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Human
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Te Kāhui Tika Tangata
Human Rights Commission

Housing Inquiry

Homelessness and human rights: A review of the emergency housing system in Aotearoa New Zealand

December 2022



Te Kāhui Tika Tangata
Human Rights Commission



HE KĀINGA RAWAKA
HE TIKANGATA
A decent home is our human right

Housing Inquiry

Homelessness and human rights: A review of the emergency housing system in Aotearoa New Zealand

The New Zealand Human Rights Commission (the Commission) is established and operates under the Crown Entities Act 2004 and the Human Rights Act 1993. Independent of government, the Commission is accredited as an 'A status' national human rights institution under the United Nations Paris Principles. Information about the Commission's activities can be found on our website: www.hrc.co.nz

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Housing Inquiry Report: Homelessness and human rights:
A review of the emergency housing system in Aotearoa New Zealand



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Human Rights Commission

Inquiry into the right to a decent home in Aotearoa

The Human Rights Act 1993, which establishes the Human Rights Commission, is designed:

“to provide better protection of human rights in New Zealand in general accordance with United Nations Covenants or Conventions on Human Rights.”ⁱ

The Act sets out the Commission’s primary functions, the first of which is:

“to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society.”

Additionally, the Act gives the Commission numerous specific functions, including:

“to inquire generally into any matter, including any enactment or law, or any practice, or any procedure, whether governmental or non-governmental, if it appears to the Commission that the matter involves, or may involve, the infringement of human rights.”ⁱⁱ

In accordance with its statutory functions, the Commission has launched an Inquiry into the right to a decent home in Aotearoa. In a series of short reports and other initiatives, the Housing Inquiry aims to provide constructive recommendations on ways that the right to a decent home, grounded on Te Tiriti o Waitangi, can contribute to a fair and dynamic housing system.

The Inquiry applies *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*, published by the Commission in August 2021, as a lens through which to consider the housing system.

To date, the Inquiry’s work includes:

- *Housing Inquiry First Report: Strengthening Accountability and Participation in the Housing System*
- *Housing Inquiry: Measuring Progress*
This initiative demonstrates how to measure the obligation to progressively realise the right to a decent home over time.
 - o *Affordability: the true cost of unaffordable housing*
 - o *Habitability: poor quality housing affects health and wellbeing*
 - o *Accessibility: over 100,000 people are in severe housing deprivation and struggling to access a home*
 - o *Security of tenure: tenants staying in homes longer but gap remains*
- *Understanding Accountability for Māori (forthcoming)*

The Housing Inquiry is designed to advance the
Human Rights Commission guiding purpose,
Te Whakamana Tāngata: A Life of Dignity for All.

(Strategic Direction, 2020-2024)

ⁱ Human Rights Act 1993, section 5(1)(a).

ⁱⁱ Section 5(2)(h).

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Preface – Chief Human Rights Commissioner Paul Hunt

Many will be familiar with the alarming scenes from emergency housing that have run across our screens in recent months. Scenes of children and families crammed into motels with little or no cooking facilities or space for their belongings, security guards intimidating residents, and people deciding that they are better off sleeping in their car than in government-funded emergency housing.

These should not be the enduring image of efforts to help people out of homelessness. Our emergency housing system should uplift the dignity and human rights of the people it seeks to help.

In September 2022, the Human Rights Commission invited those living in emergency and transitional accommodation to share their experiences with us to inform our Housing Inquiry.

Many people came forward, including residents of such housing and service providers. Their testimonies, outlined in this report, paint a sobering picture of a system that is failing to meet human rights standards, particularly in emergency accommodation.

The Inquiry heard that some young people have felt so unsafe living alongside some adults in emergency accommodation that they have resorted or returned to street homelessness. It also heard stories of children who are now two or three and have only ever known living in a motel room.

This is a huge challenge, decades in the making. An estimated 100,000 or more people in Aotearoa New Zealand are experiencing homelessness. It is a problem most significantly experienced by Tangata Whenua, reflecting our nation's painful past where the colonial government, beginning in the 1860s, systematically stripped Tangata Whenua of traditional land and home ownership.

This report highlights other historic decisions by governments that have contributed to this crisis, including the depletion of public housing stock in the 1990s and 2010s. This has left the current Government's frontline response to homelessness with a huge shortfall of decent homes.

I acknowledge that the Government has made very significant efforts over the past five years to deliver a more equitable housing system in Aotearoa New Zealand. These efforts include for example, a \$3.8 billion housing acceleration fund, legislative changes to improve conditions for renters, the Māori national housing strategy, and the introduction of *Healthy Homes Standards*.

This report also highlights decisions by the current and recent Governments, such as the Cabinet decision in 2020 to remove emergency and transitional housing from the Residential Tenancies Act. This left residents of such housing with nowhere to turn for the past two years. Instead of an emergency system with dignity and accountability, we've seen an emergency system causing stress, trauma, and frustration. In many ways, at its core this is an issue of accountability.



Factors like the COVID-19 pandemic and the global economic environment have driven increased hardship and poverty here in Aotearoa, however the government's public housing system should be prepared for such headwinds.

We must learn from this crisis quickly, so that children and young people who have experienced the stress of emergency accommodation can grow up with hope for their future and as vibrant members of our community.

This report provides, for the first time, an outline of the human rights obligations of government for emergency and transitional housing.

These obligations are derived from the right to a decent home, as set out in the International Bill of Human Rights, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, and United Nations Declaration on the Rights of Indigenous Peoples.

It is crucial Tangata Whenua solutions to homelessness are grasped by government agencies because most people living in the emergency housing system are Tangata Whenua, and because we have seen how these solutions naturally dignify people and promote their human rights.

Successive governments have promised to do everything they can, within their power and resources, to create the conditions that allow everyone to enjoy secure, warm, dry, affordable, accessible, decent homes. We hope that this report can go some way to holding the current and future governments to account for keeping this promise.

I want to sincerely thank everyone who shared their experiences and ideas with us. Alongside the failings, we heard of many innovative and deeply compassionate efforts to lift people out of homelessness. That's how, in the future, our emergency housing system can and should be defined.

Paul Hunt

Chief Commissioner | Te Amokapua
New Zealand Human Rights Commission | Te
Kāhui Tika Tangata

12 December 2022

Acknowledgments and content warning

In September 2022 the Human Rights Commission's Housing Inquiry issued a public call asking those with experience of the emergency housing system to contact us and share their perspectives.

We deeply appreciate the time and effort of everyone who shared their stories and perspectives with us as part of our Inquiry. We thank government officials for their engagement, insight, and advice on how this complex system operates. We commend their dedication and hard work in progressing a housing system that meets the needs of everyone in Aotearoa New Zealand. We also commend the lifesaving work being done by housing and social service providers, community organisations, hapū and iwi, and housing advocates.

This report outlines the themes we heard from those who contributed and includes a range of illustrative direct quotes. All quotes have been included only with the explicit consent of those quoted. In some instances, details such as gender, region, or family details have been changed to prevent inadvertent identification.

Some of the themes discussed may be distressing to readers. This report includes discussion of trauma, physical and sexual violence, racism and abuse, alcohol and drug use and addiction, and mental health distress including suicidal thoughts.

We acknowledge the pain of many who spoke to us, and their feelings of hopelessness and helplessness. We also acknowledge the resilience of those who are surviving in emergency housing despite sometimes appalling conditions. We see clearly that many feel lost or forgotten in a system that does not care about their situation. Many people who contacted us expressed frustration that government agencies and advocates had ignored their complaints. Some also indicated their expectation that we would be no different, but shared their stories despite this, in the hope someone was listening.

We hope this report will provide some sense they have been heard and reinforce their right to expect better.

The emergency housing system gives rise to some technical language. By way of support and assistance, some of these terms are set out in an Appendix Glossary with brief explanations (at page 64).



Whakarāpopototanga matua

He mana ā-ture tō Te Kāhui Tika Tangata ki te whakahaere pakirehua ki ngā take motika tangata.¹ I te tau 2021, ka tīmataria e mātou he pakirehua ki te motika ki tētahi kāinga rawaka. Kei roto i te Pakirehua Wharenoho ngā pūrongo me ētahi atu wawaonga ki ētahi take wharenoho me te whakarato i ngā tūtohu whaihua mā ētahi kiripānga maha.

E mōhio ana mātou he mōrearea whare kei mua i te aroaro o tēnei kāwanatanga, otirā he mea hanga e ngā tau maha o te whakahapa torowhare. E pokea ana a Aotearoa e te hia tau o te noho kore whare, i ahu mai tētahi wāhanga i ngā kaupapahere kāwanatanga o mua, ki te hoko i ngā whare kāwanatanga. Kua whakapakaritia tēnei e te pikinga nui o te utu o ngā whare, me te korenga haere hoki o ngā whare hei rēti e ngāwari ana te utu. Kei mua hoki i te kāwanatanga ētahi atu take takawhīwhiwhi, pēnei i te urutā KOWHEORI-19 me te urupare, ngā take nui o te kore rauemi hanga whare, me ngā uauatanga o te taiao ōhanga o te ao. Nā ētahi o ēnei take i kōkiri i te pikinga o te pōharatanga me te rawakore i Aotearoa.

He nui te whakapeto a te kāwanatanga i te ngoi me te pūtea ki te whakawhanake i tētahi pūnaha e whakatau ana i te kore kāingātanga me ngā take hoki e noho kore kāinga ana te tangata.

Ka piki haere tā mātou Pakirehua i runga i te whakaputanga a Te Kāhui kātahi anō ka puta, a Te Aratohu tika tangata ki te whai whare rawaka i Aotearoa. Ka whakatakoto te Aratohu i te motika ki tētahi whare rawaka i poua ki Te Tiriti o Waitangi me te tohu i ngā huarahi rerekē e taea ai e tēnei motika tangata te whai wāhi ki tētahi pūnaha whare tōkeke, hikareia hoki.

Ko tēnei pūrongo e arotahi ana ki te pūnaha whare ohore, ko te urupare rārangi o mua a te kāwanatanga ki te kore kāinga i Aotearoa. Kei roto i tēnei pūnaha wharenoho ohotata ngā kaupapa huhua, engari ka whai whakaaro tēnei pūrongo ki ētahi take matua e rua: ngā nōhanga ohotata a te Emergency Housing Special Needs Grant, me ngā whare taupua a ngā kaiwhakarato ā-kirimana.

I te Hepetema 2022, i whakaputa karanga tūmatanui mātou e tono ana i te hunga whai wheako i te pūnaha wharenoho ohotata kia whakapā mai me te tuku mai i ō rātou whakaaro. E whakarāpopoto ana tā mātou pūrongo i tā mātou i rongo ai, me te whakarato i ētahi taunaki whaiaro (upoko 3). He tino whakaauhi ngā kōrero i rongo ai mātou. He nui ngā āhuatanga i kore ai te pūnaha e whai hua ki te huhua o te hunga e tino hiahia āwhina ana. Mahue te tautoko i te hunga kei a rātou te kore tūwhita ā-kāinga kia uru ki ngā otinga kāinga toitū, ko tā te urupare aroākapa ki te kore kāingātanga he whakapiki kē i ngā raruraru me te pāmamae e pēhi tonu nei i te tangata i muri noa atu i te wehenga i te pūnaha.

I te upoko 4, ka tautuhi mātou i ngā takohanga tika tangata inamata e whā ka pupū ake i te motika ki tētahi whare rawaka e pā ana ki te kore kāingātanga:

Takohanga inamata 1: He whakarato i ngā wharenoho ohotata e eke ai ngā paerewa rawaka taketake me ētahi atu āhuatanga tika tangata matua o te motika ki tētahi whare rawaka.

Takohanga inamata 2: Kua e pana i te tangata ki te kore kāingātanga.

¹ Ture Tika Tangata (Human Rights Act) 1993, wāhanga 5(2)(h).

Takohanga inamata 3: He whakamana i Te Tiriti o Waitangi i te taha o ētahi atu takohanga tika tangata.

Takohanga inamata 4: He whakarite i ngā whakaritenga haepapa whaihua, kei roto ko te mahi aroturuki, te arotake motuhake atu ki ngā paerewa, me te mahi whakarongoā, e whakaū ana i te pūnaha wharenoho ohotata.

Ki te kore ēnei āhuetanga e uru, e kore e taea e te pūnaha wharenoho ohotata te urupare ki ngā hiahia o te hunga e tika ana mā rātou kē tēnei pūnaha. Ko te mōrearea anō hoki kei takahia anō ngā tika tangata o te hunga tino whakaraerae.

Ka noho mana ēnei takohanga i te ture o te ao. Ka whai pānga ēnei i te taha o ētahi atu herenga, pēnei i te takohanga o te koke ā-hakune, ā-tūturu, ā-ūnga hoki ki te whakatinanatanga nui o te motika ki tētahi whare rawaka mā te katoa i Aotearoa.

I te upoko 5, e pātai ana mātou mēnā e ū ana te pūnaha wharenoho ohotata i Aotearoa ki ēnei takohanga whaimana inamata e whā. E kite ana tā mātou pūrongo i ngā takahitanga nui e toru o te motika ki tētahi whare rawaka i poua ki runga i Te Tiriti o Waitangi:

1. *Kāore te pūnaha wharenoho ohotata i te whakarato i ngā takohanga tika tangata inamata a te kāwanatanga ki te whakarato wharenoho ohotata, e eke ai ngā paerewa rawaka taketake me ētahi atu āhuetanga tika tangata matua, me te kore e pana i te tangata kia noho kāinga kore.*
2. *Ko te whakataunga a te kāwanatanga i te tau 2020 ki te kaupare i te tahua wharenoho me te wharenoho taupua mai i te Residential Tenancies Act, ka noho hei takahitanga nui o tana takohanga tika tangata ki te whakarato i te haepapa whaihua i raro i te motika ki te whare rawaka, otirā e haere tonu nei.*

3. *I rahua te mahi a te kāwanatanga, me ētahi atu tari kāwanatanga, ki te whakarite i ngā whiringa haepapa whaihua o te motika ki tētahi whare rawaka, i poua ki Te Tiriti o Waitangi.*

I te upoko 6, ka whakatakoto mātou i ngā tūtohu hei whakatau i ēnei takahitanga tika tangata:

- 1) *Whakatauhia ngā hārakirakitanga i waenga i ngā kaupapa rerekē e rua (te tahua wharenoho me te wharenoho taupua) me te hanga i tētahi pūnaha kotahi, torowhānui hoki o te wharenoho ohotata. Ko tā te pūnaha me:*
 - o *whakatau i te matea wharenoho whiwhita i ngā pae maha me ngā herenga tautoko, me te kore tāpoapoatanga, me te aronga ki ngā ratonga ā-hononga, kua i ngā ratonga ā-kurutete*
 - o *hoahoa, me whakawhanake, me tuku ngātahi me te Tangata Whenua, me te urupare ki ngā matea Māori me ngā urupare o Te Ao Māori ki te kore kāingatangā*
 - o *tautoko hohe me te whakapiki i ngā kaupapa ā-hapori, ā-hapū, ā-iwi hoki*
 - o *āta whakawhanake i te taha o te hunga kua kite wheako i te kore kāingatangā me te pūnaha wharenoho ohotata.*
- 2) *Me wawe tonu ka taea te whakakore haere i te whakamahinga o ngā kaiwhakarato wharenoho tūmataiti kirimana-kore i raro i te Emergency Housing Special Needs Grant (tahua wharenoho).*
- 3) *Me ū ki te tiaki tika i ngā motika o te hunga kei roto i te pūnaha wharenoho ohotata.*
- 4) *He whakarite i tētahi tikanga haepapatanga whaihua motuhake mō te pūnaha whiwhi whare, tae atu ki te pūnaha wharenoho ohotata.*
- 5) *He whakarite i tētahi pae motuhake me tētahi rōpū whakahau i poua ki Te Tiriti o Waitangi.*



E kore e taea e te kāwanatanga te karo i ōna takohanga tika tangata, tae atu ki te takohanga ki te whakarato i ngā whare ohotata rawaka mō te hunga kore kāinga, mā te whakanonoi tonu, ahakoa ngā mūhoretanga o te pūnaha wharenoho ohotata, ko te aronga kē he kino ake i te mea kua kore te tangata e whiwhi wāhi noho. Kua rongu mātou i ngā tāngata i hoki anō ki te moe i roto i ō rātou waka nā te mea he haumaruru ake i ngā wharenoho ohotata. He tauira tēnei o te ngoikore o te hoahoatanga me te whakahaeretanga o te pūnaha o te wā nei. I tētahi whenua pēnei i a Aotearoa, me kua e mauminaminatia te kore kāingātanga, te pūnaha wharenoho ohotata ngoikore rānei, otirā ka takahi ngā mea e rua i ngā tika tangata.

Kāore te hunga e tino matea ana i te whai hua i te pūnaha wharenoho ohotata o te wā nei. Engari ehara i te mea kāore e taea te whakatika, kāore rānei he āpōpō mōna. E kite ana mātou i ngā tohu pai i te whakaurunga o ngā hōtaka pairete

e whakakotahi nei i ngā rōpū huhua rerekē ki te mahi ngātahi ki te rapu huarahi hou. Ko tā ngā kaiwhakarato whare me ngā ratonga pāpori, ngā rōpū hapori, ngā hapū me ngā iwi he whai i ngā mahi whakaora tangata, otirā i rongu mātou i ngā whakaaro maha ki te rapu i ngā tikanga mahi arokē e puta ai pea he hua. Ko tā te arotake a te kāwanatanga me te whakahoutanga o te pūnaha wharenoho ohotata, he tāpae āheinga ki te hāpai ake i ēnei tikanga me ngā kaupapa hou.

