

IN THE WAITANGI TRIBUNAL

Wai 2750

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Housing Policy and
Services Kaupapa Inquiry

**MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD COMMISSIONING
RESEARCH**

19 January 2022

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Elizabeth Rowe to prepare a report on Māori in the private rental market between 1991 – 2021, for the Housing Policy and Services Kaupapa Inquiry (Wai 2750).
2. The researcher should focus on providing an outline of private rental market policy relevant to Māori, how these are implemented, the impacts and outcomes for Māori, and Māori responses. Māori participation private rental market legislation, governance and policy developments should also be examined. The researcher will provide an overview of significant developments since 1991 relevant to the development of the private rental market system including Māori and how these may have contributed to any current barriers to service or housing provision. Where possible the report will address:
 - (a) What have been the major private sector rental reforms in the period from 1991 to 2021 and to what extent did the Crown consult with Māori and enable Māori participation in such reforms including, for example, the introduction of the accommodation supplement, changes to the Residential Tenancies Act 1986, the introduction of the Healthy Homes Guarantee Act 2017 and the Residential Tenancies Amendment Act 2020?
 - (b) What were the Crown's and Maori expectations and intentions with the major reforms in the private rental housing sector during this period? What kinds of measures were built into the private rental market reforms to ensure that Māori rental needs were met and how effective have such reforms been for Māori in terms of implementation and outcomes?
 - (c) What kinds of monitoring and data collection has the Crown provided to ensure that the private sector rental reforms of this period have provided adequately for Māori rental housing needs? What are and have been the main agencies tasked with private sector rental housing monitoring and data collection and what role is provided for Māori participation in this monitoring? How effective is current monitoring and data collection in enabling identification of barriers or negative impacts for Māori relying on private sector rentals?
 - (d) What has been the impact of Crown reforms of the private rental accommodation sector for Māori over recent decades including in terms of improved access to private rental accommodation, and the adequacy, affordability and security of private rental accommodation for Māori? To what extent has the Māori experience of the private rental market in the last thirty years also impacted Māori access to education, employment, amenities and health services?
 - (e) What barriers, if any, do Māori experience in accessing the private rental market and what legislative provisions, policies and practices has the Crown implemented to identify and address any such barriers and to ensure that the private rental sector provides adequately for Māori housing needs? To what extent have such Crown responses enabled Māori to participate equitably in obtaining private rental housing?
3. A completed draft of the report will be circulated to parties for feedback on 21 October 2022, to be followed by quality assurance and final revision.
4. The commission ends on 20 January 2023, at which time one copy of the final report must be submitted to the Tribunal's Registrar for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report and supporting documentation should also be provided in Word or PDF file format.

5. The report may be received as evidence and the author may be cross-examined on it.
6. The Registrar is to send copies of this direction to:
 - (a) Elizabeth Rowe;
 - (b) Claimant counsel, Crown counsel and unrepresented claimants in the Housing Policy and Services Kaupapa Inquiry;
 - (c) Chief Historian, Waitangi Tribunal Unit;
 - (d) Principal Research Analysts, Waitangi Tribunal Unit;
 - (e) Manager Research Services, Waitangi Tribunal Unit;
 - (f) Manager Inquiry Facilitation, Waitangi Tribunal Unit;
 - (g) Principal Inquiry Facilitators, Waitangi Tribunal Unit;
 - (h) Solicitor General, Crown Law Office;
 - (i) Director, Te Kāhui Whakataū (Treaty Settlements), Te Arawhiti; and
 - (j) Chief Executive, Te Puni Kōkiri.

DATED at Rotorua this 19th day of January 2022



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL