupapa Māori approach and thereby help deliver better outcomes for whānau, hapū, iwi Māori and urban Māori.</p> <p>To deliver on this objective, the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 came into force on 14 April 2014, which resulted in the transfer of the following functions from Housing New Zealand to MSD:</p> <ul style="list-style-type: none"> • Social housing needs assessment, including screening and reassessment for reviewable tenancies • Waitlist management and referrals to providers • Income Related Rent assessment and calculation • Income Related Rent subsidy administration, including payment and contracting with providers • Investigations and Crown debt recovery for Income Related Rent assessments. • Public housing policy <p>The Act also established the CHRA within MBIE.</p> <p>The 2013 Amendment Act and the establishment of CHRA supported the extension of the IRRS to registered CHPs and growing a dedicated CHP sector capable of responding to future social housing need at scale.⁴</p>
----	---	---

¹ [Home and Housed - a vision for social housing in New Zealand \(treasury.govt.nz\)](#) see **MSD.003.7488**. The HSAG was appointed by the then Ministers of Finance and Housing and included Māori representation.

² [SOC \(10\) 128: A New Direction for Social and Affordable Housing in New Zealand](#) see **HUD.006.3306**.

³ The Social Housing Reform Programme was also informed by discussions with an External Consultants Group, Housing New Zealand Corporation and stakeholder groups (including the Community Housing sector).

⁴ Legislative changes were made through the consultation and submissions process. Māori were specifically consulted on the regulatory framework.

		<p>The minor 2019 amendment to the PACHMA was made to update the Act to reflect the disestablishment of Housing New Zealand and the establishment of Kāinga Ora-Homes and Communities.</p>
4.	<p>Aims or Objectives of the Policy / Programme</p>	<p>The SHRP was based on information and advice collected from a number of sources including the Housing Shareholders Advisory Group (HSAG), the External Consultants Group, data from Housing New Zealand Corporation and informal consultation with stakeholder groups (including with the community housing sector and Te Matapihi). Data on the ethnic makeup of public housing clients, people on the public housing register and MSD clients was available to inform the SHRP. It was envisaged that the programme could help support the development of a more diverse community housing sector, including specialist Iwi and Māori housing providers, and that this could lead to better housing outcomes for specific groups such as Māori.</p> <p>In December 2014, Cabinet agreed to the following set of objectives for the SHRP:</p> <ul style="list-style-type: none"> • ensure that people who need housing support can access it and receive social services that meet their needs; • ensure that social housing is of the right size and configuration, and in the right areas, for those households which need it; • help social housing tenants to independence, as appropriate; • encourage and develop a more diverse ownership of social housing, with more innovation and responsiveness to tenants and communities; and • help increase the supply of affordable housing, especially in Auckland. <p>The changes to PACHMA aimed to achieve these objectives by establishing an effective regulatory regime for the provision of public housing by CHPs, supporting providers to deliver public housing by providing them with access to the IRRS, and introducing a process for reviewable tenancies to ensure public housing was focussed on those who need it most.</p> <p>The programme aimed to realise the opportunity to grow the provision of third-party housing providers in New Zealand, better meet the needs of particular groups such as Māori who may be less well served by a one-size fits all approach to public housing, and deliver more innovation in public housing provision.</p> <p>The changes to PACHMA also coincided with a programme of asset transfers from Housing New Zealand to CHPs which was aimed at further growing the CHP sector and expanding their asset base. This helped to address an unequal playing field between the then Housing New Zealand and CHPs, and provide better sign-posting to appropriate social services for tenants.</p>

5.	Outline of monitoring and evaluation built in to Policy / Programme	<p>The PACHMA itself establishes the legislative framework for the operation of the CHRA whose roles include monitoring the ongoing compliance of registered CHPs with prescribed eligibility criteria and the Performance Standards; investigating complaints, providing advice in cases of performance failure; and suspension or revoking of CHPs’ registration in the case of serious breaches.</p> <p>Te Tūāpapa Kura Kāinga monitors the performance of Kāinga Ora as well as monitoring the specific contracts which it (Te Tūāpapa Kura Kāinga) enters into with housing providers (CHPs) delivering public housing.</p> <p>Te Tūāpapa Kura Kāinga together with MSD also monitors the more general operation of the PACHMA to ensure the legislative framework is effectively supporting Government policy objectives.</p>
6.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>The regulatory framework established by the PACHMA has led to “greater involvement of third-party providers of social housing” (now usually referred to as ‘public housing’).⁵ There are now 58 registered CHPs and, as at December 2020, these CHPs provided 9,000 public houses nationwide and over 14,000 properties in total (including a range of affordable rental and progressive home ownership houses). There are 16 registered Māori CHPs providing 1,257 public houses, a number also provide affordable rental or progressive home ownership products. There is scope for further growth of third-party and Māori housing providers.</p>

⁵ <https://www.treasury.govt.nz/sites/default/files/2018-02/b11-2039278.pdf> and <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/social-housing/cabinet-papers/a-new-direction-for-social-and-affordable-housing-in-new-zealand.pdf>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET
PUBLIC HOUSING FUNDING SETTINGS
(IRRS AND OPERATING SUPPLEMENT)
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW
TE TARI TURE O TE KARAUNA
Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:
M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:
Jacki Cole
Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Public Housing Funding Settings Policy (Income Related Rent Subsidy and Operating Supplement)</p> <p>Year(s) introduced:</p> <ul style="list-style-type: none"> the Income Related Rent Subsidy (IRRS) was introduced in 2000, when income related rents (which had been paused for a period in the 1990s) were reintroduced; the Operating Supplement (OS) for new supply was introduced in 2016. <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>The lead agencies for public housing funding settings:</p> <ul style="list-style-type: none"> Pre 2011, Housing New Zealand Corporation (HNZC) 2011 – 2014, Department of Building and Housing (DBH) integrated into Ministry of Business, Innovation and Employment (MBIE) in 2012 2014 – 2018, Ministry of Social Development (MSD) October 2018 onwards, Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) <p>High level summary of policy/programme:</p> <p>Public housing plays a critical role in providing warm, dry housing for households with low incomes and/or other complex housing needs which make it difficult for them to access or sustain private tenancies. The funding settings policy seeks to:</p> <ul style="list-style-type: none"> enable public housing providers to operate and maintain existing public housing stock and provide tenancy management services; and support the delivery of additional new build public housing places in locations with demand. <p>IRRS and OS are the main funding mechanisms for supporting public housing providers for the provision of social housing and related services.</p> <p>Budget 2020 Estimates of Appropriates indicate HUD will provide funding of just over \$1.259 billion in 2020/21 to secure the</p>
----	--------------------------	--

		<p>purchase and provision of public housing and associated support services.</p> <p><u>Income Related Rent Subsidy</u></p> <p>The IRRS is the main funding mechanism available for public housing. The purpose of the IRRS is to top up the tenant contribution to residential rental payments so the income public housing providers receive is broadly the equivalent of a market rent (i.e. the rent the provider would receive if the property were rented in the private market). This enables the provider to operate and maintain the property and provide tenancy services.</p> <p><u>Operating Supplement</u></p> <p>The OS was introduced to help meet the costs of building new public housing properties, where the market rent alone is not sufficient to cover the costs. The OS is paid to providers for eligible public housing properties as a percentage of market rent for the duration of the contract term.</p> <p>The OS was initially available only in Auckland. It was increased and extended to the rest of Aotearoa New Zealand in 2018 to overcome challenges faced in delivering new supply public housing in locations where lower market rents were insufficient to meet construction costs.</p> <p>Overlapping/Related policies/programmes:</p> <ul style="list-style-type: none"> • Māori and Iwi Housing Innovation Framework for Action (MAIHI)¹ (see separate Evidential Fact Sheet) • Aotearoa Homelessness Action Plan (HAP)² (see separate Evidential Fact Sheet) • Public and Community Housing Management Act 1994 (PACHMA) (see separate Evidential Fact Sheet) • Social Housing Purchasing Strategy 2016 • Public Housing Plan 2018 (see separate Evidential Fact Sheet) • Funding for Submarket/Affordable Rentals, Including the Housing Innovation Fund (HIF) and the Social Housing Unit (SHU) (see separate Evidential Fact Sheet) • Programmes designed to support people with specific housing needs such as Housing First, Sustaining Tenancies, Creating
--	--	---

¹ Implementation of the Public Housing Plan 2021-2024, setting out intentions for where and how public will be delivered, will apply the MAIHI framework in partnership with iwi and Māori, to ensure responses are relevant to Māori housing needs and consider all aspects of wellbeing.

² Increasing the supply of public housing is a key response to preventing and ending homelessness (the supply component of the HAP framework).

		<p>Positive Pathways, Transitional Housing, Community Group Housing, Emergency Housing Special Needs Grants, Housing Support Products such as Accommodation Supplement, Temporary Accommodation Supplement and other hardship grants.</p> <ul style="list-style-type: none"> • Programmes to support people into home ownership including Progressive Home Ownership (see separate Evidential Fact Sheet) First Home Grants and First Home Loans (see separate Evidential Fact Sheet) and Kiwibuild (see separate Evidential Fact Sheet). <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>MSD assesses client housing need, explores the appropriate housing options, administers the Housing Register,³ and calculates and administers the income-related rent that tenants pay.</p> <p>Kāinga Ora – Homes and Communities (Kāinga Ora), together with (currently) 58 registered Community Housing Providers (CHPs) own or lease public housing properties, operate and maintain the properties, and provide tenancy management services.</p>
2.	<p>Description of Policies / Programmes</p>	<p><u>Income Related Rent Subsidy</u></p> <p>Income-Related Rents (IRR) are a long-term feature of public housing provision and were re-introduced in 2000.⁴ The purpose of IRR is to ease the financial burden faced by thousands of low-income public housing tenants.</p> <p>IRR is calculated and administered by MSD. Public housing tenants pay an IRR (generally 25% of their income however the level of IRR paid by a tenant can exceed 25% when they reach a certain income threshold and they move to pay 50% of their income in rent).</p> <p>The IRRS is the subsidy paid by the Crown to the landlord to top up the tenant contribution so the income public housing providers receive is broadly the equivalent of a market rent.</p> <p>The IRRS was made available to registered CHPs in April 2014.⁵ Before that date the IRRS was only paid to HNZC, and CHPs could access funding through the Social Housing Unit Fund (administered by a semi-autonomous unit within DBH) as providers of submarket/affordable rental housing.⁶</p>

³ See separate Evidential Fact Sheet on the Public Housing Register. The Register represents the list of tenants that are eligible for a public house but have yet to be allocated a property.

⁴ During the 1990s Income-Related Rent was replaced with full market rent and accommodation subsidies through the welfare system.

⁵ The concept of enabling CHPs to provide public housing and receive the IRRS came from the report of the Housing Shareholders Advisory Group and was set out in the April 2010 Home and Housed: A Vision of Social Housing New Zealand report. See separate Evidential Fact Sheet on 'CHRA and the CHP Sector'.

⁶ See separate fact sheet on Funding for Submarket/Affordable Rentals, including the Housing Innovation Fund (HIF) and the Social Housing Unit (SHU).

		<p>Prior to being eligible to receive the IRRS, CHPs had charged their tenants below-market rent and forgone revenue. In many cases, the tenant was eligible for rent support through the Accommodation Supplement (AS). Some CHPs had received conditional grants or suspensory loans through the Housing Innovation Fund (established in 2003) or capital grants through the Social Housing Fund (established in 2011). These funds were used to build new affordable housing units and to grow the total amount of social housing available.</p> <p>Between July 2013 and July 2014, a set of regulations governing CHPs was established, along with a Register of CHPs. IRRS funding was extended to registered CHPs from 1 April 2014.</p> <p><u>Operating Supplement</u></p> <p>The OS is a weekly subsidy to providers for eligible net new public housing properties as a percentage of market rent for the duration of the contract term. The OS is designed to overcome challenges faced in delivering new supply public housing in locations where lower market rents are insufficient to meet construction costs.</p> <p>The OS is paid in addition to IRRS. Up to 90% of market rent can be provided to registered CHPs to incentivise new public housing supply, although for HNZ the Operating Supplement is capped at 50% of the market rent for net new HNZ properties.</p> <p>HNZ (now Kāinga Ora) can also receive the OS up to 90% of market rent for eligible net new supply, although the total amount of OS paid each financial year is capped at 50% of market rent for the portfolio of eligible properties.</p>
3.	<p>Outline of the process to develop these Policies / Programmes</p>	<p><u>IRRS</u></p> <p>Tenant rent for public housing has been broadly linked to income since the 1930s. The Government shifted away from income related rents (IRR) in the 1990s, introducing market level rents and making the accommodation supplement available to public housing tenants.</p> <p>IRR were reinstated in 2000. The Government set rents at 25% of tenant income, with the Crown compensating HNZC for the difference between IRR and the market rent.</p> <p>In 2013, the Government agreed to policy changes to offer IRRS payments to registered CHPs for the provision of public housing. The rationale was that receiving a full market rent through IRR and IRRS would be attractive to registered CHPs by providing a revenue stream and income certainty that they could use to secure finance and help build capacity in the community housing sector.</p> <p>The purpose of making the IRRS available to CHPs was to enable a greater diversity of social housing providers alongside HNZC</p>

and provide housing options for individuals and families in need.

Extending the availability of IRRS to CHPs sought to:

- meet demand for public housing places
- enable communities to play a role in providing public housing instead of relying on a single state provider
- enable public housing providers to provide services tailored to particular groups (e.g. Māori, older people, people with disabilities etc).

Operating Supplement

Even with a full market rent, the financial returns from IRRS provision were generally not sufficient to commercially fund an expansion of CHP supply, given the escalating costs of land and construction.

In response, in March 2015, Cabinet agreed to introduce amendments to legislation to ‘increase purchaser flexibility’.⁷ Since May 2015 MSD (and now HUD) has been able to negotiate tailored public housing contracts with flexible contract terms to provide additional funding to market rent and/or greater security in rental returns through longer-term contracts.

MSD was directed and authorised to offer providers additional funding (beyond IRRS) including:

- up to 30 percent of total development costs in ‘upfront funding’;
- a weekly ‘operating supplement’ of up to 35 percent on top of market rent for new build or turn-key housing, and up to 10 percent on top of market rent for leased properties;
- a combination of upfront funding and the weekly operating supplement up to the equivalent level of funding.

In August 2016, Cabinet was presented with independent (PricewaterhouseCoopers) financial modelling that indicated that a ‘more generous offer’ was needed to secure additional housing places in Auckland. The PWC model suggested that higher weekly payments were required to make providing public housing places an economic proposition for CHPs, but that capital payments did not need to be much higher than they currently were. The need for wider parameters was confirmed by MSD’s own engagement experience with CHPs, investors, financiers and developers.

Cabinet agreed to a modified set of funding parameters in addition to the IRR and IRRS and the additional subsidies MSD could offer was increased so providers could receive up to:

⁷ CAB Min (14) 39/23 refers to the in-principle decision (see **HUD.005.4337**).

- a weekly operating supplement of up to 50 percent of market rent for new build or leased properties (up from 35 percent for a new build and 10 percent for a leased property); or
- upfront funding up to 50 percent of market value of new builds (up from 30 percent); or
- A combination of upfront funding and weekly operating supplement up to the equivalent level.

The modified settings were initially restricted to Auckland but extended to select locations outside of Auckland on a trial basis in September 2016.⁸

In Budget 2018, \$234.4 million in operating expenditure was approved for approximately 6,400 more public housing places. The aim was to deliver approximately 1,600 additional public housing places each year on average until June 2022, with at least 1,000 of these being new builds by Kāinga Ora.

To enable these changes the OS was extended from just Auckland to the rest of New Zealand at different rates depending on the region (up to 90 percent of the region's weekly market rent). The change was made as market rent was not sufficient to encourage new supply in areas outside of Auckland.⁹ The OS was not made available to Kāinga Ora in Auckland given its existing land holdings and the relatively higher market rents.

Funding was committed for a further 6,000 public housing places in Budget 2020. Delivery details are set out in the 2021-2024 Public Housing Plan¹⁰. Further changes to the funding settings were agreed in late 2020/early 2021 to support the delivery of the Public Housing Plan, including:

- increasing the maximum percentage of OS available
- allowing the OS to be paid in lump sum early-stage payments in certain circumstances
- making the OS available to Kāinga Ora in Auckland
- replacing market rent maxima with rent setting guidance.

Implementation of the funding settings changes is currently being worked through.

⁸ MSD REP/16/9/1145 (see **HUD.005.1981**).

⁹ SWC-18-MIN-0099 (see **HUD.005.6432**).

¹⁰ [2021-2024 Public Housing Plan](#) (see **HUD.006.2065**).

4.	Aims or Objectives of the Policies / Programmes	<ul style="list-style-type: none"> • enable public housing providers to operate and maintain existing public housing stock and provide tenancy management services • support the delivery of additional new build public housing places in locations with demand • ease the financial burden faced by low-income public housing tenants • enable a greater diversity of social housing providers alongside Kāinga Ora and provide housing options for individuals and families in need • top up the tenant contribution to residential rental payments so the income public housing providers receive is broadly the equivalent of a market rent
5.	Outline of steps taken to implement the Policy / Programme	<p>Implementation of Public Housing Funding Settings Policies is undertaken by HUD, led by the Housing Supply and Response Group. The Housing and Urban Settings Group within HUD advises on the funding settings.</p> <p>Payments of IRRS is administered by HUD.</p> <p>Payments of OS is administered by HUD.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>The funding settings are monitored by HUD to ensure that they are supporting the outcomes the Government is seeking from public housing. The settings were reviewed and changes agreed in 2018 and 2021 to support the delivery of the Government's public housing purchasing intentions. The changes were informed by monitoring of recent delivery, external reviews (see section 7 below) and engagement with Kāinga Ora and CHPs.</p> <p>Regular reporting on the supply of public housing is publicly available on HUD's website:</p> <ul style="list-style-type: none"> • The Quarterly Public Housing Report includes information on the number of IRRS tenancies and spending on the IRRS and OS. • The Monthly Public Housing Update includes information on current and planned public housing supply and tracks spending on IRRS and OS against budgeted funding.
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its	<p>As at 30 June 2020 there were 71,319 public housing places, 63,589 are provided by Kāinga Ora and 7,730 provided by CHPs.</p> <p>Kāinga Ora had 61,005 IRRS places, and 1,215 market renters. CHPs had 7,638 IRRS places and 92 market renters. Thus, as at 30 June 2020 there were 68,643 total IRRS places and 1,307 market renters in public housing.</p>

	stated aims	<p>There are currently 58 registered CHPs.</p> <p>Two reviews on public housing funding were commissioned in 2019:</p> <ul style="list-style-type: none"> • The Public Housing Funding Review was commissioned to get a deeper understanding of the cost to deliver public housing and inform further work on the funding settings.¹¹ The review highlighted the challenges with assessing the costs and value of public housing and housing-related services given the different sizes and types of developments, regional variations and range of tenant circumstances. The findings in the review will be used to inform housing policy and help shape Government responses to housing needs. • The Public Housing Rent Setting Review developed a framework to guide an effective rent setting approach, considered how rents are set currently by different providers and considered the purpose and policy rationale for limits (maxima) on market rents.¹² The external funding review showed that in many regions public housing rent maxima are insufficient to bring on new supply and, in some areas, actual rents are exceeding the maxima. This results in the need for a substantial OS payment to supplement rental income and in some cases the 90 percent OS limit was insufficient to bring on new supply. It raised questions about the role of market rents in setting public housing rents, the suitability of existing maxima and the desirability of having a cap. The working group recommended removing the existing maxima and further work is to be undertaken to ensure clear guidance is provided to providers on the level of evidence required to justify proposed rents.
--	--------------------	--

¹¹ [HUD expenditure review 2019 cover draft](#) (see HUD.006.1780).

¹² www.hud.govt.nz/assets/News-and-Resources/Statistics-and-Research/Public-Housing-Rent-Setting-review-2020.pdf (see HUD.004.0500).

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

PUBLIC HOUSING PLAN

(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Public Housing Plan</p> <p>Year introduced: 2018</p> <p>Still current?: Yes. The 2018-2022 Plan has recently been refreshed with the new 2021-2024 Plan released on 21 January 2021. This factsheet speaks primarily to the 2021-2024 Plan which describes how Budget 2020 funding will deliver 8,000 places by 2024, but does so with reference to what is still being delivered under the 2018-2022 Plan and subsequent other funding decisions.</p> <p>Administering agency(ies):</p> <p>The 2018-2022 Plan was developed by the Ministry of Social Development (MSD) in August 2018. [MSD.003.1587] At the time, Te Tūāpapa Kura Kāinga the Ministry of Housing and Urban Development (HUD) was yet to be established, with this occurring on 1 October 2018. Responsibility for the 2018-2022 Plan was passed to HUD at that point, with HUD maintaining responsibility for the 2021-2024 Plan.</p> <p>HUD manages production of the Plan and oversees delivery against it. Actual delivery of public houses is undertaken by Kāinga Ora – Homes and Communities (previously Housing New Zealand Corporation) (Kāinga Ora) and registered Community Housing Providers (CHPs). MSD administered the provision of public housing from around 2015 until October 2018, at which time HUD was established. Prior to that, Housing New Zealand was the lead agency for public housing.</p> <p>High level summary of policy/programme:</p> <p>The Public Housing Plan (2018-2022) set out the Government’s plans for increasing public housing supply across New Zealand over the four years from August 2018 to June 2022. The 2018-2022 Plan provided members of the public, housing providers, Kāinga Ora, local government, and non-government organisations with updated information about where, and how many, additional public housing places were planned for over the four years from August 2018 to June 2022.</p> <p>The new 2021-2024 Plan describes where the 8,000 new homes provided for in Budget 2020 will be delivered. [Delium Document ID: HUD.006.2065]. When coupled with delivery from previous Budget housing initiatives in 2018 and 2019, the Government is on track to deliver over 18,000 public housing places by 2024.</p> <p>HUD continues to work with Community Housing Aotearoa (CHA), Te Matapihi and the CHP sector to develop a delivery and funding approach that can work to bring on new build public housing, to complement Kāinga Ora’s housing portfolio, across different locations where the need for public housing is greatest.</p>
----	--------------------------	--

		<p>Overlapping/Related policies/programmes:</p> <p>The 2018-2022 Plan was a manifestation of essentially all Government public housing policy. The 2018-2022 Plan described, where relevant, some of the other policies such as Housing First, Creating Positive Pathways and Transitional Housing to speak to where the provision of public housing sits in the continuum of response to homelessness and the need for public housing.</p> <p>Increasing the supply of public housing also has impacts on:</p> <ul style="list-style-type: none"> • Motel use – one of the Government’s priorities is to reduce reliance on motels • Preventing and reducing homelessness • The performance of transitional housing • The performance of tailored interventions which can require a public housing place, such as Housing First, Rapid Rehousing, or Creating Positive Pathways. <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Housing New Zealand Corporation (HNZC) was involved in developing the 2018-2022 Plan alongside MSD. Prior to 2015 when the state housing provision function was transferred to MSD, HNZC was the central planning agency for public housing.</p> <p>The Treasury has been involved in the development of all public housing plans over time although their involvement in the current 2021-2024 Plan was minimal given that it is essentially a descriptor of where already approved funding would be spent to bring on more supply and did not include any policy setting changes that had financial implications.</p> <p>Kāinga Ora was also involved in the development of the 2021-23 Plan insofar as it helped determine regional target ranges based on their assessed capacity to deliver.</p>
2.	<p>Description of Policy / Programme</p>	<p>The Public Housing Plans set out how the Government of the day intends to address the need for public housing. The three main reasons people apply for public housing are:</p> <ul style="list-style-type: none"> • They are housed in inadequate or unsuitable accommodation • They are experiencing homelessness, or • Their tenancy is ending or they are facing eviction. <p>Public housing gives families, whānau and individuals an affordable home with security of tenure. Public housing is housing</p>

		<p>owned by the Crown (Kāinga Ora) and CHPs. People are placed in this type of housing when they are in severe need of housing support. Housing support is provided in the form of an income-related rent subsidy.</p> <p>When people approach MSD with a housing need, they are assessed and MSD will explore appropriate housing options for them. Clients who are assessed as either at risk (priority A) or having a serious housing need (priority B) are placed on the Housing Register,¹ which comprises a housing register and a transfer register, until a suitable house becomes available.</p> <p>As at 30 September 2020 there were 21,415 people on the Housing Register. This shows the number of people/households who have applied for public housing and are eligible.²</p> <p>The Housing Register was the key tool used for identifying demand for public housing during the development of the Public Housing Plan 2018-2022³ and was also a key source of information for the 2021-2024 Plan along with the recently developed Housing Deprivation measure.⁴ Over the two years before the release of the last Plan in 2018, there had been a significant increase in the number of people requiring public housing. Between 30 June 2016 and 30 June 2018, the number of applicants on the Housing Register increased by 111 percent (or 5,577 applicants). This increase was assessed as being due to a combination of factors, including, but not limited to, insufficient general housing supply and the increasing cost of private rentals.</p> <p>In the period from June 2018 to June 2020 the number of applicants on the Housing Register increased by 9,816 or 112%. Similar factors as for the 2016 – 2018 period have been in play over this latter period, with the additional new factor of COVID-19 which has impacted on internal migration, emigration and New Zealanders returning from overseas, all to an extent not yet fully understood.</p> <p>While New Zealanders across the socio-economic spectrum experienced some or all of these pressures, the impact tended to be particularly strong on the most vulnerable people, who have fewer options available to them. The Plan sets out the Government’s plan for responding to the needs of the most vulnerable people affected by the housing shortage.</p> <p>The 2018-2022 Plan was a consolidation of homes in the pipeline and new stock funded out of Budget 2018. Along with \$234m</p>
--	--	--

¹ Link to the Housing Register on MSD’s website: <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/housing/index.html>

² It should be noted that ethnicity of itself is not a characteristic used to prioritise clients into public housing. While the Social Housing Register allows prospective clients to self-identify their ethnicity voluntarily, ethnicity is not required to be identified. Because of this, at best the Register will capture just the ethnicity of the primary applicant should he or she choose to disclose it. As at September 2020, 10,591 of 21,415 (50%) applicants self-identified as Māori. This ratio has been fairly consistent over recent years.

³ In 2016, MSD’s Public Housing Purchasing Strategy signalled the need for over 6,400 additional places over the subsequent four years and noted that 2,600 of these places were already contracted or highly likely to happen. Essentially what the Public Housing Plan 2018-2022 did was confirm more detail about locations and typologies and that the funding had been provided to enable the 6,400 places delivery target to be met.

⁴ Housing Deprivation (2018) represents the number of people experiencing severe housing deprivation in a given region, as a percentage of the nationwide total. For example, 6% of people experiencing severe housing deprivation in New Zealand live in Northland. Note some figures have been rounded in the Plan.

		<p>of new funding, HNZC (now Kāinga Ora) was allowed to borrow \$2.9b to help meet this pledge and also to invest \$900m from its own operations.</p> <p>The 8,000 additional housing places funded from Budget 2020 will be delivered by Kāinga Ora, CHPs and transitional housing providers. Kāinga Ora will finance its proportion of the additional 8,000 places by increasing its borrowing over the next 4-5 years, anticipated to be up to approximately \$5 billion.</p> <p>As mentioned above, when coupled with delivery from previous Budget housing initiatives in 2018 and 2019, the Crown is on track to deliver over 18,000 places by 2024. The Public Housing Plan has high delivery objectives for nine focus areas (Far North, Gisborne, Napier, Hastings, Whanganui, Hamilton, Palmerston North, Rotorua and Tauranga) being areas where need for public housing has grown the fastest and a step change in delivery is required. The locations are regional centres where population growth has exceeded new housing development leading to rising rents and housing shortfalls. The Plan does, however, call for supply to be increased nationwide.</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>Responsibility for the provision of public housing transferred to MSD from Housing New Zealand in 2015,⁵ and then subsequently to HUD in October 2018. The information provided below, therefore tracks the origin of each plan from 2015 only.</p> <p><u>2018-2022 Plan</u></p> <p>The development of the 2018-2022 Plan was a substantial undertaking to blend in analysis of demographics (current state and projections), Kāinga Ora, CHP and industry capacity, cost estimates and other factors. The extent of funding committed to in the 2018-2022 Plan was the result of substantive discussion with Ministers and Treasury around Budget bids.⁶</p> <p>The 2018-2022 Plan built on and replaced the MSD 2017/18 Purchasing Strategy and previous 2016 version of MSD's Social Housing Purchasing Strategy, which in turn built on the MSD 2015 Social Housing Purchasing Intentions. The 2015 Social Housing Purchasing Intentions painted a picture of what was then current demand for social housing. It provided an indication of:</p> <ul style="list-style-type: none"> • where extra places were likely to be needed over the following two to three years, • the number of tenancies MSD expected to fund by location, and

⁵ Prior to 2015, public housing policy was the domain of Housing New Zealand.

⁶ It should be noted that the Plan itself does not provide funding but rather it reflects decisions made by successive Governments in the budget process.

		<ul style="list-style-type: none"> • how MSD intended to contract with social housing providers for tenancies. <p><u>2021-2024 Plan</u></p> <p>The 2021-2024 Plan notes that Kāinga Ora will be delivering housing in new ways. The Crown recognises a need to work differently, including taking a deliberate place-based approach and, through Te Maihi o te Whare Māori - the Māori and Iwi Housing Innovation Framework for Action (MAIHI), supporting kaupapa Māori and whānau centred approaches to enable delivery by Māori for Māori. While Te Ao Māori frameworks were not explicitly incorporated into the 2018-2020 Plan when developed, MAIHI has since been developed with Māori and Iwi housing experts and sector leaders.⁷ To implement MAIHI and for enduring positive impacts on Māori wellbeing, it is recognised that Māori must be supported to deliver solutions for Māori that align with MAIHI principles, to respond to whānau needs and aspirations. MAIHI principles have therefore informed the 2021-2024 Plan.</p> <p>While the Crown recognises that step change in delivery will take time, place-based partnerships in Hastings and Rotorua have demonstrated that partnering effectively with iwi, Māori, and local government can achieve longer lasting and innovative solutions at an accelerated pace.</p> <p>The 2021-2024 Plan sets out HUD’s purchasing intentions and covers the additional public and transitional housing places funded through Budget 2020. Purchasing intentions are based on matching the delivery intentions of Kāinga Ora and CHPs to the need across the country. Delivery will be supported by changes to funding settings and further consideration on how to lift capability and capacity to deliver the build programme in specific locations.</p> <p>The 2021-2024 supply intentions are presented as ranges. These figures are not targets nor limits, and they will vary on what is delivered due to capacity to bring on supply. This acknowledges that there will be demand and supply challenges over the next four years. It allows the Crown to adapt where a stronger response may be required or to find other solutions to supply barriers. For the 2021-2024 Plan to be successful, it will need to be done in partnership with key stakeholders.</p>
4.	Aims or Objectives of the Policy / Programme	<p>Over the four years of the 2018-2022 Plan, MSD set out to work with HNZ and registered CHPs to bring on as many additional public housing places as possible within available funding. That same operating model is used now by HUD and Kāinga Ora. Budget 2018 included funding to increase the supply of public housing by around 6,400 places over the following four years, between July 2018 and June 2022 – about 1,600 places per year on average across HNZ and CHPs. In line with Government commitments, HNZ/ Kāinga Ora was expected to build at least 1,000 net new houses per year on average over the next four years. CHPs were expected to continue to have an important role in delivering public housing.</p>

⁷ See separate evidential fact sheet on MAIHI.

		<p>At a high level, MSD aimed to secure approximately 70 percent of supply from HNZ and 30 percent from the CHP sector. This 70/30 split was a goal (rather than a target or a limit) and has evolved over time. HUD continues to look to maximise supply and value for money when contracting for new public housing supply. There has been an emphasis on new builds (as opposed to adding additional places through alternative sources such as leases and buy-ins), with a significant majority of the additional supply being brought on expected to be new builds.⁸</p> <p>As at the end of June 2020 there had been 4,252 places delivered, including delivery against Housing First, Creating Positive Pathways and against the 6,400 places called for in the Plan: CHPs delivered 2,302 and Kāinga Ora delivered 1,950. This shows that at the mid-point of the Plan's lifespan, 66% of the required total had been delivered. As at November 2020, that number had increased to 5,238.</p> <p>2020/21 projections are for a delivery of 2,590 additional public houses this financial year. CHPs have reported a projected total of 1,295 net additional places of which 807 will be new builds, and Kāinga Ora has projected an additional 1,295 net places.</p> <p>Budget 2020 provided \$570m to deliver 8,000 new places. This investment is in addition to the 6,400 public housing homes currently being built via the 2018-2022 Plan and other subsequent funding approvals. \$100m of income related rent subsidy funding is also be provided to deliver 1,650 extra places ahead of schedule from the 2018-2021 Plan.</p> <p>The 2021-2024 Plan fits with 2019 housing reforms that empowered Kāinga Ora to build new homes at pace and scale. CHPs, iwi and Māori will also assist where a complementary or bespoke approach is needed. The intention is to increase the number of newly built public houses and progressively decrease leases over time.</p>
5.	Outline of monitoring and evaluation built into Policy / Programme	Delivery against the Plan is constantly monitored and Ministers receive regular briefings on progress.

⁸ Strategic partnering – HUD developed an overarching strategic partnering model to guide how it works with other agencies and providers, to meet the housing needs of New Zealanders, now and into the future. As part of this approach, there has been a shift away from a competitive and market-based approach to a more planned and collaborative approach. For example, instead of issuing Requests for Proposals to procure additional public housing supply, HUD has issued Invitations to Partner.

6.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims		Total intended new supply over four years from the 2021-2024 Plan	Actual number of places delivered in two years to June 2020	Remaining places from the Plan 2018-2022 to be delivered
		Northland	250-460	80	100
		Auckland	3,040- 3,570	2,432	1118
		Waikato	610- 960	340	(10)⁹
		Bay of Plenty	580-910	193	82
		East Coast	440- 760	99	134
		Taranaki	80- 160	-13	681
		Central	230- 400	43	137
		Wellington	630- 8,60	305	410
		West Coast Tasman	250- 450	41	1597
		Canterbury	500-- 590	723	(243)
		Southern	150- 280	9	96
		Total	8,000	4,252	2,148¹⁰

⁹ The negative number shows that we have delivered 340 places against a target of 330.

¹⁰ The 2,148 yet to be delivered is the difference between the target of 6,400 and the 4,252 already delivered nationally, noting that not all of the regional targets in the 2018-222 Plan will be met exactly by region.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

RAPID REHOUSING

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Rapid rehousing</p> <p>Year introduced: May 2020</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme:</p> <p>Rapid Rehousing is a two-year trial that started in mid-2020. It aims to provide individuals and whānau, with low to medium complexity of needs, who are experiencing homelessness with quick access to secure and permanent housing. It provides support for up to 12 months to help them stay housed. Rapid Rehousing is currently being trialled by existing Housing First providers to extend services to those who do not meet the Housing First criteria.¹</p> <p>Māori are over-represented in both homelessness and housing social support services. The intention is for Rapid Rehousing to improve housing outcomes for Māori.</p> <p>The confirmed HAP Rapid Rehousing Funding is \$8M Services and \$5.5M IRRS², a total of \$13.5M over two years. The total forecast now is \$15.122M for Services only, with no increase in IRRS over the two years.</p> <p>Rapid Rehousing was due to deliver 340 places over two years. This was scaled up to support the COVID-19 response to deliver a total of 549 places, an addition of 379 in year one.</p> <p>Overlapping/Related policies/programmes:</p> <p>Māori and Iwi Housing Innovation Framework for Action (MAIHI)</p> <p>Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP)</p>
----	--------------------------	--

¹ The Housing First model is based on five core principles: immediate access to housing with no readiness conditions, consumer choice and self-determination, individualised and person-centred support, harm reduction and recovery-orientation approach, and social and community integration. Source: <https://www.hud.govt.nz/community-and-public-housing/support-for-people-in-need/our-housing-support-initiatives/housing-first/>

² Income Rent Related Subsidy.

		<p>Housing First</p> <p>Transitional Housing</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>N/A</p>
2.	Description of Policy / Programme	<p>As part of the ‘support’ area of the Aotearoa New Zealand Homelessness Action Plan (HAP), Rapid Rehousing is a new trial initiative which aims to provide individuals and whānau, with low to medium complexity of needs, who are experiencing homelessness with quick access to secure and permanent housing.³ The trial is designed to support system-wide intervention to move individuals and whānau away from homeless and into long-term housing.</p> <p>The trial acts as a step between Housing Support interventions provided by the Ministry of Social Development (MSD), Transitional Housing and HUD’s Housing First intervention.</p> <p>The trial:</p> <ul style="list-style-type: none"> • provides rapid permanent housing for medium to low-needs clients by funding existing Housing First Providers to source permanent housing opportunities in public housing or private rentals; • provides social and health services to assist Rapid Rehousing Housing clients to obtain and maintain a stable personal and financial position and achievable, affordable and sustainable housing; • provides low-to-medium case management and access to social support for Rapid Rehousing Housing clients; • reduces the length of time individuals and whānau spend homeless; • rapidly exits individuals and whānau into permanent housing; • reduces the number of people returning to homelessness within a year of exit from trial; and • reduces pressure on other interventions including traditional transitional housing and Housing First programmes.
3.	Outline of the process to develop this Policy /	<p>Rapid Rehousing is a subset of the Housing First approach (see separate Evidential Fact Sheet on the Housing First programme). Rapid Rehousing was developed in North America and recognises that those with a low-to-medium level of need may not require</p>

³ The ‘support’ focus of HAP is for individuals, families, and whānau experiencing homelessness to move quickly into stable accommodation and access wider social support to address needs. This will contribute to achieving HAP’s vision that “homelessness in New Zealand is prevented where possible, or is rare, brief and non-recurring”.

	Programme	<p>the intensive support provided through Housing First.</p> <p>The development of HAP was informed by international research and best practice, with a particular interest in the homelessness prevention frameworks used in Finland,⁴ Canada⁵ and Ireland.⁶</p> <p>Research was also used to identify the main issues relevant to New Zealand, including reports on homelessness and housing issues at a national level, existing local and regional initiatives to prevent and reduce homelessness, and research to identify the housing needs and challenges for different cohorts.⁷</p> <p>Rapid Rehousing was one of the immediate initiatives prioritised for action under HAP. The process to identify and prioritise initiatives included agencies:</p> <ul style="list-style-type: none"> • identifying a long list of initiatives/actions informed by existing analysis of data, regional insights, international evidence and an initial review of the emergency housing systems; • undertaking initial viability and impact analysis. This involved applying criteria to initiatives to determine a short list (including initiatives ability to address Ministerial priorities, alignment with strengthened approach to homelessness, whether they can be implemented and impact by June 2020); • engaging with stakeholders to determine fit and any gaps in the proposed initiatives; and • assessing whether seeking contingency or Budget funding would be most appropriate including identifying scaling options. <p>Findings from engagement with Māori and iwi providers have informed MAIHI and the HAP, and HAP's key guiding principles.</p>
4.	Aims or Objectives of the Policy / Programme	As above, Rapid Rehousing aims to provide individuals and whānau, with low to medium complexity of needs, who are experiencing homelessness with quick access to secure and permanent housing.
5.	Outline of steps taken to implement the Policy / Programme	The timeframe to implement Rapid Rehousing was disrupted by the COVID-19 Level 4 response due to providers having to support those housed in motels and ensure they received appropriate wraparound services. HUD is working to incorporate the Rapid Rehousing service funding into the whole of COVID-19 response to include those housed in motels. This response has

⁴ [\(PDF\) The Strategic Response to Homelessness in Finland: Exploring Innovation and Coordination within a National Plan to Reduce and Prevent Homelessness \(researchgate.net\)](#) see HUD.006.3081.

⁵ [The Homeless Hub](#)

⁶ [Preventing Homelessness: A Review of the International Evidence \(york.ac.uk\)](#) see HUD.006.3011.

⁷ E.g.: [Severe-housing-deprivation-in-Aotearoa-2001-2013-1.pdf \(healthyhousing.org.nz\)](#); [\(PDF\) Service usage by a New Zealand Housing First cohort prior to being housed \(researchgate.net\)](#); [An Indigenous Approach to the Living Standards Framework \(DP 19/01\) \(treasury.govt.nz\)](#); [The People's Project: Housing First in Hamilton and Tauranga](#); [Counting Ourselves – Aotearoa New Zealand Trans and Non-binary Health Survey](#).

		<p>been scaled up to deliver a total of 549 places, an addition of 379 in year one.</p> <p>The contracting of the Rapid Rehousing trial (with existing Housing First providers) is expected to conclude in February 2021. There has been a delay to completing the procurement phase, due in part to the capacity of Housing First providers being impacted as a result of the COVID-19 Emergency Response. Auckland providers have been delivering the equivalent of the Rapid Rehousing service since February 2019 as a part of a small 'pre-trial' called the 'Transitionally Homeless' service.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Regular monthly data will be collected through service agreements and will provide evidence to support ongoing monitoring and evaluation.</p> <p>An initial review of Rapid Rehousing has been built into the evaluation of Housing First. The first report is due in June 2021.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>A survey of providers working with those housed in motels as a result of COVID-19 received responses from 22 of 25 providers, representing approximately 80% of tenanted units in COVID-19 motels at the time.</p> <p>Provider responses show that some level of support services would be needed in nearly all cases, over 400 households need a Housing First type response, and around 600 need lower levels of support (including Rapid Rehousing).</p> <p>The Contract Management Team within HUD engaged with the Housing First providers to understand if Rapid Rehousing services were appropriate to support individuals placed into motel accommodation. The response was positive, and providers indicated within their proposals the number of places that would fit the Rapid Rehousing model.</p> <p>Based on provider consultation, client support needs and international evidence for the Rapid Rehousing model, it was decided that Rapid Rehousing is an appropriate inclusion in the HUD COVID-19 response package. This is also due, in part, to there being a limited choice of services funded and administered by HUD.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

**EVIDENTIAL FACT SHEET
THE RESIDENTIAL TENANCIES
(HEALTHY HOMES STANDARDS) REGULATIONS 2019
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021**

**CROWN LAW
TE TARI TURE O TE KARAUNA**
Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:
M Conway/H Graham
Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:
Jacki Cole
Jacki@jcolebarrister.com

1.	Basic information	<p>TITLE OF POLICY / PROGRAMME: The Residential Tenancies (Healthy Homes Standards) Regulations 2019 (HHS)</p> <p>Year introduced: May 2019</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) (since October 2018: previously MBIE)</p> <p>High level summary of policy/programme: The HHS aim to make rental homes warmer and drier by setting standards relating to heating, insulation, ventilation, moisture ingress, drainage and draught stopping. The policy notes that Māori and Pacific Peoples are the ethnic groups with the highest rates of renting and so are more likely to be impacted by cold, damp homes. Census data shows 57% of Europeans were homeowners in 2013, compared to 28% of Māori and 19% of Pacifica.</p> <p>Overlapping/Related policies/programmes: By making rental homes warmer, dryer and healthier, the policy will inform or impact:</p> <ul style="list-style-type: none"> • Winter Energy Payment – a payment to help those receiving superannuation, a veteran’s pension or a benefit to pay heating bills in winter. • Healthy Homes Initiative – a Ministry of Health programme to identify at-risk families and undertake housing assessments and facilitate access to interventions. • Energy hardship work programme <p>The aims of the HHS for warmer, drier and healthier rental homes is common to the objectives of Te Maihi o te Whare Māori - Māori and Iwi Housing Innovation (MAIHI) Framework for Action which focuses on achieving better housing outcomes for whānau Māori.</p> <p>Other agencies involved in development, implementation, or ongoing administration: The proposed standards were considered by the Energy Efficiency and Conservation Authority (EECA), the Ministry of Health</p>
----	--------------------------	--

		<p>(MoH), the Ministry of Social Development (MSD), Housing New Zealand Corporation (HNZC) at it then was, the Ministry for the Environment (MfE), Te Puni Kōkiri (TPK), Heritage New Zealand Pouhere Taonga, the Treasury, and the Department of the Prime Minister and Cabinet (DPMC). The Inland Revenue Department (IRD) was also consulted in the development of the options for the proposed standards.</p> <p>Officials also consulted with relevant agencies on the potential impact of the healthy homes standards on their housing stock, including HNZC, MSD, the NZ Defence Force (NZDF), the Ministry of Education (MoE), Land Information NZ (LINZ), Ara Poutama Aotearoa (Corrections), and TPK.</p>
2.	<p>Description of Policy / Programme</p>	<p>The Residential Tenancies (Healthy Homes Standards) Regulations 2019 (HHS) require landlords to:</p> <ol style="list-style-type: none"> (a) ensure their rental properties meet standards relating to heating, insulation, ventilation, draught stopping, moisture ingress and drainage; and (b) provide their tenants with certain information regarding whether and how the rental property meets the HHS. <p>The compliance dates vary for (a) and (b) and for type of rental, and are as follows:</p> <ul style="list-style-type: none"> • From 1 July 2019, landlords must keep records that demonstrate compliance with any HHS that apply or will apply during the tenancy and must sign a statement of intent to comply with the HHS in any new, varied or renewed tenancy agreement. • From 1 December 2020, landlords must include a statement of their current level of compliance with the HHS in most new or renewed tenancy agreements. • From 1 July 2021, private landlords must ensure their rental properties comply with the HHS within 90 days of any new, or renewed, tenancy. • From 1 July 2021, all boarding houses (except Kāinga Ora and Community Housing Provider boarding house tenancies) must comply with the HHS. • From 1 July 2023, all Kāinga Ora and Community Housing Provider houses must comply with the HHS. • From 1 July 2024, all rental homes must comply with the HHS.
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>The Healthy Homes Guarantee Bill (No 2) was introduced as a Member's Bill in October 2015. It contained provisions to amend the Residential Tenancies Act 1986 with the purpose of ensuring that every rental home in New Zealand meets minimum standards of heating and insulation. The government adopted the Bill, which passed in December 2017 (after some amendments, but keeping the original purpose of warm, healthy homes). The HHS were developed after a consultation process that sought</p>

		<p>submissions from a wide range of stakeholders including the NZ Property Investors Federation, tenant advocacy groups, researchers, the Real Estate Institute of NZ, the Independent Property Managers Association, registered community housing providers, key building industry representatives, iwi housing providers and health advocates as well as the general public. An extensive consultation process was undertaken on the proposed option for each of the standards with 1,777 submissions being received and analysed.</p> <p>Multiple key documents were produced to support the introduction and delivery of the HHS, including:</p> <ul style="list-style-type: none"> • <u>Healthy Homes Guarantee Standard Cost Benefit Input (May 2018)</u> (see HUD.006.3174) • <u>A cost benefit analysis of proposed standards on rental home insulation, heating, ventilation, draught stopping, moisture ingress and drainage (NZIER report to MBIE, August 2018)</u>. (see HUD.006.3112) • <u>Discussion Document: Healthy Homes Standards (September 2018)</u> This paper, at pp 62-67, lists the significant number of research papers considered in the course of development of the HHS. (see HUD.002.1782) • <u>Consultation Summary: Healthy homes standards (February 2019)</u> (see HUD.001.0349) • <u>Briefing to the Minister of HUD: Preferred options for the healthy homes standards (November 2018)</u> (see HUD.001.0317) • <u>Cabinet Paper: Preferred options for the healthy homes standards (December 2018)</u> (see HUD.001.0403) • <u>Regulatory Impact Statement: Healthy homes standards (December 2018)</u> (see HUD.001.0463) • <u>Cabinet Paper: Residential Tenancies (Healthy Homes Standards) Regulations 2019 (May 2019)</u> (see HUD.001.0463) • <u>Residential Tenancies (Healthy Homes Standards) Regulations 2019</u> (see HUD.006.3187)
4.	<p>Aims or Objectives of the Policy / Programme</p>	<p>Nearly 600,000 households rent in NZ, and research confirms that rental stock is poorer quality than owner occupied homes. Research shows a link between cold, damp and mouldy homes and negative health outcomes, particularly for illnesses such as asthma and cardiovascular conditions. Low-income, elderly, children, disabled persons and Māori and Pacific peoples are more likely than other groups to live in, or feel the effects of, cold damp rental houses.</p> <p>The aim or objective of the HHS is to improve the quality of rental homes which will address the needs of identified at-risk groups, as well as benefitting tenants and wider society through improved health and wellbeing, reduced pressure on publicly funded health and social services, improved school and work attendance and productivity, and reduced atmospheric carbon emissions.</p>

5.	Outline of steps taken to implement the Policy / Programme	<p>Implementation of the policy has been / will be supported by:</p> <ul style="list-style-type: none"> • An information and education campaign to ensure that landlords, tenants and other stakeholders understand the new requirements; • An online heating assessment tool; • Templates and forms to help landlords to comply, including an online tenancy agreement builder; • Enforcement and compliance activity by the Tenancy Services Compliance and Investigations Team. [The team undertakes approximately 2000 compliance interventions a year.] <p>The Government allocated \$15.1 million over four years to support the implementation of the Healthy Homes Guarantee Act 2017. This funding is phased to align with rolling compliance dates.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>A programme of work has been established to monitor and evaluate the implementation of amendments to the Residential Tenancies Act, including the HHS. The first annual progress report from this work is due in June 2021. A final report is currently scheduled for June 2025.</p> <p>The data that will be used for monitoring and evaluation includes the following:</p> <ul style="list-style-type: none"> • Annual survey and focus groups of landlords and tenants regarding awareness of and compliance with the legislation • Annual surveys of landlords and tenants to assess the state of the rental market and identify any unintended consequences of legislation • Analysis of HUD property data to estimate levels of insulation based on building code associated with property • Analysis of MBIE Tenancy Services complaints and mediation data to support understanding of compliance levels • Social media and focus groups/interviews with key stakeholders and peak bodies • Use of Household Economic Survey for trends in self-reported levels of mould and damp <p>In addition, in 2018 BRANZ completed physical inspections of 800 houses of which approximately 300 are rental. Relevant findings from this study will be included in the monitoring report in 2021.</p> <p>As noted in section 5 above, the regulator, Tenancy Services, undertakes enforcement and compliance activity, undertaking</p>

		approximately 2000 compliance interventions per year.
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	A survey undertaken in 2020 indicates very high awareness of the HHS among landlords, and that most have taken some steps to comply. However, given the earliest compliance date for properties to meet the standards is three months after 1 July 2021, it is too early to evaluate to what extent the HHS will achieve its aspiration of warmer dryer homes and the benefits that will flow from this.

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET
SUPPORTED ACCOMMODATION FOR YOUTH
(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)
5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Supported Accommodation For Youth (SAFY)</p> <p>Year introduced: 2015</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD)</p> <p>High level summary of policy/programme:</p> <p>Supported Accommodation for Youth (SAFY) was part of the 2014-17 Government’s Social Housing Reform Programme and is targeted at 16-19 year olds with an aim of temporarily housing youth from the Housing Register, and supporting them into training, education and long-term sustainable housing. The service also aims to provide a path for youth that does not expose them to the welfare system and subsequent welfare dependence.</p> <p>Delivered by community providers, the service provides young people with a range of support from learning basic living skills to helping them access other support in the community, such as Youth Service.</p> <p>Kāhui Tū Kaha provides 12 places, to young people generally in receipt of Youth Payment. Youth Payment helps young people aged 16 or 17 who can't live with their parents or guardian and aren't supported by them or anyone else.</p> <p>Overlapping/Related policies/programmes:</p> <p>Social Housing Reform Programme (SHRP)</p> <p>Transitional housing</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Ministry of Social Development (MSD)</p>
2.	Description of Policy / Programme	<p>Young people make up a high proportion of Aotearoa’s overall homelessness statistics with more than half (51%) younger than 25. For many young people who are homeless, family relationships and support networks have broken down. Young people who do become homeless often face additional barriers and structural disadvantages in accessing housing, including mental health needs, childhood trauma, poverty and many have been in state care. Māori rangatahi are disproportionately impacted by housing insecurity. They are at greater risk of repeated homelessness and their experiences of homelessness have long-term consequences for wellbeing and housing outcomes. Rainbow youth are particularly impacted and can face additional barriers and need</p>

		<p>particular support and encouragement.</p> <p>The service provides young people with a range of support, with the support delivered by community providers funded by government. The Ministry of Housing and Urban Development currently contracts and funds youth providers and Supported Accommodation for Youth (SAFY). For example, Kāhui Tū Kaha provides 12 places to young people generally in receipt of Youth Payment. Youth Payment helps young people aged 16 or 17 who can't live with their parents or guardian and aren't supported by them or anyone else. As at 30 December 2020 there were 9 people residing in the SAFY accommodation operated by Kāhui Tū Kaha. The total budget for the SAFY programme is \$150,000 per annum.</p> <p>The Crown recognises that rangatahi/young people are underserved by existing services, and youth providers are under pressure and increasingly unable to find housing and support for rangatahi/young people. There continues to be a lack of appropriate housing supports for rangatahi/young people. As a result of these pressures, HUD has brought forward policy work to develop and improve on youth homelessness responses. Alongside this policy work, in 2021 Oranga Tamariki will continue to increase supported housing places and the Local Innovation and Partnership Fund will hold a second round of funding with a particular focus on supporting youth initiatives.</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>Supported Accommodation for Youth was initiated by providers, and partially relied on payments redirected out of young people's benefits. Because of this, the homes were struggling to remain viable, and at least one of the four homes in operation was in rent arrears.</p> <p>In December 2014 there were approximately 70 people aged 18-19 years old on the Housing Register. The service started in Auckland, Palmerston North and Christchurch in 2015 following a Request for Proposals issued by MSD. In Palmerston North the service was not taken up by any young people, and in Christchurch the provider chose to exit after two years after also experiencing low take up of the service. Following the exit of the Palmerston North and Christchurch providers, the decision was taken to negotiate an increase in service volume with the Auckland provider (Kahui Tū Kaha).</p> <p>The programme is funded by the Crown out of recognition that youth homelessness is often a precursor to homelessness in later life, and that supportive and stable housing environments provide a crucial platform for recovery, employment, education and wider community engagement and participation. The Crown considers a place to call home is essential to a person's wellbeing.</p>
4.	<p>Aims or Objectives of the Policy / Programme</p>	<p>The aim of the SAFY is to provide a stable and safe living environment for up to 12 young people (at any one time) for the duration of their need to assist that young person towards independent living and to reduce demand on the Public Housing Register. The funding is intended to make the Service viable and financially sustainable.</p>

5.	Outline of monitoring and evaluation built in to Policy / Programme	HUD is not evaluating this initiative. Rather, Kāhui Tū Kaha provide regular monthly reporting to the Contract Management Team within HUD of the occupancy of the SAFY property.
6.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	Kāhui Tū Kaha provides 12 places, to young people generally in receipt of Youth Payment. As at 30 December 2020 there were 9 people residing in the SAFY accommodation operated by Kāhui Tū Kaha.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

SUSTAINING TENANCIES

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Sustaining Tenancies</p> <p>Year introduced: January 2017</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Ministry of Social Development (MSD) – initial trial Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD) – redesigned service for commencement in July 2020</p> <p>High level summary of policy/programme:</p> <p>Sustaining Tenancies is the Crown’s main homelessness prevention service. It funds community-based providers to support individuals and whānau who need help to sustain their tenancy and address issues putting their tenancy at risk.</p> <p>Sustaining Tenancies is for tenants in private rentals or public housing who need practical support to help to sustain their tenancy and address any issues that are putting their tenancy at risk.</p> <p>Sustaining Tenancies sits within the ‘prevention’ area of the Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP).</p> <p>Overlapping/Related policies/programmes:</p> <p>Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP)</p> <p>The HAP incorporates the MAIHI principles.</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Nil</p>
2.	Description of Policy / Programme	<p>Sustaining Tenancies is for tenants in private rentals or public housing who need practical support to help to sustain their tenancy and address any issues that are putting their tenancy at risk. It is for individuals, families and whānau requiring different levels of service including:</p> <ul style="list-style-type: none"> • tenants who need a low level of support to stay in their home • tenants with complex life events and risk factors (may have problems with alcohol and drugs or require mental health

		<p>support)</p> <ul style="list-style-type: none"> • vulnerable tenants experiencing multiple risk factors and adverse life events (may have been recently released from prison or have a history of family violence) <p>Sustaining Tenancies sits within the ‘prevention’ area of the Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP). The ‘prevention’ focus of HAP is that individuals, families, and whānau receive the support they need so that homelessness stops happening in the first place. This will contribute to achieving HAP’s vision that “homelessness in New Zealand is prevented where possible, or is rare, brief and non-recurring”.</p> <p>The Crown is investing a total of \$25.62 million to strengthen Sustaining Tenancies, through the HAP. \$6.6 million was also invested to extend existing contracts for Sustaining Tenancies.</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>Administrative data from MSD and HNZ (now Kāinga Ora) was used to inform the development of Sustaining Tenancies. For example, the 2015 social housing valuation highlighted that 21% of exits from social housing were socially poor outcomes related to household circumstances, such as termination of a tenancy or prison, and that these negative outcomes could potentially be improved with more active support.</p> <p>The Sustaining Tenancies initiative was initially launched as a partnership between MSD and Housing New Zealand Corporation (HNZC) in early 2017, as a trial to support 940 people in Auckland, Wellington and Christchurch who were at risk of losing their tenancy in public housing. Sustaining Tenancies is now administered by HUD and 650 places were added from October 2019 to June 2020.</p> <p>A formative evaluation of Sustaining Tenancies in August 2017¹ found that people most in need of the service were not necessarily receiving it because it was operating as a randomised control trial. As a consequence of this recognition, as part of the HAP, Ministers approved the redesign and expansion of the Sustaining Tenancies programme to provide an additional 1,550 places per year for three years to June 2023.</p> <p>As a result of the redesign process, Sustaining Tenancies service agreements now require providers to ensure that services are human rights and tenant-centred, and that their operating model focuses on the cultural needs of individuals and whānau. HUD also requires the following kaupapa Māori principles, or similar values, to underpin Sustaining Tenancies services:</p> <ul style="list-style-type: none"> • Te Mauri o te whānau: enabling the life force, an essence for revival and fulfilment, to be sustained in wellbeing • Tikanga: doing things right, being in the right place at the right time. • Whanaungatanga: delivering services for Māori through a whakapapa lens. • Manaakitanga: key mechanisms of engaging and building relationships.

¹ A report was drafted but never finalised.

		<ul style="list-style-type: none"> • Whakamana: empowering whānau intergenerationally. • Tino Rangatiratanga: self-determination of self-sufficiency through creating your own sense of belonging.
4.	Aims or Objectives of the Policy / Programme	The aim of the Sustaining Tenancies Programme is to help tenants in private rentals or public housing who need practical support to sustain their tenancy and address any issues that are putting their tenancy at risk.
5.	Outline of steps taken to implement the Policy / Programme	<p>In addition to the initial 940 trial places, HUD added 650 places from October 2019 to June 2020.</p> <p>As part of the HAP, an additional 1,550 places per year for three years to June 2023 was approved.</p> <p>In response to the impact of COVID-19, 2,150 places/households are now due to be supported through the Sustaining Tenancies programme for 2020/2021. This was supported by funding brought forward from out years.</p> <p>As at 1 July 2020, there are 33 Community-based providers around the country who were contracted to deliver the redesigned Sustaining Tenancies programme.</p> <p>As at 30 November 2020, 462 individuals, families and whānau were engaged in the programme.</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Regular monthly data is collected through service agreements and used for the housing dashboard as well as contract management. In future, these data will be used as part of regular reporting on the Homelessness Action Plan.</p> <p>HUD propose to commission an evaluation of Sustaining Tenancies in 2021.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	The redesigned Sustaining Tenancies programme commenced in July 2020 and is delivered by 33 Community-based providers around the country.

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

TRANSITIONAL HOUSING

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Transitional Housing (to be read in conjunction with Evidential Fact Sheet on Preventing and Reducing Homelessness: Increasing Supply in the Short Term to Reduce Reliance on Motels)</p> <p>Year introduced: 2016</p> <p>Still current?: Yes</p> <p>Administering agency(ies):</p> <p>Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) assumed responsibility for Transitional Housing from the Ministry of Social Development (MSD) when it (HUD) was established in October 2018.</p> <p>High level summary of policy/programme:</p> <p>Transitional housing provides warm, dry, short-term accommodation housing for people and whānau who do not have anywhere to live. Transitional housing includes support services to help people secure a longer-term home and get back on their feet so that they are in a stronger position to stay housed.</p> <p>Transitional housing sits within the ‘supply’ area of the Aotearoa New Zealand Homelessness Action Plan 2020-2023 (HAP). The ‘supply’ focus of HAP is for individuals, families, and whānau experiencing homelessness to move quickly into stable accommodation and access wider social support to address needs. This will contribute to achieving HAP’s vision that “homelessness in New Zealand is prevented where possible, or is rare, brief and non-recurring.”</p> <p>As at November 2020, there were more than 3,800 transitional housing places available across New Zealand.¹ These can house up to 14,000 households over a year. Delivery of transitional housing places is generally by new builds, re-purposed properties, and properties leased from the private market.</p> <p>As part of the HAP, HUD is increasing the number of Transitional Housing places. Budget 2020 also announced an additional 2,000 transitional homes.²</p> <p>Overlapping/Related policies/programmes:</p> <p>The transitional housing policy has linkages with work on supply of affordable and appropriate housing (such as the Resource Management Act review and the new Public Housing Plan which was released in early 2021), as well as appropriate income and</p>
----	--------------------------	--

¹ [HOUSING DASHBOARD NOVEMBER 2020 copy \(hud.govt.nz\)](#) [Delium Document ID: **HUD.006.1683**]

² [8000 more public houses to be delivered | Beehive.govt.nz](#)

		<p>benefits specifically related to housing (such as the Accommodation Supplement or Rent Arrears Assistance etc).</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <ul style="list-style-type: none"> • HUD • The Treasury • MSD • Kainga Ora-Homes and Communities (then Housing New Zealand) (Kāinga Ora)
2.	<p>Description of Policy / Programme</p>	<p>As noted above, transitional housing sits within the ‘supply’ area of the HAP. Relevantly, the HAP has specific actions relating to:</p> <ul style="list-style-type: none"> • Increasing the supply of Transitional and Public Housing places, • Reducing reliance on motels, • Supporting Māori Community Housing Providers and other Māori and Iwi providers, and • Exploring options to convert transitional or other short-term housing into permanent places. <p>People and whānau stay in transitional housing for as long as required, but for a first term of at least 12 weeks. In most cases, they receive a further 12 weeks support once they have found a more permanent place to live. In some cases, individual stand-alone residential homes can be used for transitional housing. In other cases, it may be larger developments, such as former motels or purpose-built housing.</p> <p>Overcoming immediate barriers to moving into permanent housing is a key issue for those experiencing homelessness, such as securing a tenancy and paying for a bond. While clients are in transitional housing, they receive wraparound support to overcome these barriers and so they are in a better position to move into and sustain permanent housing. The dual focus of this initiative on providing appropriate support to those who are experiencing homelessness, and ensuring that better housing options are available to meet the needs of individuals and whānau, seeks to better ensure clients can move into permanent housing.</p> <p>There are currently 56 providers contracted by HUD to deliver Transitional Housing Accommodation and Support Services nationally. Transitional housing providers range in size and experience in delivering transitional housing. For example, The Salvation Army, Emerge Aotearoa and the National Collective of Independent Woman’s Refuge are providers who deliver in many locations across New Zealand and deliver approximately 55 percent of all contracted transitional housing places.</p>

		<p>Approximately 41 percent of transitional housing providers are Māori/Iwi-based organisations.</p> <p>COVID-19 adversely affected the delivery of transitional housing. There was at least an eight-week delay in delivery of the 1000 places through HAP because of restrictions on provider capacity and ability to deliver both additional supply and tenant places. This was exacerbated by the restrictions on the wider construction market and ability to purchase/lease due to New Zealand's level four response to COVID-19. Face-to-face community engagement was also unable to occur during COVID-19 lockdown. As of December 2020, 597 places have been made available and a further 594 have been secured and will be available in the future (noting some of these will be made available in early 2021).</p> <p>The budget for transitional housing for the period 2020-2025 inclusive is set out in the table below:</p> <table border="1" data-bbox="618 549 1794 1054"> <thead> <tr> <th></th> <th>2020/21</th> <th>2021/22</th> <th>2022/23</th> <th>2023/24</th> <th>2024/25</th> </tr> <tr> <th></th> <th>\$m</th> <th>\$m</th> <th>\$m</th> <th>\$m</th> <th>\$m</th> </tr> </thead> <tbody> <tr> <td>Accommodation</td> <td>161.628</td> <td>123.984</td> <td>135.160</td> <td>101.160</td> <td>101.160</td> </tr> <tr> <td>Services</td> <td>119.077</td> <td>114.819</td> <td>134.100</td> <td>117.100</td> <td>117.100</td> </tr> <tr> <td>Support for acquisition construction, development or redevelopment</td> <td>50.000</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>Total</td> <td>330.705</td> <td>238.803</td> <td>269.260</td> <td>218.260</td> <td>218.260</td> </tr> </tbody> </table>		2020/21	2021/22	2022/23	2023/24	2024/25		\$m	\$m	\$m	\$m	\$m	Accommodation	161.628	123.984	135.160	101.160	101.160	Services	119.077	114.819	134.100	117.100	117.100	Support for acquisition construction, development or redevelopment	50.000	-	-	-	-	Total	330.705	238.803	269.260	218.260	218.260
	2020/21	2021/22	2022/23	2023/24	2024/25																																	
	\$m	\$m	\$m	\$m	\$m																																	
Accommodation	161.628	123.984	135.160	101.160	101.160																																	
Services	119.077	114.819	134.100	117.100	117.100																																	
Support for acquisition construction, development or redevelopment	50.000	-	-	-	-																																	
Total	330.705	238.803	269.260	218.260	218.260																																	
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>In 2015 two providers were contracted in Christchurch to supply and manage transitional housing (initially referred to as emergency housing) for individuals and families. Both providers used transitional housing as a platform to connect people with other social services and ensure they get the support they need to address any health and social issues they may be facing and move into sustainable housing. The Christchurch providers successfully supported people to transition into longer-term housing, and access other support services they need (for example, services to improve school attendance, budgeting services, tenancy advice and support, drug and alcohol services, mental health advocacy and support).</p> <p>Budget 2016 provided \$41.6 million to help households in crisis access the emergency housing and fund providers on a more sustainable basis. While these measures helped clients meet their immediate housing needs, there was an urgent need for more support. MSD was seeing an increasing number of people requiring emergency housing and finding there were no places</p>																																				

		<p>available.</p> <p>An interagency Emergency Housing Response Team was established to give the momentum needed to secure an additional 1,400 new Transitional Housing places across New Zealand by April 2017. The Response Team was tasked with securing the 1,400 new places, and was required not to displace social housing tenants, and to minimise the impact on the social and affordable housing supply pipeline.</p> <p>To increase the supply of transitional housing places, HUD works with Kāinga Ora, accredited transitional housing providers, developers, councils and other agencies. Transitional housing is managed by housing support service providers, who support tenants with a range of tailored social support, tenancy related services and are also responsible for maintaining the properties. Transitional housing providers:</p> <ul style="list-style-type: none"> • Identify the support needs of a client including health, mental health, social, employment or financial needs to help them transition to longer-term housing. • Provide the support services for these needs, either in-house through social workers/navigators and tenancy managers, or by referring clients to specialist services such as budgeting or mental health services.
4.	Aims or Objectives of the Policy / Programme	<p>The aim of the programme is to provide warm and safe short-term housing, while helping people secure a longer-term home and get back on their feet so that they are in a stronger position to stay housed. The objective is to support people to overcome barriers so they are in a better position to move into and sustain permanent housing.</p> <p>There is international evidence to support the preference for more permanent housing options rather than relying on Emergency and Transitional Housing and in particular use of motels.^{3 4} Evaluations of housing programmes indicate that a combination of intensive case management (including critical time intervention) and support services for adults with mental illness leads to substantial and rapid improvement in housing stability for adults experiencing homelessness and fosters social integration and recovery.^{5,6,7} A review of 16 outcome evaluations of housing and support interventions for people experiencing homelessness (with mental illness) including intensive case management showed significant reductions in homelessness and hospitalisation, and improvements in other outcomes (e.g., well-being).⁸ Over one week in Northland, intensive case management meant that only one in 20 people who presented received an EH SNG.</p>

³ Focus Ireland (2019) <https://www.focusireland.ie/resource-hub/about-homelessness/>

⁴ Y-Foundation (2019) <https://ysaatio.fi/en/housing-first-finland>

⁵ Stergiopoulos, V. et al. (2015). *Effectiveness of Housing First with intensive case management in an ethnically diverse sample of homeless adults with mental illness: A randomized controlled trial*. PLOS ONE. July 2015. <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0130281&type=printable>

5.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Through contract management, reporting is available on the number of transitional places available. This information is included in the housing dashboard which is available for public access at: https://www.hud.govt.nz/news-and-resources/statistics-and-research/government-build-programme-housing-dashboard/</p> <p>There has been no detailed evaluation of Transitional Housing to date, although some case studies suggest it is working in certain contexts. The intent is for HUD to evaluate Transitional Housing in the future through a multi -case study approach. This is still to be developed and confirmed. In the interim, HUD continues to monitor delivery through standard contracting processes.</p> <p>HAP initiatives are also monitored and reported on regularly.</p>
6.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>More than 3,000 new transitional places have been made available since 2016, giving the ability to house more than 14, 000 households over a year.</p>

⁶ Tsai, J., & Rosenheck, A. (2012). *Outcomes of a group intensive peer-support model of case management for supported housing*. *Psychiatric Services*, 63, 12. P 1186-1194. <https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.201200100>

⁷ Clark, C. et al. (2016). *Case Management models in permanent supported housing programs for people with complex behavioural issues who are homeless*. *Journal of Dual Diagnosis*, 12, (2). P185-192.

⁸ Nelson, G., Aubry, T., & Lafrance, A. (2010). A review of the literature on the effectiveness of housing and support, assertive community treatment, and intensive case management interventions for persons with mental illness who have been homeless. *American Journal of Orthopsychiatry*. <https://onlinelibrary.wiley.com/doi/pdf/10.1037/0002-9432.77.3.350>.

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

UNIT TITLES ACT 2010

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Unit Titles Act 2010 (UTA)</p> <p>Year introduced: 2010</p> <p>Still current?:</p> <p>Yes. There were technical amendments made to the legislation in 2013 through the Unit Titles Amendment Act 2013 and a further amendment to the UTA as a result of the limitations of the COVID-19 pandemic.¹</p> <p>Agency(ies) with policy responsibility:</p> <p>From enactment until July 2012: Department of Building and Housing (DBH)</p> <p>From July 2012 until October 2018: Ministry of Business, Innovation and Employment (MBIE)</p> <p>From October 2018 to present: Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (HUD).</p> <p>High level summary of policy/programme:</p> <p>The UTA provides a legal framework for the ownership and management of land and associated buildings by communities of individual owners. Unit title properties usually have more than one owner. A unit owner owns a defined part of the building (e.g. an apartment) and shares ownership of common property with all the unit owners (e.g. driveways).</p> <p>The UTA helps to ensure that high-density housing is considered as a viable option by prospective homeowners and renters. Having high-density developments in urban areas can respond to growth and improve housing affordability.</p> <p>The UTA ensures that parties understand their rights and obligations as owners, sellers or purchasers of unit titles, and as a body corporate chair or committee member.</p> <p>Overlapping/Related policies/programmes:</p> <p>The UTA supports the goals of the Urban Growth Agenda and other programmes that support increased housing density. Increased density will increase supply of housing, which may assist in preventing homelessness (where this occurs because of a lack of supply).</p>
----	--------------------------	--

¹ The [COVID-19 Response \(Further Management Measures\) Legislation Act 2020](#) provided that members of bodies corporate or their committees could attend meetings by audio or audio-visual means, as well as in person.

