

## COMMENTARY

# REMOVING THE KĀINGA ORA SUSTAINING TENANCIES FRAMEWORK

## Cycles of colonial housing politics in Aotearoa New Zealand

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### Abstract

This commentary responds to the removal of the Kāinga Ora–Homes and Communities Sustaining Tenancies Framework (STF) by the National-led Coalition Government of Aotearoa New Zealand. We suggest that the ideologies informing the removal of the STF are grounded in a long history of colonial housing policies that have led successive governments to politicise Māori housing through punitive policies. Despite recent reports written about Māori housing by both the United Nations and the Waitangi Tribunal advocating for Māori housing as a fundamental human right, the removal of the STF provides an example of how guaranteed housing is treated as a privilege, as opposed to a right. A significant concern is that the STF's removal could lead directly to homelessness for whānau with tamariki.

### Keywords

colonisation, housing policy, housing politics, Māori housing, New Zealand politics, social housing

### Introduction

In March 2024, the National-led Coalition Government of Aotearoa New Zealand announced the removal of the Kāinga Ora–Homes and Communities (Kāinga Ora) Sustaining Tenancies Framework (STF) as part of its first 100-day plan. The STF policy was set up under the Kāinga

Ora Act 2019 to help customers sustain their tenancies, thereby preventing and reducing evictions. Developed in 2021 under the Sixth Labour Government, it reflected a shift from tenancy enforcement to a holistic approach of working with tenants, whānau, and support services to keep people housed (Kāinga Ora, 2021).

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However, under the Coalition Agreement between the National and Act parties, it was agreed to remove the STF, which would make it easier to evict tenants who engaged in repeated “antisocial behaviour” (New Zealand National Party & ACT New Zealand, 2023). In a press conference detailing the government’s plans to remove the STF, Minister of Housing Chris Bishop stated that by removing the policy, “the threat of evictions will help change behaviour” and that he was “confident Kāinga Ora enforcing the law ... will lead to a change of [tenants’] behaviour” (Witton, 2024, para. 3). He stated that as it currently stood, the STF has had “the effect you’d expect: There is no incentive for tenants to improve their antisocial behaviour or to stop deliberately damaging their taxpayer-owned house” (para. 5). This “threat” of eviction was questioned by journalists, who asked Prime Minister Christopher Luxon whether this could result in homelessness for those families who might be evicted under the proposed changes. Luxon replied that the change was about “fairness” and that “[the government was] not there to accommodate people who [did] not hold up their end of the deal” (Desmarais, 2024).

Similarly, when Associate Minister of Housing (Social Housing) Tama Potaka was asked about how the removal might impact housing for whānau with children, he said that “he [could not] guarantee tamariki [would] not be evicted in the Government’s crackdown on antisocial social housing tenants” (Hauiti, 2024, para. 1). Potaka added that “the most important thing is that parents, caregivers and others ... act in a ... manner to ensure that they retain their residence” (para. 4).

These statements made by members of the New Zealand Government are the basis for this commentary, particularly the willingness of all three ministers to treat homelessness as an acceptable consequence for tenants, including those whānau with children. The data show how many children stand to be affected: approximately 43% of Kāinga Ora tenancies with serious concerns against them house children (Witton, 2024). Of the 448 tenants who owe more than \$10,000 in rent, 287 (64%) have dependent children at home (Witton, 2024). These figures show that any punitive action against tenants will disproportionately fall on children who have no control over their housing circumstances. The removal of the STF therefore has the potential to impact and potentially push these children into homelessness, an outcome the government itself has acknowledged yet appears willing to accept.

In our review of this removal and the associated

comments made by ministers, we are concerned by the wider narratives that are evoked through the position of the Coalition Government, and suggest that given the severe overrepresentation of whānau Māori within social housing, creating greater housing volatility that could lead to homelessness has the potential to disproportionately impact Māori. Of great concern in this commentary is what we see as an ongoing practice of punitive housing politics rooted in colonisation. While the removal of the STF is only one small measure, it is by no means an isolated event, and we argue that when considered within the wider context of Māori land and kāinga dispossession, as well as the alarming rates of Māori homelessness, this adds to the cycle of homelessness and landlessness that continues to shape the lives of many Māori.

Despite the STF focus on preventing homelessness, Ministers Bishop and Potaka offer a view consistent with a narrative of punitive housing policies. We suggest that grounding this narrative within broader colonial politics demonstrates how the removal of the policy stipulates housing as a privilege afforded to those who behave appropriately. Homelessness should never be a possible outcome from government initiatives, and even the threat of homelessness needs to be taken seriously.

We discuss the potential impacts of the STF’s removal and position this change within a history of punitive policies that have overwhelmingly impacted Māori. We show that the STF’s removal is one of many government decisions that reflect colonial views. While the removal has the potential to impact all New Zealanders living in social housing, Māori are overrepresented in these statistics, and tamariki Māori are the worst affected (Stats NZ, 2020). Furthermore, we argue that punitive housing policies have been a feature of colonial governance, and that therefore the actions undertaken by the Coalition Government must be understood within the context of colonisation.

### **Punitive housing politics**

Housing is an issue that Indigenous peoples around the world have had to contend with. The reasons for this are obvious. With land theft being at the centre of colonisation, settler-colonial governments have utilised numerous forms of violence to attain Indigenous lands and then control—through law and policies—the ways that Indigenous peoples live on and access that land. This violence has taken numerous forms globally, from military attacks that led to both loss of life and land through to violence that has attacked the hearts and minds of Indigenous peoples. It is

this latter, at times insidious, violence that can be mistaken for government actions to protect the wider populations (or rights of landlords, in this case) that we take issue with in this piece. The “threat” of homelessness treats housing as an earned privilege, one that the government has ultimate control over.

More broadly, housing demonstrates the tensions between Indigenous sovereignty, or *tino rangatiratanga*, and the neoliberal policies of the colonial state. *Tino rangatiratanga* requires that Indigenous peoples have sustained collective control over where and how they live on their ancestral lands, while neoliberalism presumes that access to housing rests within the broader dynamics of individualism and meritocracy. These tensions are fraught and complex, but by locating current government discourse and policy within this complexity, we aim to show that colonial intent continues to be reinvented, and that the right to housing is frequently politicised in relation to how Māori and Indigenous peoples are able to live on their lands (Moreton-Robinson, 2015). Put simply, landlessness and homelessness go hand in hand and are intimately linked with Crown decision-making (Waitangi Tribunal, 2024).

### Human rights and te Tiriti o Waitangi obligations

The United Nations (UN) recently released a situation report stating that existing housing policies in Aotearoa were inadequate to address the housing crisis (Rajagopal, 2021). In large part, this was compounded by the fact that successive New Zealand governments had not yet legally recognised housing as a human right, thereby failing to position homelessness as the state’s failure to uphold human rights. Amongst numerous other concerns aired by the UN in the report, they noted that there needed to be much stricter policies relating to evictions to ensure that tenants were protected and would not be made homeless. This concern was echoed by the UN Human Rights Council (2024), which recently released a report highlighting significant issues with homelessness in Aotearoa, notably the disproportionate impacts on Māori as both overrepresented in homelessness figures and being amongst the highest at risk of becoming homeless.

In the same year, the Waitangi Tribunal (2024) released a report that questioned whether the overrepresentation of Māori in homelessness statistics could be deemed a breach of te Tiriti o Waitangi. In assessing whether the situation could be deemed a breach of the Crown’s obligations, the Tribunal

researched the meaning of the word “kāinga” as a guarantee under Article 2 of te Tiriti. They found that “kāinga” means is not just a physical house, but also the core of a safe, healthy place to live, within which Māori exercise *rangatiratanga* over decisions about home and wellbeing. While *kāinga* can refer to *papakāinga*, claimants have argued that the nearly complete theft of *papakāinga* by the Crown since 1840 has meant that very few Māori today have access to *papakāinga*. Therefore, the broader view of *kāinga* must include houses and must recognise homelessness in order to address the Crown’s breaches of Article 2 of te Tiriti. The report clearly stated that homelessness is a symptom of systemic and intergenerational issues (Waitangi Tribunal, 2024).

Vitally, the report noted that Crown policy on housing and homelessness occurs in isolation from other issues faced by Māori; an issue we see as apparent in the removal of the STF. For example, citing claimants’ closing submissions, the Waitangi Tribunal (2024) stated:

Applying the principle of active protection ... requires the Crown to have “a clear understanding of what the guarantee of *tino rangatiratanga* over *kāinga* means, and careful consideration of what would now promote its maintenance and restoration”. This would include “recognising the drivers of homelessness, and the role the legislative economic and policy decisions have had in perpetuating same”. (pp. 121–122)

The Tribunal also argued that the Crown has responsibilities not only to ensure Māori access to *kāinga* (defined broadly as “healthy homes”) but also to ensure that Māori experience no further exclusion from housing through Crown decisions.

These arguments are confirmed in the UN Declaration on the Rights on Indigenous Peoples (UNDRIP; UN, 2007). Article 21 of the UNDRIP protects the right to housing without discrimination and requires states to take appropriate measures to support this. The fact that an internationally agreed declaration—the UNDRIP—includes the right to housing as a core economic and social condition reveals how colonial ideologies enacted by settler governments have consistently used housing to colonise Indigenous peoples. Furthermore, the UNDRIP represents a collective agreement on fundamental Indigenous rights. It confirms that the tools of colonisation are the same globally, and that, in the context of housing, Indigenous peoples have received no guarantees of safe homes (UN, 2007). In Aotearoa, successive governments’

policy decisions have been recognised as ongoing breaches of human rights, te Tiriti o Waitangi, and Indigenous rights, and the removal of the STF rests within this context. As we now detail, there has been a long history of punitive housing policies that continue to position Māori housing as a political issue as opposed to a fundamental right.

### **A (brief) history of punitive housing policies**

Aotearoa's housing crisis is a symptom of deeper injustices rooted in colonisation, which have resulted in structural and systemic issues. The erosion of Māori housing autonomy began in 1842 with the introduction of the Raupo Ordinance Tax (Isaacs, 2011), which applied taxes to new homes built from native plant materials—that is, typical structures built by Māori at the time. While it was claimed that the tax addressed the fire danger posed by materials such as raupō, the impact, when coupled with the rapid pace of land confiscation, was a redirection of housing control away from Māori (Harman, 2014; Te One, 2019).

Furthermore, the Crown utilised law to justify the alienation of Māori from their whenua (Kake, 2016). Such legislation included the Native Lands Act 1862, the Suppression of Rebellion Act 1863, the Native Schools Act 1867, the Tohunga Suppression Act 1907, and the Native Health Act 1909. These acts worked together to systematically dispossess Māori of their whenua and resources, leading to enduring inequities such as homelessness.

In the mid-20th century, many Māori were forced to migrate away from their kāinga whenua and move to cities to seek employment (Williams, 2015). Māori faced severe societal and political discrimination in the urban housing market, which led to overcrowded, impoverished living conditions, in some cases producing urban “ghettos” and “slums” (Rout et al., 2020, p. 15). These rapid urban migrations were encouraged by government officials at the time in efforts to “integrate” Māori into Pākehā society (Hunn, 1961). Under the First Labour Government (1935–1949), the “pepper-potting” plan to house Māori alongside Pākehā whānau was part of a broader drive to encourage Māori to live and behave like Pākehā. Urban housing policies at that time rewarded Māori for fitting in with government ideals, while behaviour deemed antisocial meant that state housing was not offered (Hill, 2012).

The 1991 “Mother of all Budgets” orchestrated by the Fourth National Government marked an ideological shift (Boston et al., 1999), with reduced state intervention in the market and significant

social welfare and housing assistance cuts, which disproportionately affected Māori, who more often depended on public services such as the state rental sector (Waldegrave et al., 2000). This budget coincided with an economic downturn and a notable increase in unemployment among Māori (Rout et al., 2019). The dramatic shift exacerbated housing instability and unaffordability in Māori communities. From 1991 to 2013, the proportion of Māori living in owner-occupied dwellings decreased substantially, with a 27.6% decline in urban areas and a 9.9% drop in rural parts (Rout et al., 2019). Compared with Pākehā, since the 1990s, Māori have experienced a more severe drop in homeownership (Rout et al., 2019, p. 5).

This brief history illustrates the long-term impact of housing politics on Māori. While many historical policies set the context for understanding the roots of housing disadvantage, contemporary barriers continue to perpetuate the challenges. For instance, whānau seeking to build on whenua Māori face a host of obstacles, including navigating Te Ture Whenua Māori | Māori Land Court processes, complying with council regulations and securing access to finance (Office of the Auditor-General, 2014). These barriers, combined with the legacy of punitive housing policies, have created a cycle of housing insecurity that shapes the lives of Māori communities today. Clearly, addressing contemporary barriers within the historical context is crucial to improving housing outcomes and opportunities for Māori.

### **The erosion of Māori housing rights**

The legacy of colonisation infiltrates modern housing politics. The current housing crisis in Aotearoa is rooted in colonisation, which has eroded Māori housing rights over generations. The dire housing situation faced by Māori today is not a random event or a sudden “crisis”, but rather, it is the intended outcome of colonial policies and neoliberal ideologies that have undermined Māori access to whenua, resources, and tino rangatiratanga. At the heart of this issue lies the dispossession of whenua Māori, which began with the arrival of European settlers and continues to shape housing inequities to this day. The alienation of Māori from their kāinga whenua through unjust policies, confiscations, and sales disrupted traditional ways of life and left many Māori disconnected from their cultural and economic bases. This theft and loss of whenua, coupled with the imposition of Western nuclear whānau structures and urban migration, has made Māori

particularly vulnerable to housing insecurity and homelessness.

Moreover, colonial ideologies have perpetuated harmful stereotypes and narratives about Māori that continue to influence housing policy and public discourse. The punitive measures and victim-blaming rhetoric employed by successive governments, while not always explicitly targeting Māori, have had a disproportionate impact on Māori communities. The statistics consistently show that Māori are overrepresented among those experiencing housing deprivation, including homelessness (Stats NZ, 2020). Yet, this situation is often framed as a failure of individual responsibility, rather than a systemic issue rooted in colonisation. When viewed together, the disproportionate impact of housing policies on Māori, and the colonial ideologies that underpin them, suggests that the current crisis is not an unintended consequence, but is instead a predictable result of a system designed to deprive Māori of their decision-making powers. Ultimately, the erosion of Māori housing rights is colonisation's legacy.

### **The modern politics of housing**

As described at the start of this commentary, the New Zealand Government has instructed Kāinga Ora to end the STF and adopt a firmer approach to managing disruptive tenants and those with significant rental arrears (Bishop, 2024). The government cites concerns about serious antisocial behaviour and the growing debts owed by tenants. Although only three tenancies were terminated because of disruptive behaviour in 2023, the government says that Kāinga Ora should prioritise those on the social housing waitlist over tenants who abuse their homes or neighbours. While the change is not expected to affect compliant tenants, there are concerns about the potential impact on Māori whānau with tamariki, given the high proportion of Kāinga Ora tenants with tamariki who are accused of antisocial behaviour or have rental arrears.

We have grounded the removal of the STF within a complex and sustained web of colonial ideologies applied through government policy. Kāinga Ora's removal of the STF is yet another example of punitive housing policies that disproportionately affect Māori. According to Kāinga Ora's 2024/25 annual report, 36% of Kāinga Ora tenancies involve Māori, while 200,000 people (approximately 3.8% of the total New Zealand population) are housed as Kāinga Ora occupants (Kāinga Ora, 2025). Though Māori make up only 17% of Aotearoa's total population, their representation in public housing at more than

double that rate reflects the extent to which public housing has become a critical source of housing security for whānau Māori. In the context of declining Māori homeownership rates since the 1990s (Rout et al., 2019) and well-documented discrimination in the private rental market, Kāinga Ora tenancies represent one of the few remaining pathways to stable kāinga for many whānau. This is not a deficit to be problematised; rather, it reflects the housing system fulfilling its function for those who have been dispossessed of whenua through generations of Crown policy. The concern, therefore, is not that Māori are in public housing, but that the government is now making that housing less secure.

Although the change is only relatively recent, the potential impacts of removing the STF can be forecast. In addition to people in social housing being forced out of their homes, the STF's removal sends a clear signal that the plethora of issues people in social housing face in sustaining tenancies does not concern our government. The removal of the STF would strip away critical tenancy protections for some of Aotearoa's most vulnerable communities.

Removing tenancy protections and imposing punitive consequences exacerbates housing instability, insecurity, and hardship, creating a cycle in which people are pushed out of public housing onto the street or into transitional private rentals, only to end up back on the 25,000-plus public housing waitlist (Ministry of Social Development, 2024). The government's claims about "antisocial behaviour" fail to recognise that these statistics are symptoms of deeper underlying issues such as mental illness, addiction, trauma, abuse, economic hardship, and poor physical health. Such complex problems require comprehensive support systems to effectively address them, but current systems are inadequate.

To reduce antisocial behaviour in society, the Coalition Government must invest in strengthening social safety nets and improving access to services that address the root causes driving these behaviours. However, even a well-functioning government would struggle to fully resolve such complex, deeply rooted societal problems. Nonetheless, responding with punishments will put even more strain on other public systems, like healthcare and social welfare. Tamariki are likely to bear the brunt of these policies, further entrenching intergenerational traumas. The Coalition Government has openly admitted to ignorance about critical details such as how many tamariki will be impacted, how many tenants have

health concerns, and, crucially, where the evicted will go (“Not Clear Exactly”, 2025).

This lack of detail suggests the policy is a rushed decision designed to meet the Coalition Government’s arbitrary “first 100 days” goals without fully understanding the broader context. Furthermore, it is yet another policy that is focused on opposing the previous Labour Government, rather than supporting those in need. As a collective, we must demand a more thoughtful, compassionate, and practical approach to housing, while also acknowledging the systemic tides of housing politics.

### Conclusion

This commentary began by highlighting our concerns about the removal of the STF and the uninformed justifications made by the responsible ministers. Our concerns stem from the punitive language behind the STF’s removal, and the lack of detail provided about how homelessness will be avoided. While this commentary is motivated by current policy decisions, we also argue that the policy shift is entwined in a colonial history that has deliberately, consistently, and disproportionately impacted Māori. Such policy shifts are not unique to the current Coalition Government. Rather, it is a feature of successive colonial governments’ policy-making that, in taking control over whenua Māori and kāinga, has created a view that housing for Māori is not a fundamental human right but something that must be earned. In other words, Māori who are considered to be “antisocial” should be punished with homelessness.

Housing will continue to be a political issue, with social and economic pressures likely to remain a feature of debates for years to come. However, for Aotearoa to succeed as a nation, international human rights must inform policy and uphold tino rangatiratanga and te Tiriti o Waitangi. Further work is required to map out the consequences of punitive housing policies, and to document ways in which policy has negatively impacted Māori and could continue to do so. The key point is that a plethora of housing solutions led by Māori already exist. Growing the capacity of Māori to support housing for Māori is necessary and will go some way to upholding human dignity, Tiriti obligations, and Indigenous rights, and to ending the vicious cycle of colonial housing politics.

To date, the Coalition Government has not publicly disclosed the ethnicity of any tenant whose tenancy has been terminated, who has been issued a Section 55A notice for antisocial behaviour (under the Residential Tenancies Act

1986), or who has been relocated under the new framework. This absence of data is not incidental. This is a political choice that allows the policy to proceed without scrutiny of its equity impacts. An Official Information Act request has been lodged seeking this data. If the figures confirm what the structural conditions strongly suggest—that Māori are disproportionately affected—then the removal of the STF cannot credibly be described as ethnicity-neutral policy. It must instead be understood as the latest iteration of the colonial housing cycle this commentary has described. Until the Crown is willing to confront the disparate impact of its housing decisions on Māori, the cycle of colonial housing politics will continue.

### Glossary

Aotearoa	New Zealand
kāinga	home
Māori	Indigenous peoples of New Zealand
Pākehā	New Zealanders of European descent
papakāinga	tribal homelands
rangatiratanga	Māori self-determination, sovereignty
raupō	wetland reed plant ( <i>Typha orientalis</i> ); native building material
tamariki	children
te Tiriti o Waitangi	the distinct Māori-language version of the Treaty of Waitangi (1840)
tino rangatiratanga	Māori self-determination, sovereignty
whānau	family
whenua	land
whenua Māori	ancestral Māori land

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