Me kua te wairua whakawehi e whakapōrearea i te whāinga o ngā āheinga ki te whakamātau i tētahi mea hou. Koinei te wā, kāhore he wā kē atu, kia whakaaro pākaha, manawanui hoki tātou ki te āhua o tētahi pūnaha wharenoho rawaka, ki te whakakore i te kore kāingātanga. Mā te mahi tahi, me te whakaaro pohwea, ka taea e tātau te waihanga i tētahi ao e whai whare rawaka ai ngā tāngata katoa o Aotearoa, i poua ki Te Tiriti o Waitangi.

Executive summary

The Human Rights Commission has a statutory mandate to hold inquiries into human rights issues.² In 2021, we launched an Inquiry into the right to a decent home. The Housing Inquiry includes reports and other interventions on several housing issues and provides constructive recommendations for a range of stakeholders.

We recognise the current Government faces a housing crisis largely created by decades of institutional neglect. Aotearoa New Zealand suffers from years of undersupply in housing, stemming in part from historic governmental policy to sell off state housing stock. This undersupply has been compounded by drastic house price increases and an increasing lack of affordable rental supply. The Government also faces other complicating factors, including the COVID-19 pandemic and response, serious building industry supply issues, and a challenging global economic environment. Some of these factors have driven increased hardship and poverty in Aotearoa New Zealand.

The Government has invested very significant effort and funding to develop a system that tackles and lessens both homelessness and the circumstances in which people become homeless.

Our Inquiry builds on the Commission's recent publication, *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*.³ The *Guidelines* outline the right to a decent home grounded on Te Tiriti o Waitangi and signal the different ways this human right can contribute to a fair and dynamic housing system.

This report focuses on the emergency housing system, which is government's frontline response to homelessness in Aotearoa New Zealand. The emergency housing system includes a range of initiatives, but this report considers two core aspects: emergency accommodation funded by a housing grant, and transitional housing delivered by contracted service providers.

In September 2022 we issued a public call asking those with experience of the emergency housing system to contact us and share their perspectives. Our report summarises what we heard and provides some personal testimonies (chapter 3). What we heard is distressing. In many respects the system has failed those who need the most help. Instead of supporting people through housing insecurity into sustainable solutions, the frontline response to homelessness can deepen problems and trauma that continue to affect people long after they have left the system.

In chapter 4, we identify four immediate human rights obligations that arise from the right to a decent home in relation to homelessness:

Immediate obligation 1: Provide emergency housing that meets minimum decency standards and other key features of the right to a decent home.

Immediate obligation 2: Do not evict anyone into homelessness.

Immediate obligation 3: Uphold Te Tiriti o Waitangi alongside other human rights obligations.

² Human Rights Act 1993, section 5(2)(h).

³ Te Kāhui Tika Tangata Human Rights Commission, *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*, August 2021. https://www.hrc.co.nz/files/7416/2784/4778/Framework_Guidelines_on_the_Right_to_a_Decent_Home_in_Aotearoa_FINAL.pdf.



Immediate obligation 4: Establish effective and accessible accountability arrangements in relation to the emergency housing system.

Without these features, an emergency housing system will fail to respond to the needs of those it is designed to serve. It also risks further breaching the human rights of those who are particularly vulnerable.

These obligations are binding in international law. They apply alongside other requirements, such as the obligation to take deliberate, concrete, and targeted steps toward full realisation of the right to a decent home for everyone in Aotearoa New Zealand.

In chapter 5, we ask if the emergency housing system in Aotearoa New Zealand is consistent with these four binding immediate obligations. Our report finds **three key breaches** of the right to a decent home grounded on Te Tiriti o Waitangi:

- 1. The emergency housing system is failing to deliver government's immediate human rights obligations to provide emergency housing that meets minimum decency standards and other key features of the right to a decent home, and not to evict anyone into homelessness. This failure results in a breach of the right to a decent home grounded on Te Tiriti o Waitangi.*
- 2. The Government's decision in 2020 to exclude emergency accommodation and transitional housing from the Residential Tenancies Act is a serious and ongoing breach of its human rights obligation to provide accountability for the right to a decent home.*
- 3. Government has failed to put in place accountability arrangements for the right to a decent home, grounded on Te Tiriti o Waitangi, in relation to the emergency housing system. The*

lack of accountability over the emergency housing system, in particular the emergency housing grant initiative, is a serious breach of government's obligation in relation to the right to a decent home.

In chapter 6, we outline recommendations to address these human rights breaches:

- 1) Address the inconsistencies between the two different initiatives (emergency accommodation and transitional housing) and create a single, holistic system of emergency housing. This system must:*
 - o meet urgent housing need at a range of levels and support requirements, without stigmatisation, and with a focus on relational rather than transactional services*
 - o be designed, developed, and delivered in full partnership with Tangata Whenua, and respond to Māori needs and Te Ao Māori responses to homelessness*
 - o actively support and build on community, hapū and iwi initiatives, as much as possible*
 - o be developed in active participation with those who have lived experience of homelessness and the emergency housing system.*
- 2) Phase out the use of uncontracted commercial accommodation suppliers receiving the Emergency Housing Special Needs Grant to deliver emergency accommodation as soon as possible.*
- 3) Commit to adequately protecting the rights of those in the emergency housing system, either by amending the Residential Tenancies Act or by creating an alternative mechanism that is significantly stronger than the current draft Code of Practice for Transitional Housing.*

- 4) *Establish an effective, accessible, and constructive accountability mechanism for the housing system, including the emergency housing system.*
- 5) *Establish an independent advisory and advocacy group grounded on Te Tiriti o Waitangi.*

Government cannot escape its human rights obligations, including the obligation to deliver decent emergency housing for those experiencing homelessness, by asserting that, despite the failures of the emergency housing system, the alternative would be worse because people would have nowhere to stay. We have heard from people who went back to sleeping in their cars because they felt safer there than in emergency accommodation. This speaks to the inadequacy of the system as it is currently designed and operating. In a country like Aotearoa New Zealand, neither homelessness nor a failing emergency housing system are acceptable and both fall short of human rights standards.

The current emergency housing system is failing those who are most in need. But it is not beyond hope or repair. There is progress. For example, we see positive signs in the introduction of pilot programmes bringing together a range of different organisations to work collectively towards change. Housing and social service providers, community organisations, hapū and iwi are all doing lifesaving work, and we have heard many suggestions for alternative ways of working that could make a positive difference. Government's ongoing review and reset of the emergency housing system offers an opportunity to take up these new approaches and initiatives.

The fear of getting it wrong must not stand in the way of taking opportunities to try something new. Now, more than ever, we need bold and courageous thinking about what a decent housing system would look like to eliminate homelessness. By working together and with imagination we can create an environment in which everyone in Aotearoa New Zealand enjoys the right to a decent home grounded on Te Tiriti o Waitangi.



1. Introduction



In 2021, the Human Rights Commission launched a Housing Inquiry to address the housing and human rights crisis that affects everyone, one way or another, in Aotearoa New Zealand.

The Inquiry builds on our development and publication of *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*, which outline what the right to a decent home means in the unique context of Aotearoa New Zealand.

The *Guidelines* identify the key features of this human right, including the importance of reading it alongside and grounded on Te Tiriti o Waitangi, and provide a helpful lens for examining housing strategies and other initiatives.

One of the most alarming outcomes of the housing and human rights crisis is the increasing number of individuals and families who are facing homelessness.

Government has a human rights obligation to respond to homelessness. This obligation includes the requirement to provide emergency housing for those facing homelessness, as they transition towards decent sustainable housing. As well as human rights obligations, government also has Tiriti o Waitangi obligations, particularly given that Tangata Whenua are disproportionately represented in homelessness statistics and the emergency housing system.

In Aotearoa New Zealand, successive governments have established an emergency housing system to deliver on this human rights obligation and respond to the immediate housing needs of those who are homeless. This emergency housing system includes a range of initiatives, including two services that deliver the majority of emergency housing: emergency accommodation funded through the emergency housing grant, and transitional housing.



These are by no means the only initiatives government has developed to combat homelessness. The Aotearoa New Zealand Homelessness Action Plan is one of the key pieces of work in this area, and there are many other housing programmes underway. The current Government has invested a lot of effort and funding into developing a fair and equitable housing system that addresses both homelessness and the circumstances under which people become homeless. Emergency accommodation and transitional housing are two key services created to deliver support to those in immediate and urgent housing need.

These services are not just social policy initiatives. They are required by international human rights law. Despite these binding human rights and Tiriti o Waitangi obligations, the data shows more than 100,000 people in Aotearoa New Zealand are experiencing homelessness.¹

We have been alarmed by the large volume of problems arising in the emergency housing system – both in emergency accommodation and transitional housing. Chapter 3 of this report

reflects what we have heard from people currently in the system and those who have moved through it into longer-term housing, from service providers and advocates, and from people outside the system – family members, friends, people living near emergency housing, and others.

In Chapter 4, we identify four immediate human rights obligations, and key features of those obligations, that arise from the right to a decent home in relation to homelessness. These immediate obligations, as drawn from the *Guidelines* and from international human rights law, provide us with a way to measure government's front-line response to homelessness, including the emergency housing system, on its human rights performance.

In Chapter 5, we ask if the emergency housing system in Aotearoa New Zealand is consistent with these four binding immediate obligations, and outline our findings. Chapter 6 provides our brief constructive recommendations for change to address these human rights breaches, and to improve the emergency housing system.



2. Background and context



The right to a decent home grounded on Te Tiriti o Waitangi

The human right to a decent home has been recognised in multiple international human rights treaties.² International law usually refers to the 'right to adequate housing'. Sometimes the term the 'right to shelter' is used. However, the human rights literature is clear: the right to adequate housing is much more than shelter, bricks, mortar or a house.³ In these circumstances, we favour the 'right to a warm, dry, safe, secure, affordable, accessible, healthy, decent home' – for short, 'the right to a decent home'.

For many years, Aotearoa New Zealand has ratified many of these treaties. In other words, the right to a decent home is both ethically compelling and legally binding in international law.⁴ It places responsibilities on central and local governments, and on the private sector.⁵ In Aotearoa New Zealand, the constitutional status of Te Tiriti o Waitangi means that the right to a decent home must be read alongside, and grounded on, Te Tiriti.⁶

Framework Guidelines on the Right to a Decent Home in Aotearoa

In 2021, after a long consultation process, the Commission published *Framework Guidelines on the Right to a Decent Home in Aotearoa*. The *Guidelines* set out what the right to a decent home means in the unique context of Aotearoa New Zealand and signal the diverse ways this human right can contribute to a fair and dynamic housing system.

Developed in close partnership with the National Iwi Chairs Forum, the *Guidelines* reflect Te Tiriti o Waitangi; the distinctive social, economic, cultural, and demographic conditions prevailing in Aotearoa New Zealand, including colonisation and its continuing impact on Tangata Whenua; and international human rights standards.

The *Guidelines* highlight key features of the right to a decent home grounded on Te Tiriti o Waitangi. In summary, these features include:

- *Values, such as whanaungatanga, kaitiakitanga, manaakitanga, dignity, decency, fairness, equality, freedom, wellbeing, safety, autonomy, participation, partnership, community, and responsibility*
These values must lie at the centre of all housing-related initiatives in Aotearoa New Zealand.
- *United Nations 'decency' housing principles i.e., habitability; affordability; accessibility; access to services, facilities, and infrastructure; access to location; respect for cultural diversity; and security of tenure*
If homes and housing initiatives do not comply with these seven principles, read with Te Tiriti o Waitangi, they are not complying with the right to a decent home, unless it can be shown that all reasonable steps have been taken to comply with the principles.
- *Freedoms and entitlements*
All restrictive housing laws, regulations, rules, and practices must be fair, reasonable, proportionate, and culturally appropriate.
- *Equity, equality and non-discrimination*
Effective measures, designed to address the unfair disadvantage experienced by some individuals and communities, are required.
- *Participation*
All individuals and communities should have the opportunity for active and informed participation on housing issues that affect them, and Te Tiriti o Waitangi requires government to work in partnership with its Tiriti partners.
- *A human rights-based housing strategy*
- *Constructive accountability and access to justice*
This must be both effective and accessible to those in need.

At Chapter 4, we outline how the right to a decent home, drawing from international human rights law, Te Tiriti o Waitangi, and these key features as outlined in the *Guidelines*, apply in relation to homelessness and the emergency housing system.

Responding to homelessness and unmet housing need: the emergency housing system in Aotearoa New Zealand

Government policy and responses to homelessness in Aotearoa New Zealand have evolved over time. These responses now include both front-line initiatives that offer immediate support to those experiencing urgent housing need, and higher-level policy development of strategies and systems that seek to combat homelessness.

As homelessness has increased, new policies, programmes, and funding have been introduced alongside existing social assistance.⁷ A range of programmes and housing support products now exist:

- Emergency Housing Special Needs Grant
- Transitional housing
- Public housing
- Accommodation Supplement
- Temporary Additional Support (where it applies to accommodation costs).
- Housing Support Products

Some of these programmes and products are delivered by the government. Others are delivered by community providers with funding support from government. Multiple government agencies are involved in, and responsible for, the delivery of both front-line services and strategic policy development. The Ministry of Social Development (MSD) and the Ministry of Housing & Urban Development (HUD) are the main agencies involved in the design, administration, and delivery of the emergency housing system.

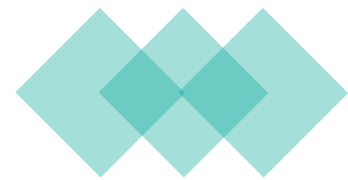
Over the last 12 months, an increasing number of stories have emerged about problems in the emergency housing system. We have been alarmed by the volume and severity of these issues and worked to hear from those with direct experience of the system. We have also engaged with government agencies – both HUD and MSD – during our Inquiry and have met with a range of Ministers who hold housing portfolios.

The emergency housing system in Aotearoa New Zealand is “intended to deliver a range of outcomes, including access to housing for people with urgent housing needs, support services, and a pathway to long-term housing.”⁸ It currently involves two separate main initiatives: emergency accommodation and transitional housing.

- 1) Emergency Housing Special Needs Grant (‘housing grant’), which funds non-contracted temporary emergency accommodation,
- 2) Transitional housing, delivered by accredited and contracted housing support providers.

These initiatives together form the bulk of places in the emergency housing system. A third initiative within the emergency housing system involves government-contracted motels providing emergency housing, including contracted motels being used during the COVID-19 response and more recently as a pilot programme in Rotorua.⁹

In many cases we have heard emergency accommodation and transitional housing referred to interchangeably, regardless of whether the specific housing is emergency accommodation or transitional housing. However, they are separate initiatives delivered by different government agencies and with varying funding models. They are also significantly different in terms of their policy intention and the lines of accountability in each initiative.



In this report we refer to one as **'emergency accommodation'** and the other as **'transitional housing'**. When we talk about the entire system, we use the term **'emergency housing system'**.

Alongside these two main initiatives that form the emergency housing system, the Government has put a very significant amount of effort into developing strategies and systems that tackle both homelessness and the circumstances in which people become homeless. The Aotearoa New Zealand Homelessness Action Plan (HAP), published in February 2020, is one of the most significant pieces of work in this area. The Plan's vision is that "homelessness is prevented where possible, and when it does happen, is rare, brief and non-recurring."¹⁰ It focuses on four main areas: supply, support, prevention, and system enablers.

The Government has also invested very significant effort and funding over the past five years to deliver a more equitable housing system in Aotearoa New Zealand. These include for example, a \$3.8 billion housing acceleration fund, legislative changes to improve conditions for renters, the Māori national housing strategy, and the introduction of *Healthy Homes Standards*.

We acknowledge the work that has been done, and the immense importance of these higher-level strategies and systems in addressing homelessness. However, this report focuses on the front-line response to homelessness: the emergency housing system.

Emergency accommodation

The Emergency Housing Special Needs Grant was introduced in July 2016, as one of several initiatives responding to an increasing number of people experiencing homelessness.¹¹ The grant pays for emergency accommodation provided by commercial short-term accommodation providers such as motels, hostels, campsites, boarding houses, and backpackers who are not contracted by MSD to deliver accommodation services.¹² Accommodation suppliers funded by the emergency housing grant are not considered dedicated emergency housing providers; they are commercial businesses receiving payment from MSD on behalf of a client.

MSD emphasises that any contractual relationship is directly between the individual client and the motelier – the supplier is still operating a commercial accommodation service. Following the COVID-19 pandemic response, some moteliers have chosen to provide *only* emergency accommodation funded via the housing grant, while others continue to operate a 'mixed model' (i.e., some emergency accommodation clients and some commercial short-term travel accommodation).

The emergency housing grant is administered and funded by MSD. The grant is intended and designed to provide funding for short-term accommodation for people in immediate need, usually for up to seven days at a time. In most circumstances it is non-recoverable (i.e. clients do not have to pay it back).¹³ MSD will pay the full cost of accommodation for the first seven nights (via the first grant), but if clients need emergency accommodation beyond this they are required to start paying an Emergency Housing Contribution (25% of net income).¹⁴ The full cost of the motel is still paid by MSD, with the 25% client contribution collected separately as revenue by MSD.¹⁵

Although the grant usually runs for seven days, MSD has discretion to pay grants for up to 14 nights “when there is low availability of emergency housing in the region”, and for up to 21 nights “when a client has had an emergency housing grant for at least 7 nights and meets the additional qualifications, including engaging with intensive support services.”¹⁶

The standard seven-day duration of each grant reflects the policy intention that individuals and families should be able to access longer-term accommodation as soon as possible. Everyone receiving an emergency housing grant is required to “make reasonable efforts to find secure accommodation”, which MSD acknowledges will usually involve applying for transitional housing and public housing, as well as looking for private tenancies.

The housing crisis, alongside other factors such as COVID-19 and growing wealth inequality, has increased demand for emergency housing, including accommodation funded by the emergency housing grant. Spending on emergency housing grants has increased significantly since it was first introduced. Figures released by Government indicate that spending came to \$88.1m in 2018/19, \$215.4m in 2019/20, and \$320.5m in 2020/21.¹⁷ In the quarter ended 30 June 2022, 32,700 Grants were paid out (to 7,586 individual clients). The total emergency housing grant amount came to \$97.3 million in the same quarter.¹⁸

Government has acknowledged this demand was not envisaged when the grant was first established in 2016, but that the “pressure in New Zealand’s housing market has led to increased demand for all forms of housing assistance.”¹⁹

Since 2020, the Government has also acknowledged clients were remaining in both emergency accommodation and transitional housing services for significantly longer periods:

*At the time that the Government’s current transitional housing and emergency housing programmes were introduced, it was not envisaged that clients would remain in the services for extended periods of time. However, due to supply pressures in the wider housing market over recent times, lengths of stay in transitional and emergency housing are increasing.*²⁰

As of October 2022, the average stay in emergency accommodation was 26 weeks, and there were 111 households that had been in emergency accommodation for more than 24 months.²¹

Transitional housing

Alongside emergency accommodation funded by the emergency housing grant, the transitional housing programme is the other primary front-line response to homelessness.

Transitional housing was introduced in 2017, also by the then-National Government, as “a new approach to housing.”²² The programme was designed to be led by government (both MSD and then Housing New Zealand) in contracted agreement with housing providers. Transitional housing was intended to:²³

- provide warm, dry, and safe short-term accommodation for people in need, along with tailored social support during their stay
- provide a place to stay for an average of 12 weeks or more while families and individuals are helped to find more permanent housing
- be managed by contracted providers who are responsible for making sure the houses are warm, dry, and safe.



Providers are also responsible for working with families to help them access any support they need, such as budgeting advice or social services, and to support clients to move from transitional housing into longer-term housing. If the client is not already on the housing register, the provider must ensure they are assessed for eligibility. Providers are also required to encourage clients to move into longer-term private rentals.²⁴ In practice, however, many clients are unable to meet private rental costs and have no option but to stay on the housing register and in transitional housing until adequate public housing can be found.

Transitional housing includes newly built properties, repurposed properties, motels, and properties leased from the private market. Clients in transitional housing are required to pay rent of up to 25% of their income in line with income-related rents for public housing.²⁵ The contribution is assessed by, and paid to, the transitional housing provider. Each contracted housing provider receives payment from MSD (transitioning to HUD in 2023) for the remaining expenses.

Motels were first used as transitional housing in 2017. This has continued, with HUD now contracting a number of motel blocks to operate entirely as a transitional housing property (usually with contracted social service providers on site to manage the facility). During the first COVID-19

lockdown, HUD also contracted over 1,200 motel places to ensure vulnerable people would have somewhere safe to stay. These 'COVID-19 motels' include support services but are not transitional housing.

We note the Government is continuing to contract motels as both COVID-19 motels and transitional housing, while waiting for new purpose-built transitional housing facilities to be built.²⁶ Government has also signalled that "there may be an opportunity to convert [these motel places] to more permanent accommodation following the ongoing Emergency Housing review."²⁷

HUD now manages the contracting of transitional housing providers, but MSD continues to administer the referral and assessment process. The goal is still to provide temporary accommodation for individuals and whānau who do not have anywhere to live, and tailored support to help them move into long-term housing, and the intended timeframe for stay is still an average of 12 weeks.²⁸ However, as with emergency accommodation, the average length of stay is now much longer. The median length of stay in transitional housing for reported households who have exited the service during the FY2021/22 was 18.1 weeks. In exceptional cases, residents may end up in transitional housing for years at a time.²⁹



3. What we have heard



In September 2022, the Inquiry issued a public call asking those with experience of the emergency housing system to contact us and share their stories, experiences, and perspectives. People could email or phone us, and we also launched a dedicated website where people could share their stories. In some cases, we were able to sit down face to face or engage directly over Zoom/Teams.

We heard from those currently in the system, those who have moved through it into longer-term housing, from service providers and advocates, and from people outside the system – family members, friends, people living near emergency housing, and others.

What we have heard overall is distressing. In many respects it was clear that, despite its good intent, the system had failed those who most needed help. Instead of supporting people through housing insecurity and back into sustainable solutions, emergency accommodation and transitional housing can create or exacerbate problems and trauma that continue to affect people long after they have left the system.

Quality, conditions, and access to essential facilities

We heard from existing and former residents about the poor habitability of both emergency accommodation and transitional housing, and the lack of access to essential facilities such as cooking and laundry.

"[My family members] were moved to a motel which was filthy and had no cooking facilities in the room ... their next room fortunately had cooking facilities, but the condition was absolutely disgusting with holes in the walls, vomit and food on the walls, mouldy curtains which affects [child's] asthma. The door doesn't lock properly and several times has had to be left unlocked. This has all been reported several times and to date nothing has been repaired." [Family member of resident in emergency accommodation]

"We've been in emergency for nearly four years. I live in a small studio, with a bar fridge, malfunctioning freezer, one chair and table and share a bed with my kids. We look like hoarders, our bathroom is our storage because one wardrobe fits next to nothing. Our room has no ventilation whatsoever, so it's either really hot or really cold." [Resident in emergency accommodation]

"The conditions of the property were bad. The place was full of cockroaches, she experienced cockroaches crawling across her face in her room and in the kitchen." [Former resident of emergency accommodation]

Multiple residents raised concerns about the condition of their housing causing health issues, especially for their children.

"My kids get sick nearly every second week. My eldest [child] has been in hospital twice due to our hotel situation and now has asthma." [Resident in emergency accommodation]

We heard a lot about the inadequacy of motel-based emergency accommodation. Clear themes included:

- Lack of basic facilities. Some motel accommodation did not include even the most basic cooking facilities in the room, while others provided facilities fundamentally inappropriate for the length of stay (e.g. bar fridges, a single hot plate).
- Extremely poor quality, sometimes to the extent that it created serious health or safety issues for residents. Damage caused by previous residents was often not fixed, and some people were given rooms that had not been adequately cleaned after the previous resident had left.

- Too small for the number of people living there. Families were often housed in a single room, sometimes with children sleeping in the same bed as their parent because there was no other room.

Although most complaints we heard regarding poor quality were in relation to emergency accommodation, we also heard that some transitional housing had similar problems. This was particularly the case where transitional housing was delivered through contracted motels rather than purpose-built facilities such as apartment blocks or stand-alone houses. Some people in older transitional housing also observed a lack of maintenance leading to issues like mould or damage that was not repaired.

Child and youth wellbeing

We heard concerns from many people about children living in the emergency housing system. Parents living with their children told us how worried they are for their children's health and wellbeing (including physical health impacts from poor quality housing). Advocates and social service providers also confirmed the impacts they are seeing on children in emergency housing.

"They are not getting enough sleep, they can't function in a learning environment due to the poor social environment they find themselves in. They are too tired to learn... They have nowhere to play." [Advocate]

"My children's lawyer, my lawyer and my midwife agree that this is very upsettingly unsuitable and unsafe for my kids." [Resident in emergency accommodation]

We heard that emergency accommodation, which can require families to move week to week, and transitional housing, which may not be available in the same school district, both have impacts for children in social and school upheaval.

"Children were asking, will Father Christmas know where to bring our presents? Because they don't know where they'll be living, week to week." [Housing/benefit advocate]

Some people raised issues around the emergency housing system being one-size-fits-all and not family-friendly. They were worried that children are exposed to other people in the facility with complex issues such as alcohol or drug addiction, mental health crisis, or in the most serious instances are offenders on parole or are actively dealing drugs out of the complex.

They are also concerned about families winding up isolated and without support in the emergency housing system, especially single parents living with children in unsafe, overcrowded situations. Some people described these environments as pressure cookers that can lead to dysfunction, harm, and trauma.

"The environment was unsafe for children. There are too many people with mental health and addictions sharing the space with children. There were serious cases where Oranga Tamariki should have intervened." [Former resident of emergency accommodation]

"60-70% of the two thousand in emergency housing [in our region] are children. We're seeing an increase in family harm – overcrowding, stress, unsafe motel environments all lead to family harm and potentially childhood trauma." [Transitional housing provider with significant background in social services]

We heard that the system will sometimes split up families who are seeking emergency housing.



"If a family is, say, mum, two young kids, and two older kids who are over 18 and working but still living at home, the emergency system will say those older kids don't qualify for emergency housing as part of the family. So mum and young kids can go into emergency but the older two have to find somewhere else to live, or go into the system separately. But then they will often have been working to help support the family financially, and now instead they're living separately, paying separately for their own housing contribution, away from their family."
[Housing/benefit advocate]

We also heard about the issues for young people/rangatahi experiencing homelessness alone (i.e., not within a family group in the emergency housing system). These young people are particularly vulnerable, but there is currently no specific youth homelessness strategy.³⁰

"Young people are going into emergency housing places that create seriously unsafe conditions... they're housed alongside adults with complex needs and it creates opportunities for harassment." [Youth homelessness advocate]

As acknowledged by international literature, "providing youth-specific and appropriate housing options and supports can help prevent the occurrence or recurrence of homelessness."³¹

There were concerns that children and young people experiencing the kind of dysfunction that the emergency housing system can create, would lead to long-term or generational harm that was extremely hard to resolve. Many people worried about the long-term effects on children living in emergency or transitional housing, and how this would compound over time.

"We have a whole generation of children now

who don't have a sense of belonging anywhere... They don't know what it's like to say, "I'm going home." Babies are coming up on three years old and all they've ever known is a motel room."
[Housing/benefit advocate]

We heard that for young people experiencing homelessness alone, the difficulty of navigating systems that were not designed for them, and without additional support, was overwhelming.

"You want to be in your own house and you could get a social worker that helps you get in there, but then you don't know what to do after that. And you just let the system do what the system does." [Former youth resident of emergency accommodation]

Safety, security, and access to necessary support

Many people who reached out to us shared serious concerns about the safety and security of both emergency accommodation and transitional housing. In some cases, they shared distressing experiences of physical violence (both witnessed and experienced), harassment including sexual harassment and stalking, and illegal activity including drug dealing onsite. People told us about harassment coming from other residents as well as from site managers and security staff.

"Someone was stabbed in my transitional home and I asked for a transfer. It was denied and I was told either stay in this house or move out. Me and my child lived in our car for 4-6 weeks." [Former resident of emergency accommodation]

"A [gang member on parole] moved in and was a predator who stalked all the females including [client]... she moved to another emergency housing place and it was the same there. She couldn't access shared cooking facilities and had to be careful accessing walkways because it was unsafe. She got stalked again there too and it was triggering because of her experience with [the person who had stalked her at the previous facility]." [Former resident of emergency accommodation]

"I was propositioned on more than one occasion by the emergency housing property owner, to engage in sexual activities on the premises." [Former resident of emergency accommodation]

"Management harassed me and my children daily. They would yell and scream at us, calling us rats and Māori who bred like rats and should go back to their hole." [Former resident of emergency accommodation]

"It's been a free-for-all. Working families are put into motels next to offenders and drug dealers." [Transitional housing provider with significant background in social services]

"It's not that all the people were bad but there is always conflict and no-one to manage it. I have been threatened with rape... I slept in bathroom sometimes because there was one more lock on the door there... my friends are too scared to visit me." [Resident in a social housing complex under contract to MSD (the Community Housing Provider Programme)]

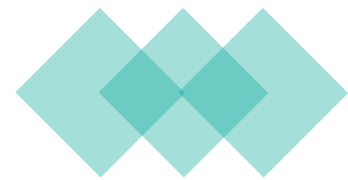
One advocate shared that, due to the power dynamics involved, people are often afraid to complain, or if they do complain, feel they are not listened to by motel managers or their MSD case manager. In the worst cases:

"Instead of complaining if they feel unsafe, now they will just move out into a car or a friend's garage, which often also results in MSD considering them to have abandoned their housing and refusing any new [emergency housing grant]." [Housing/benefit advocate]

Some people who contacted us also expressed concerns, fears, and frustrations about the impact of emergency housing⁴ on their city and on other residents living nearby.

"Emergency housing in Rotorua is beyond wrong... it's brought in violence, more drugs, more crime, and two fires in two different motels." [Former resident of emergency accommodation]

⁴ In most cases, those who shared these perspectives did not distinguish between emergency and transitional housing. In our view, it is likely that the use of motels for both emergency accommodation, and contracted transitional housing, has led to the conflation of these two systems and assumptions that 'all motels are the same'.



Security issues, including behaviour of security staff

In some cases, people told us there was no protection for residents; either there was no security onsite, or even where there was security staff onsite they did not feel adequately protected. Some people were also concerned that Corrections had placed people on parole in the same emergency or transitional housing complex, without sufficiently managing the risks or considering the vulnerabilities of other residents.

"No security guards on site, no Corrections coming in ... There was a lot of abuse, fights, parties. There was no support for people, they put all these vulnerable people with different complex needs in the same place. Tamariki, elderly people, families, living next to lots of Corrections clients and lots of men who don't have social skills or anywhere else to live. Emergency housing was very scary." [Former resident in emergency accommodation]

We also heard from other people who felt the security was too intrusive or made them feel like prisoners in their emergency housing. Some people shared concerns that security guards did not always behave appropriately towards residents and did not respect residents' privacy.

"I was made to feel like a number... It felt like living in an incarceration model with CCTV cameras, restricting visiting hours and security manned services... You feel treated like a prisoner in a correctional facility by their security contractor." [Former resident of both emergency and then transitional housing]

"Some security guards are good... but younger ones try to abuse their power, especially with young mothers." [Former resident of emergency accommodation]

Many emergency and transitional accommodation complexes exacerbate or create new social issues

We heard that in the worst cases, emergency housing environments can exacerbate existing issues, or expose people and families to new issues such as violence and access to illicit drugs.

"Drugs and crime were rampant and there were gang issues on the streets. Our clients were getting into drug debt and violence because of the gang connections inside the emergency accommodation [and the availability of drugs within the accommodation]." [Former transitional housing provider]

Advocates and providers we spoke to repeatedly acknowledged the issues that were more likely to happen when people are put in a 'pressure cooker' environment without enough personal space, privacy, support, or control over their circumstances. In their view, these problems are particularly bad in motel complexes, both those providing emergency accommodation and transitional housing.

"Clients in mental health or addiction crisis do often cause damage to their rooms [but what you have to take into account is] these are rooms with absolutely terrible habitability. A small room and terrible living environment will exacerbate mental health issues." [Former transitional housing provider]

Some providers acknowledged the further difficulties in appropriately housing clients with particularly complex needs, which may include gang membership or connections, active addiction, or severe mental health issues. They stressed that you cannot just put everyone together and expect nothing to go wrong.

Service providers, including kaupapa Māori providers, highlighted that gang membership or connections are not necessarily an insurmountable issue. We heard that when providers recognised gang connections and only housed members or associates of one gang in a housing complex, this vastly reduced the issues seen in other complexes where multiple gang connections were present. Kaupapa Māori providers emphasised the importance of dealing with these issues up-front and face to face.

“They’ve not had issues with gang members and so on. Because they sat down and talked with them. They worked it out.” [Advocate and service provider]

Providers also shared frustrations in the way motels can pick and choose who they will offer emergency accommodation to, observing that many moteliere would simply refuse to deal with those who had mental health issues, were pregnant, young, or otherwise needed support.

Availability and consistency of wraparound support services

As we noted above, many clients in the emergency housing system have complex social issues that require active understanding and support to resolve. We heard repeated concern that providers, particularly private moteliere, are not equipped to deal with these kinds of issues.

“A motelier is not adequate to meet the complex needs of those being housed.” [Former transitional housing provider]

Some people told us they had not heard from their MSD case manager for months, let alone any other social services. Providers acknowledged the difficulty of delivering meaningful support in line with their service agreements.

“You’re supposed to go and meet with your client and ask them have they looked for houses that week, and you just get told to leave them alone. Which is fair enough – how do you support clients when you and they both know the answer is, there are no houses?” [Housing/benefit advocate]

Some people pointed out that even if someone did not need social services or wraparound support at the beginning of their stay (because they were experiencing straight-forward housing need), the continual stress and pressure of not being able to find long-term housing created a new need for support such as counselling. They expressed frustration that the system was creating new problems instead of solving the ones people came in with.

Even in transitional housing, which does involve the component of wraparound support, we heard that this support can vary significantly between providers. Some providers expressed concerns and frustration at unenforced sector standards and no evaluation of services.

“Are the new providers just running it like a motel? Because we regularly get people who’ve been at a different provider for 3-4 years and not seeing their case workers for months.” [Transitional housing provider with significant background in social services]

This frustration was compounded by the individual contract funding approach taken by HUD. Providers told us that getting adequate funding to deliver the services needed to support families into sustainable long-term outcomes “depends how much you can fight for”. Even then, they reported that HUD is only willing to fund the absolute basics. This insufficient funding also causes stress for services and employees who wind up operating on shoestring budgets and beyond their paid hours. We heard repeatedly



about the need for more investment into transitional housing and particularly into the social services being provided.

“There’s money thrown at motels with no social services but wraparound social services providers are struggling for funding.” [Transitional housing provider with significant background in social services]

Some shared a view that not all transitional providers have the necessary experience to deliver the support needed by their clients. They thought that, while providers have good intentions and genuinely want to help people in need, not all of them have adequate grounding in areas such as trauma-informed care, de-escalation, or an awareness of varying cultural needs.

“It causes re-traumatisation when clients are being handled by a provider who is not trauma-informed, or even those who say they are but don’t fully understand what this means.” [Social housing and social service provider/homelessness advocate]

We also heard frustration about the change in accreditation standards required for transitional housing providers. Some social service providers had formerly held Level 2 Social Sector Accreditation Standards, often so that they could provide other services such as family harm support which were funded by MSD. We heard that after HUD took over from MSD on administering accreditation, all transitional housing providers are now only assessed against Level 3 standards (a lower level of accreditation). This change has resulted in some social service providers who had offered MSD-funded social services no longer being accredited to provide those services and therefore unable to apply for MSD funding.

Lack of stability over housing situation

Even though emergency housing is by its nature temporary, residents should still be able to have some degree of confidence about their ongoing housing situation. We heard from current and former residents and advocates about how the lack of housing stability is impacting families living in the emergency housing system.

Some families have had to move from motel to motel as often as weekly because moteliers providing emergency accommodation only permit seven-day stays. Families may also have to move because transitional housing space is only available in a different suburb or region. At least two people told us that when they tried to decline accommodation that was too far away from school, employment, or didn’t meet their needs, they were told they would be taken off the housing register.³²

The operation of the emergency housing grant was a particular frustration for many people because of its week-to-week nature and the stress of having it approved for another week. People told us they were living in constant fear and stress that for some reason the grant would not be approved again and they would have to move with nowhere else to go. Adding to this stress was the constant pressure many people felt from their MSD case manager to stop using the system, even when there was inadequate or absent support to find sustainable alternative options. Some people shared that they were told by their case manager that they needed to move out of emergency accommodation and into a private rental because they had stayed too long, even though there was no affordable private rental housing available.

At the other end of the spectrum, some people – both residents and advocates – expressed frustration that families were eventually placed

in transitional housing that fully met their ongoing needs, but still had no security or certainty because the housing could not be made permanent.

“At one point there were almost 300 vacancies in transitional housing, but HUD wouldn’t permit them to be used for permanent housing. They said the specs aren’t right for permanent housing, even though we know people will often stay for years in transitional housing so how different can it be?”
[Transitional housing provider with significant background in social services]

These families knew they might live for years in transitional housing while waiting for alternatives such as public housing, but were simultaneously aware that the provider or the system could relocate them at any time.

Eviction processes

We heard multiple complaints and concerns from residents or former residents about short-notice evictions from both emergency accommodation and transitional housing, including some instances of same-day evictions. Some people who contacted us expressed distress at being required to find alternative accommodation with only one day’s notice.

In some cases, people shared their frustration with providers who took a zero-tolerance approach to any broken rules or arguments with staff and responded with immediate eviction notices instead of trying to de-escalate the situation.

“[After a verbal altercation] the provider said they would come back with an eviction notice. [My family member] went to pick up their children from school and when they returned home with the kids, two of the [provider staff] were in the house throwing all of [my family member’s] and children’s belongings into a pile in the middle of the floor like rubbish. In massive shock [my

family member] asked what the hell was going on and told them to get out of their home, then the staff told them they were evicted immediately and the police were called. At the end of the day the children were traumatized by all of this happening in front of them. One child was found under their bed shaking and crying, scared of what was happening.’ *[Family member of resident in transitional housing]*

We acknowledge, as do some people we spoke with, the need for motels and other housing providers to have a way to quickly address serious safety issues. Service providers deserve to be treated with respect and to put boundaries in place where clients are abusive or repeatedly breaking rules.

However, in some situations emergency housing system tenants felt they were being evicted only because they had made complaints about the standards of living. We heard from multiple people that there were almost never processes to appeal an eviction of this kind.

Some providers, both in transitional housing and emergency accommodation services, also raised concerns about zero tolerance approaches. Some emergency providers noted it was particularly important to make sure clients weren’t being evicted with nowhere to go, as this would likely result in street homelessness.

“Some providers, they’ll find someone smoking in their room or shouting at the receptionist and they’ll get evicted straight away with no second chance. They have no process regarding warnings.” *[Former transitional housing provider]*

These providers acknowledged that many people in the emergency housing system do have complex



needs, including drug or alcohol issues or poor mental health, and that the system can exacerbate those problems because of stress, inadequate support, and environments that foster dysfunction.

"We know there's another side to the story, some whānau do play up. But to me it's unacceptable to put someone on the streets." [Former transitional housing provider]

Providers who operate in the social service space and/or offer kaupapa Māori services were much more likely to have the experience and capacity to create alternatives to immediate eviction, as one strand of supporting residents towards long-term positive outcomes.

However, as many people acknowledged, moteliers are neither landlords nor social service providers.

"Motels are just there to make money... They need to allow community services in there, but [some motels] don't want social services onsite. They don't want to take responsibility and nobody can tell them what to do. If we can't build houses then [at least] build motels that are proper social service providers, with support, safety, and proper facilities." [Housing and benefit advocate]

Lack of transparency, accountability, and independent complaint mechanisms

Many people who contacted us talked about the lack of transparency, accountability, and independent complaint mechanisms in the emergency housing system, both in emergency accommodation and transitional housing.

Complaints about housing providers

The frustration of not having complaints followed up was a common theme from current or former residents in the emergency housing system. Multiple people told us that providers had no complaint processes and would either ignore

complaints or not handle them appropriately. Similarly, they reported complaints to government agencies were not consistently followed up.

"I did request to release my file information twice, and never received a response to both requests." [Former resident of emergency and then transitional housing]

"I made many complaints about the culture at [emergency provider] and [transitional provider] regarding security, clients, staff, structure, bullying and tenancy. Nothing was ever done! I wrote one complaint [only] for it to be shared to the person I wrote about. I also made many complaints to [my local WINZ office] and WINZ 0800 number only to be told by the provider not to ever call WINZ they do nothing. Never-ending calls and complaints to Social Development, but no call back and/or anything ever done about them." [Former resident of emergency accommodation]

Many people told us about their frustrations with motel-based emergency accommodation and moteliers who they felt were not held to minimum standards or made responsible for any problems, even when they received significant funding. Common themes included moteliers refusing to fix broken or damaged amenities, and the impact this could have on clients who were already struggling financially.

"I've been charged over 200 and something dollars for two chairs that were worth \$50 and they were fixable because I've seen them mend them up before. We've had to go without a fridge for two weeks because the owner and receptionist wouldn't replace our broken one from wear and tear. They told me it's not broken even though my food was rotten from it. After constant complaints it was finally replaced with no food in it and I had to battle with my case manager for a food grant." [Resident in emergency accommodation]

Some people expressed frustration that MSD was paying emergency housing grants to suppliers who were inexperienced and inappropriate to deliver emergency accommodation services.

"I understood why – because everyone needed a place to go and there was no one else. The lack of emergency accommodation supply meant [government] took what they could get." [Former resident of emergency accommodation]

"Motel managers don't have any experience as property managers [and don't understand] tenancy rights." [Former resident of emergency accommodation]

Some people said they felt taken advantage of, particularly because they had no rights as emergency accommodation residents.

"Management promised us that if we did repairs (rubbish removal, cleaning sewage/overflowing/burst pipes, water damage, collapsed roof, leaks, broken glass, electrical) we would be given the house [as emergency accommodation] and \$1000 for work done. This did not happen. We were taken advantage of in our desperate and vulnerable situation." [Former resident of emergency accommodation]

Complaints about MSD staff and processes

We also heard complaints from clients and advocates about the inconsistency of MSD services and the lack of accountability from MSD staff.

These complaints included difficulties with the MSD call centre and other frontline services, including a sense that MSD staff are gatekeeping entitlements rather than offering full support.