		<p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Development stage: Housing New Zealand Corporation (HNZC), the Ministry for the Environment (MfE), the Treasury, the Ministry of Economic Development, the Department of Internal Affairs (DIA) and the Department of the Prime Minister and Cabinet (DPMC).</p> <p>MBIE continues to have a role in providing information and education on the UTA.</p> <p>LINZ administers part of the UTA in relation to registration of titles.</p> <p>MOJ administers the part of the UTA that relates to dispute resolution.</p>
2.	<p>Description of Policy / Programme</p>	<p>The UTA amends the previous Unit Titles Act 1972 (the 1972 Act). The 1972 Act was enacted when unit developments were a new type of housing development for Aotearoa New Zealand. Prior to the 1972 Act, developments with common property were usually cross-lease properties. Cross-lease properties can be restrictive in their terms, and are inappropriate for multi-storey buildings. Before the UTA, most apartment buildings were company share apartments, where a company owns the land and building, and the home owner owns shares in the company.</p> <p>Following the introduction of the Unit Titles Act 1972, the number of high-density developments increased significantly.</p> <p>The UTA supports those who develop, purchase and live in multi-unit properties. Multi-unit properties are an essential element of densification of housing. Having high-density developments in urban areas can respond to growth and improve housing affordability.</p> <p>The UTA sets out a framework for the various parties to own and manage land and buildings by communities of individual owners. The ongoing everyday use of the UTA is by the people involved: the unit owners, bodies corporate, body corporate managers and other professionals.</p> <p>Where there are disputes, the parties may choose to apply to the Tenancy Tribunal for resolution</p> <p>Currently, the UTA does not incorporate te ao Māori concepts. The UTA is based on Pākehā legal concepts of individual ownership of property. The UTA provides a framework for developing and managing multiple units located on a single piece of land, and the common property is collectively owned. However, there is a distinction between the common property and the units, which are individually, not collectively, owned. Each unit owner has a separate certificate of title which records their own legal interest.</p>

3.	Outline of the process to develop this Policy / Programme	<p>In 1999 the Law Commission undertook a review of the 1972 Act.² In 2003, the Auckland Regional Council expressed concerns about the 1972 Act in two reports and called for a comprehensive review of the 1972 Act. In 2004, DBH began a review of the 1972 Act following Ministerial direction.</p> <p>In November 2004 a discussion document was released for public consultation leading to three public meetings being held and 138 written submissions being received. Submitters included unit owners, bodies corporate, solicitors, surveyors, and local authorities. It does not appear that any specific consultation outreach was undertaken with Māori. A stakeholder list from 2005 does not include any Māori or iwi groups. It focused on property professionals and registered bodies corporate.</p> <p>An Options document was released in May 2006 for public consultation, with 148 written submissions subsequently received from similar types of submitters. Again, there is no evidence of specific consultation being undertaken with Māori.</p> <p>In November 2006³ and March 2007,⁴ decisions were made by Cabinet. The Unit Titles Bill was introduced into Parliament in May 2008 and received Royal Assent on 19 April 2011. The Act came into force on 20 June 2011.⁵</p>
4.	Aims or Objectives of the Policy / Programme	<p>The purpose of the UTA is to provide a legal framework for the ownership and management of land and associated buildings and facilities on a socially and economically sustainable basis by communities of individual owners and, in particular,</p> <p>(a) to allow for the subdivision of land and buildings into unit title developments comprising units that are owned in stratum estate in freehold or stratum estate in leasehold or licence by unit owners, and common property that is owned by the body corporate on behalf of the unit owners; and</p> <p>(b) to create bodies corporate, which comprise all unit owners in a development, to operate and manage unit title developments; and</p> <p>(c) to establish a flexible and responsive regime for the governance of unit title developments; and</p> <p>(d) to protect the integrity of the development as a whole.⁶</p>

² [Shared Ownership | Law Commission](#)

³ EXG Min (06) 5/8

⁴ EDC Min (07) 5/10

⁵ By clause 2 of the Unit Titles Act 2010 Commencement Order 2011 (SR 2011/121).

⁶ UTA s 3.

5.	Outline of steps taken to implement the Policy / Programme	N/A
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>There is no monitoring requirement built into the legislation.</p> <p>In 2016, a working group of body corporate chairs and other related professionals provided the then Minister with a report on concerns with the UTA and possible solutions. The Government undertook a review in response, with public consultation on a Discussion Document which proposed changes to the UTA leading to the receipt of 119 submissions providing feedback on the Discussion Document. In 2017, Cabinet made policy decisions in six areas:</p> <ul style="list-style-type: none"> • pre-purchase disclosure, • body corporate governance, • body corporate management, • long-term maintenance funds and plans, • dispute resolution, and • regulatory powers. <p>After the 2017 election, the incoming government had other priorities in the housing portfolio, and the UTA review was put on hold. Prior to the 2020 election, the Labour Party made a pre-election commitment to review the UTA.</p> <p>On 2 July 2020 a Member's Bill was drawn from the ballot and is awaiting its First Reading. The Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Bill (the Member's Bill) includes a series of specific changes to improve the functionality of the UTA. The Government has agreed to support the Member's Bill. After its First Reading, the Bill will be considered by the Select Committee and the public.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims	<p>Every time a new unit title development is established, the developer must lodge the unit plan with LINZ which includes the unit plan and the ownership interest for every unit.</p> <p>Bodies corporate hold an annual general meeting each year. In response to the COVID-19 pandemic and restrictions, a temporary amendment was made to the UTA to allow members of a body corporate or a body corporate committee to attend meetings by audio or audio-visual link.</p>

**KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI**

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **Kaupapa inquiry into claims concerning
Housing Policy and Services**

EVIDENTIAL FACT SHEET

URBAN GROWTH AGENDA

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858

TE WHANGANUI-Ā-TARA WELLINGTON 6140

Waea Tel: 04 472 1719

Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Urban Growth Agenda (UGA)</p> <p>Year introduced: 2018</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Ministry of Business, Innovation and Employment (MBIE) prior to October 2018, Te Tūāpapa Kura Kāinga -Ministry of Housing and Urban Development (HUD), since October 2018 The Treasury Ministry of Transport (MoT) Ministry for the Environment (MfE) Department of Internal Affairs (DIA)</p> <p>High level summary of policy/programme: The UGA is an ambitious and far-reaching programme designed to improve outcomes for New Zealanders by addressing the fundamentals of land supply, development capacity, and infrastructure provision with a view to increase housing supply in Aotearoa New Zealand and thereby helping to overcome New Zealand’s current housing crisis.</p> <p>There are five interconnected pillars of work within the UGA that cover key aspects of urban and infrastructure planning and provision:</p> <p>Pillar 1: Infrastructure Funding and Financing - to enable a responsive supply of infrastructure and appropriate allocation of cost</p> <p>Pillar 2: Urban Planning - to allow cities to make room for growth, support quality-built environments and enable strategic integrated planning</p> <p>Pillar 3: Urban Growth Partnerships - to build stronger partnerships with local government as a means of developing integrated spatial planning</p> <p>Pillar 4: Transport Pricing - to ensure the price of transport infrastructure promotes efficient use of the network</p>
----	--------------------------	--

		<p>Pillar 5: Legislative Reform - underpins the programme and focuses on system level policy that cuts across the programme (for example, developing approaches to assessing wider costs and benefits of growth; and creating frameworks for spatial planning), as well as ensuring the pillars are interconnected and mutually reinforcing.</p> <p>Overlapping/Related policies/programmes:</p> <p>All work under the UGA works together to impact housing affordability.</p> <p>IFF Act: New Zealand’s cities are growing fast, with housing supply and infrastructure often not keeping pace with demand. Local councils are responsible for providing water, roading and community infrastructure to support housing but often face financing constraints. This means infrastructure to support housing is often delivered on a ‘just in time’ basis or postponed – which delays the construction of new houses. The IFF Act 2020 seeks to address some of these issues.</p> <p>NPS-UD: Constraints in the planning system have made it harder for people to build and live in the homes they want, where they want. This has led to, among other things, high land prices and unaffordable housing. This National Policy Statement sets out objectives and policies for urban development under the Resource Management Act which councils and developers must give effect to.¹</p> <p>UGP: The urban growth partnerships create opportunities for greater alignment, integration and coordination between central and local government and mana whenua around housing, land use and infrastructure planning. They bring existing but disparate processes and agencies together to prepare long-term and integrated land use and infrastructure plans that improve housing supply and create thriving, sustainable communities and cities.</p> <p>Legislative reform: External to the UGA, the outcome of the review of the resource management system will be an important part of the Legislative Reform pillar achieving its outcomes. Focus areas of the review include developing a framework for spatial planning and proposing other reforms to improve urban planning and development processes</p> <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>UGA Agencies: MfE, MBIE, DIA, The Treasury, MoT, HUD</p>
2.	Description of Policy / Programme	<p>The UGA is a programme designed to address the fundamentals of land supply, development capacity, and infrastructure provision. Its aim is to deliver the medium to long-term changes needed to system settings to create the conditions for the market to respond to growth and bring down the high cost of urban land, thereby improving housing affordability and</p>

¹ <https://www.hud.govt.nz/assets/Urban-Development/NPS-UD/National-Policy-Statement-on-Urban-Development-expected-outcomes.pdf> (see HUD.006.2071).

supporting thriving communities. The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land.

There are five interconnected pillars of work within the UGA:

Pillar 1: Infrastructure Funding and Financing

The Infrastructure Funding and Financing Act 2020 (the **IFF Act**) established a new funding and financing model to enable private capital to support the provision of new infrastructure for housing and urban development. The IFF Act provides opportunities for local councils, Māori and iwi, and developers to partner and deliver infrastructure, free of the council's debt limits or from charging high upfront costs to developers. ([See separate Evidential Fact Sheet on the IFF Act](#))

Pillar 2: Urban Planning (National Policy Statement on Urban Development – NPS-UD)

The NPS-UD directs local authorities to enable greater supply and ensure that planning is responsive to changes in demand, while seeking to ensure that new development capacity enabled by councils is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments. It also requires councils to remove overly restrictive rules that affect urban development outcomes in our cities. ([See separate Evidential Fact Sheet on the NPS-UD](#))

Pillar 3: Urban Growth Partnerships (UGP)

The UGA has mandated a role for central government to partner with local government and iwi as a means of facilitating pace and scale in urban development and ensuring government investment in infrastructure is aligned to help deliver connected, thriving and sustainable urban communities. This led to the creation of Urban Growth Partnerships, a process of formalising and maintaining a long-term and enduring relationship between the Crown, local government, iwi and local communities to deliver the UGA objectives. An important aspect of UGP is spatial planning. Spatial planning is a long-term and integrated approach to land use and infrastructure planning. ([See separate Evidential Fact Sheet on UGP \(Spatial Planning\)](#))

Pillar 4: Transport Pricing

The Transport Pricing pillar was established to price transport infrastructure to efficiently manage demand across the network and to promote access and efficient urban form.

This pillar has focused on two pieces of work:

- a. investigation into congestion pricing options for Auckland through the Congestion Question project (formerly known as the Auckland Smarter Transport Pricing Project)
- b. providing advice on the future of the transport revenue system. This will consider a range of transport and revenue options

		<p>aimed at a sustainable and equitable future transport revenue system. Sophisticated forms of transport revenue collection (e.g. an electronic distanced based system) could potentially enable different pricing for the use of the network (e.g. the ability to charge by factors such as time and location) and externalities (e.g. congestion, harmful emissions).</p> <p>Pillar 5: Legislative Reform</p> <p>This pillar was established to ensure that the UGA pillars are mutually reinforcing and the regulatory, institutional and funding settings collectively support the UGA objectives. The pillar then evolved in response to the review of the resource management system.</p> <p>Current focus areas of this pillar have shifted from legislation to the overall coherence of the UGA programme, its relationship with other government work and understanding and measuring the wider costs and benefits of urban growth.</p>
3.	<p>Outline of the process to develop this Policy / Programme</p>	<p>The UGA came about as a result of ministerial direction in the first instance. In a general sense, the concept came out of the recognition that a wider urban programme needed to be established to effectively address housing affordability. Officials had an initial conversation with Ministers in November 2017 regarding the potential for an urban work programme (the UGA). In December 2017, MfE and HUD provided joint advice that sought to confirm their understanding of the Ministers’ objectives for the UGA and test a proposed scope, key shifts required, programme of work and next steps.</p> <p>Officials took Ministers’ feedback and continued to develop a work programme which was included in the integrated Housing and Urban Development Programme Cabinet Paper to ensure alignment.</p> <p>In February 2018, officials provided advice on a programme of work for advancing the UGA for the following 12 months.²</p> <p>No formal consultation or engagement took place leading up to the establishment of the overall UGA. It was first announced by Minister Twyford on the 1 December 2017 and confirmed by Cabinet in early 2018.³ However, once announced, each pillar underwent its own process to establish its specific programme of work and consulted with various interested parties between February 2018 and January 2021. By way of example:</p> <ul style="list-style-type: none"> - The NPS-UD (under the Urban Planning pillar) underwent wide consultation across the country. More than 240 submissions were received and more than 7,000 people attended meetings held in 30 towns and cities across Aotearoa New Zealand as a part of the roadshow outlining the NPS-UD and four other proposals.⁴ The roadshow included public

² Urban Growth Agenda – Work Programme and Next Steps [2017-17-18] (see **HUD.006.1302**).

³ <https://www.beehive.govt.nz/speech/future-housing-new-zealand>

⁴ The four other 4 proposals were all led by MBIE: NPS for Freshwater Management; NPS for Highly Productive Land; NPS for Indigenous Biodiversity; Reducing Harm from Water – product stewardship.

		<p>and private sector meetings, sessions with local government and hui with local iwi/Māori. A report summarising the submissions received and consequential recommendations was presented to an independent technical advisory panel to review, after which Ministerial approval was sought and the policy was finalised. All relevant documentation has been made public.</p> <ul style="list-style-type: none"> - Under the Urban Growth Partnerships pillar, the joint spatial plans are developed using collaborative and participative processes to achieve alignment between the broad range of stakeholders with an interest in urban development. This includes key government agencies, councils, mana whenua and infrastructure providers (three waters, transport, energy, health) alongside engagement with local communities and the development sector.
4.	Aims or Objectives of the Policy / Programme	<p>The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land. This objective is supported by wider objectives to:</p> <ul style="list-style-type: none"> • improve choices about the location and type of housing • improve access to employment, education and services • assist emission reductions and build climate resilience • enable quality-built environments, while avoiding unnecessary sprawl
5.	Outline of steps taken to implement the Policy / Programme	<p>Implementation of both the IFF and the NPS-UD is currently underway. (Refer to the separate Evidential Fact Sheets for information)</p>
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>Over the past three years, six UGA Ministers led the programme: Minister for Urban Development, Minister for the Environment, Minister of Local Government, Associate Minister of Transport, Minister for Infrastructure and Minister of Housing.</p> <p>As the officials' level, the UGA programme is governed by a Programme Board which has representatives from each of the five UGA agencies (MoT, MfE, Treasury, DIA and HUD). The Programme Board (governance board) meets every four to six weeks to discuss the progress and to resolve issues across the five pillars. Each pillar provides an update to the Programme Board every six weeks as a part of standard reporting.</p>
7.	Availability of quantitative or qualitative data to demonstrate success or	<p>On 4 September 2020 a <i>Baseline Report into Monitoring and Review of the Urban Growth Agenda (UGA Baseline Report⁵)</i> was developed which serves as a baseline for assessing the overall progress of the UGA. The report brings together information from</p>

5 UGA Baseline Report (see **HUD.006.1319**). Note: The UGA Baseline Report was externally peer reviewed by Pricewaterhouse Coopers and suggestions from the peer review were included where possible and otherwise noted as future areas of work.

failures of the Policy / Programme to achieve its stated aims	<p>across the five UGA agencies to begin to assess the performance of the UGA programme. The UGA Baseline Report was independently peer reviewed by PricewaterhouseCoopers (upon commissioning by the UGA Programme Board).</p> <p>The UGA Baseline Report establishes a foundation for the monitoring and review of the UGA programme. It aims to bring together reporting across the programme and understand pillar and programme outcomes, as well as the contribution of the UGA programme to system outcomes.</p>
--	---

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Kaupapa inquiry into claims concerning
Housing Policy and Services

EVIDENTIAL FACT SHEET

URBAN GROWTH PARTNERSHIPS (SPATIAL PLANNING)

**(TE TŪĀPAPA KURA KĀINGA –
MINISTRY OF HOUSING AND URBAN DEVELOPMENT)**

5 Poutū-te-rangi | March 2021

CROWN LAW

TE TARI TURE O TE KARAUNA

Pouaka Poutāpeta PO Box 2858
TE WHANGANUI-Ā-TARA WELLINGTON 6140
Waea Tel: 04 472 1719
Waea Whakaahua Fax: 04 473 3482

Whakapā mai: Contacts:

M Conway/H Graham

Madeleine.Conway@crownlaw.govt.nz/Harry.Graham@crownlaw.govt.nz

Counsel Acting:

Jacki Cole

Jacki@jcolebarrister.com

1.	Basic information	<p>Title of policy / programme: Urban Growth Partnerships (Spatial Planning) (UGP)</p> <p>Year introduced: 2018</p> <p>Still current?: Yes</p> <p>Administering agency(ies): Te Tūāpapa Kura Kāinga -Ministry of Housing and Urban Development (Places & Partnerships team, Place-based Policy and Programmes Group)</p> <p>High level summary of policy/programme:</p> <p>The UGP programme is part of the Crown’s <i>Urban Growth Agenda</i>¹ (UGA) and has been established in order to provide an enduring forum (and governance structure) for central government, local government and mana whenua to collaborate on the strategic direction for New Zealand’s high growth urban areas. Cabinet established the UGP as a pillar of the UGA to build a stronger partnership with local government and iwi as a means to develop integrated spatial planning to achieve urban growth at pace and scale.</p> <p>The partnerships create opportunities for greater alignment, integration and coordination between central and local government and mana whenua around housing, land use and infrastructure planning. They bring existing but disparate processes and agencies together to prepare long-term and integrated land use and infrastructure plans that improve housing supply and create thriving, sustainable communities and cities.</p> <p>Formal partnerships are in place in Auckland and for the Hamilton-Auckland Corridor, including the Hamilton-Waikato metropolitan area. Three further partnerships have been agreed in principle/in development (Wellington-Horowhenua, Queenstown Lakes, and Tauranga-Western Bay of Plenty) and there are two potential future partnerships already identified (Greater Christchurch and North-Auckland corridor).</p> <p>Overlapping/Related policies/programmes:</p>
----	--------------------------	--

¹ The Urban Growth Agenda (**UGA**) is an ambitious and far-reaching programme designed to improve outcomes for New Zealanders by addressing the fundamentals of land supply, development capacity, and infrastructure provision. Its aim is to deliver medium to long-term changes needed to system settings to create the conditions for the market to respond to growth and bring down the high cost of urban land, thereby improving housing affordability and supporting thriving communities. The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land.

		<ul style="list-style-type: none"> • The UGP programme is part of the UGA (see separate Evidential Fact Sheet on the Urban Growth Agenda). • Insights from the partnerships have proven valuable in assisting the Infrastructure Reference Group’s advice² to the Government on ‘shovel ready’ investment opportunities and the formulation of the New Zealand Upgrade Programme.³ • The UGP programme is in the process of incorporating the concepts of MAIHI, and informs other housing policies where relevant. <p>Other agencies involved in development, implementation, or ongoing administration:</p> <p>Waka Kotahi (NZTA), Ministry for the Environment (MfE), Ministry of Business Innovation and Employment (MBIE), Department of Internal Affairs (DIA), The Treasury (TSY), Ministry of Transport (MoT); Department of Prime Minister and Cabinet (DPMC), Kāinga Ora – Homes and Communities (Kāinga Ora), Ministry of Education (MoE), Department of Conservation (DOC), Territorial authorities (high growth urban areas), Iwi/mana whenua.</p>
2.	Description of Policy / Programme	<p>The UGP programme was established to seek to overcome the systemic lack of co-ordination between central and local government and Iwi Māori when it came to considering and planning the future growth of New Zealand’s high growth urban centres, and the infrastructure investment required to support this growth. It:</p> <ul style="list-style-type: none"> • provides a joined-up view of the key issues facing an urban area and the priorities that need to be advanced to address those issues; • identifies areas of significant urban growth and change and the infrastructure that will be needed; and • integrates policy and investment decisions across local, regional and central government and across different legislative functions (including the Resource Management Act, the Land Transport Management Act and the Local Government Act). <p>The urban growth partnerships prepare a long-term framework for the development of an area, identifying how and where growth will be accommodated, and the enabling infrastructure needed (referred to as joint spatial plans) and undertake a shared work programme of initiatives that support the delivery of the relevant spatial plan.</p>
3.	Outline of the process to	Development of the UGP commenced with officials having an initial conversation with Ministers in November 2017 regarding

² The Infrastructure Reference Group (**IRG**) was established in 2020 by the Government to provide advice on New Zealand’s long-term economic recovery from the impacts of COVID-19. Its first task was to provide a list of infrastructure projects that are ready (or near ready) for construction and could be deployed as part of a stimulatory package. The IRG is supported by Crown Infrastructure Partners (CIP) Limited.

³ The New Zealand Upgrade Programme reflects the Government’s balanced transport policy with \$6.8 billion being invested across road, rail, public transport and walking and cycling infrastructure in main growth areas of Auckland, Waikato, Wellington, Canterbury and Queenstown. The package provides for more frequent and better public transport and building safe, new walking and cycling paths. It also builds vital roads to speed up travel times and unlock **housing developments** and invests in rail to make the roads safer by taking trucks off them.

	develop this Policy / Programme	<p>the potential for an urban work programme (the Urban Growth Agenda or “UGA”). In December 2017, MfE and HUD provided joint advice that sought to confirm their understanding of the Ministers’ objectives for the UGA and test a proposed scope, key shifts required, programme of work and next steps.⁴ Following this, officials continued to develop a work programme which was also included in the Integrated Housing and Urban Development Programme Cabinet Paper⁵ to ensure alignment. In February 2018, officials provided advice on a programme of work and for advancing the UGA for the following 12 months.⁶</p> <p>The UGA was first announced by Minister Twyford on 1 December 2017 and confirmed by Cabinet in early 2018.⁷ Consultation and engagement on particular parts of the work programme has been, or will be, undertaken as the UGA progresses.</p>
4.	Aims or Objectives of the Policy / Programme	<p>Joint spatial plans are an important output of urban growth partnerships. Joint spatial plans are about coordination and integration of housing and infrastructure. They are evidence-based and agree a 30-year plus vision and direction for an area. The plans are developed using collaborative and participative processes to achieve alignment between the broad range of stakeholders with an interest in urban development. This includes key government agencies,⁸ councils, mana whenua and infrastructure providers (three waters, transport, energy, health) alongside engagement with local communities and the development sector.</p> <p>The goal is to develop a common evidence base and understanding between all parts of government, iwi and stakeholders of the challenges and opportunities of growth. This will provide greater certainty and alignment for investment decisions in urban areas, where coordination across government and with other stakeholders is essential to achieving better urban development outcomes.</p> <p>The joint spatial plans inform and help prioritise relevant initiatives of each urban growth partnership.</p>
5.	Outline of steps taken to implement the Policy / Programme	<p>The process for implementation for the UGP is:</p> <ul style="list-style-type: none"> • Establishing and ongoing operation of Partnerships (governance structures through terms of reference/agreements); and • Developing joint spatial plans and work programmes, and then implementing those work programmes through individual workstreams/projects, with governance support from the Partnership.
6.	Outline of monitoring and evaluation built in to Policy / Programme	<p>The UGA Baseline Report (discussed at 7 below) requires that ongoing qualitative review of all UGPs will be undertaken with all partners. Outcomes have been identified for the UGP (being stronger partnerships between local and central government and iwi to spatially plan for infrastructure and growth) and indicators of success are measured by factors identified by partners as</p>

⁴ MBIE: BN 1385 17-18: The Urban Growth Agenda – proposed scope and approach: see **HUD.006.1286**.

⁵ Integrated Housing and Urban Development Programme Cabinet Paper: see **MSD.003.5872**.

⁶ Urban Growth Agenda – Work Programme and Next Steps [MBIE: 2077-17-18].

⁷ <https://www.beehive.govt.nz/speech/future-housing-new-zealand> (Accessed 18 January 2020): see **MIS.001.0050**.

⁸ Key government agencies include HUD, Kāinga Ora, Waka Kotahi (NZTA), MoT, DIA, MoE, MfE and MBIE.

		<p>critical to strong partnerships, namely:</p> <ul style="list-style-type: none"> • Level of demonstrated regional pressure or opportunity • Level of significance to New Zealand • Regional capability and willingness to partner and plan for infrastructure and growth through integrated spatial planning • Representation of local and central government and iwi.
7.	<p>Availability of quantitative or qualitative data to demonstrate success or failures of the Policy / Programme to achieve its stated aims</p>	<p>On 4 September 2020 a <i>Baseline Report into Monitoring and Review of the Urban Growth Agenda (UGA Baseline Report)</i>⁹ was released which serves as a baseline for assessing the overall progress of the UGA. The report brings together information from across the five UGA agencies to begin to assess the performance of the UGA programme. This includes the UGP (Spatial Planning) programme.</p> <p>The UGA Baseline Report records the extent to which the existing partnerships are meeting the success factors set out in 6 above. (Refer pp58-62 UGA Baseline Report). In summary, there is sufficient data to establish a baseline of information for tracking the progress of the UGPs and future work will include qualitative review with partners involved in the partnerships.</p>

⁹ UGA Baseline Report (see **HUD.006.1319**). Note: The UGA Baseline Report was externally peer reviewed by Pricewaterhouse Coopers and suggestions from the peer review were included where possible and otherwise noted as future areas of work.