"The WINZ call centre has a system of abuse. There is no help, education, direction or support. MSD is not providing any support for people to access their rights." [Former resident of emergency accommodation]

"There is a lack of mana-enhancing approach here. MSD are the first gateway to the emergency housing system, but many clients say MSD haven't helped or have told them they're not eligible. People shouldn't have to get an advocate's support just to access what they are already entitled to." [Social housing and social service provider/homelessness advocate]

We also heard repeatedly that people felt MSD did not make any effort to tailor their services to the needs of their clients. In many instances, the service design creates barriers to access that means some families fall through the cracks.

"You have no idea when WINZ will actually call to interview you for the housing need assessment or to follow up on your ongoing need. They refuse to make an appointment or give a specific time, but heaps of people can't answer their phones all the time. They might be at work and not allowed a phone on the factory floor. Then they penalise you for not answering." [Transitional housing provider with significant background in social services]

"All of those agencies (MSD, HUD, and KO) will only contact you by phone. But some people have had their phone service turned off because of non-payment." [Transitional housing provider with significant background in social services]

People acknowledged that MSD case managers are not social workers, and that individual staff are often doing their best in an impossible situation.



"The stress and pressure on frontline MSD staff was heart-breaking. I have to give them credit but there's only so much and so far they can go. They do try and I've seen them in tears." [Former transitional housing provider]

They also pointed out that MSD workers have direct control over the directions of people's lives, and that there should be more accountability for them in delivering support and services.

"The only way to get any action from MSD is to threaten suicide." [Resident in a social housing complex under contract to MSD (the Community Housing Provider Programme)]

Difficulties in connection between agencies, and with the emergency system as a whole

We repeatedly heard people voice frustration with the lack of connection between different government agencies and services, and what some people saw as a deliberate way to try and avoid accountability. We heard that people with complaints would be told to complain to MSD instead, then be told by MSD to complain to the property manager, in what felt like an endless loop.

"They all palm me off, trying to pass on legal responsibility." [Resident in a social housing complex under contract to MSD (the Community Housing Provider Programme)]

Many people spoke about the difficulty of navigating complex and confusing systems.

"I've had a total of four support workers in the space of 12 months. Each one I have had to explain my situation or circumstance time and time again." [Former resident of emergency and then transitional housing]

"The real failure lies in government and their dismissal of any accountability or responsibility. HUD could be using its funding role to require improvements." [Social housing and homelessness advocacy body]

Some people raised concerns about the emergency housing grant and how non-contracted motels receive funding through these grants without sufficient oversight to ensure accurate spending.

"The Auditor-General could look at how much motels are charging, including the damage they're demanding be paid for, cleaning costs, laundry etc. Are they keeping records? Instead they make money from the [emergency housing grant] and there are no standards." [Former resident of emergency and then transitional housing]

"The finances [in motels receiving emergency housing grant funding] are out the gate, up to \$1800-2000 a week for a single person. We raised concerns that HUD was paying for repairs for damage but the repairs were never done." [Former transitional housing provider]

Current and former residents, and housing/benefit advocates, all shared experiences of being bounced around different systems, from MSD to HUD to KO, and being told that it was 'someone else's job'. Both clients and advocates also expressed their frustration with the lack of transparency over systems, policies and practices, including the administration and management of the housing register and the accreditation process for transitional housing providers.

"It seems like MSD and HUD are playing off against each other. We'll get told 'oh, that's MSD's area' and then 'no, we're being led by HUD.'" [Transitional housing provider with significant background in social services]

Some providers spoke about what they perceived as ongoing silos and separation between different government agencies and their policy areas.

"It seems like transitional housing providers are viewed as entirely separate to the services that respond to family harm and therefore transitional housing providers are not empowered to deliver any of those additional services... we cannot contract for family harm services now even though that's been a huge part of what we've always done." [Transitional housing provider with significant background in social services]

"Housing managers have two screens [to see the different government department systems] but it doesn't seem like they read or use the information they do have." [Transitional housing provider with significant background in social services]

Transitional housing providers expressed frustration that the individually contracted funding model in transitional housing can create a feeling of competing for the same limited funding. Providers expressed a desire to work together, not in competition, but struggled to do so because of this individualised contracting and limited resources. For example, they want to be able to refer a client to another transitional housing service that could deliver a specific type of support, but this is not always possible because the other provider is already at peak capacity.

Multiple providers also told us how difficult it is to provide the wraparound support that clients need when their government funding only covers the bare minimum. We heard that many staff in these services end up working well beyond their paid hours to ensure people get help.

This frustration was compounded for transitional housing providers when they compared their weekly funding for each family with the amount paid under the emergency housing grant.

Residents, providers, and advocates all emphasised that even though they see individual providers trying to deliver real outcomes, the system does not support them and in some cases actively blocks them from making a positive difference for clients.

"The system is rigged. People have cut corners. People have let things slide and no one wants to take accountability." [Former resident of emergency accommodation]



Many people shared frustrations with the housing system as a whole and the way that delays in other areas, such as the lack of readiness to address housing supply, were driving homelessness. Some spoke of hearing government commit for years to building and delivering hundreds of new houses in their region, with none of these commitments materialising. People also raised the lack of infrastructure, including council failures to upgrade infrastructure or roll out the necessary infrastructure for new development.

*"We're another 2-5 years away from proper housing – they haven't even started building."
[Housing/benefit advocate]*

Some people shared their feeling that the whole emergency housing system is broken and cannot be fixed. Others perceived there was a lack of system action or support to stop people getting to the point where they need emergency housing.

"If you want to manage homelessness, transitional housing will do that. If you want to end homelessness, focus on supply and the whole system. Catch people before they hit the system and help them sustain tenancies. Find out where to allocate resources, like spending on Accommodation Supplement instead of Special Needs Grants." [Social housing and social service provider/homelessness advocate]

Long-term impacts on those who have been through the system

The initiatives within the emergency housing system are intended as temporary measures, with a goal of supporting people through housing insecurity and back into sustainable long-term solutions. However, it was clear from what we heard that in practice this is often not the case. Not only is this housing often much more long-term than intended, but it can also create or exacerbate problems that affect people after they have left the system.

*"Living day to day in a very dysfunctional housing system creates trauma that's contributed to by the system... It seems like the relationship between poor housing and overcrowding, and family harm, is not clearly understood by government."
[Transitional housing provider with significant background in social services]*

Many people shared the serious impacts that living in emergency accommodation or transitional housing had on their mental health. Some told us they felt like no one cared, including their case managers or other support workers.

"My case managers have laughed at me and called me stupid and useless... I started counselling because my case managers and all these housing providers have been making me feel like a failure, useless and a depressed mother. I've bottled all this bullcrap up. Just Friday gone I told my case manager, 'People like you are the reasons why people like me want to kill ourselves!' He said 'have a good day.'" [Resident in emergency accommodation]

"I was so brutalised by the experience I contemplated suicide." [Resident in a social housing complex under contract to MSD (the Community Housing Provider Programme)]

"I felt [the provider] exhibited no consideration for my well-being, safety, stress levels, and anxiety... I am still mentally scared and traumatized by this experience." [Former resident of emergency and then transitional housing]

Advocates reiterated the potential impacts of staying long-term in emergency accommodation or transitional housing, including mental health issues, isolation, and shame. They told us how difficult it is for people to cope with no support, no visitors, and often no access to social services. The fragmented approach to delivering services such as mental health support or alcohol or drug addiction treatment was a common theme.



“Beyond seven days, [the service] was unable to assist with further housing assistance. They provided counselling services which I engaged in. I was asked if I was suicidal and at the time yes I was. Then the counsellor let me know almost immediately that because it’s likely I’m moving outside of the district [to get more housing assistance] I won’t be able to keep accessing her services because of the way the district funding works. She just politely wished me all the best.”
[Resident in emergency accommodation]

People also raised concerns about other flow-on impacts of long-term housing insecurity, such as job losses and compounding financial crisis. In some instances, people could not sustain employment when the only emergency housing available was some distance away. In other instances, applying for employment was more difficult when people experienced discrimination due to having no fixed housing. Some people also struggled to access private rentals because they had no housing credit history or references.

A particular long-term issue we heard from many people was the impossibility of transitioning out of the emergency housing system and into long-term housing solutions. People told us this was because of a combination of unaffordability in the private rental market, and a lack of supply in public housing.

Many housing providers and advocates cited the housing crisis as a main cause of the sharp rise in the number of people in need of housing, and in particular the substantial rent increases between 2017 and the present. Providers told us they had previously supported people who experienced long-term and chronic homelessness, often because of historical trauma and/or complex unmet needs, but since 2017 were increasingly seeing an entirely new cohort of individuals and families experiencing housing distress for the first time. In many instances, the trigger was a rent increase or a landlord selling their house, leaving them with nowhere to go. We heard that as rents went up, people on the lowest incomes (particularly beneficiaries) were squeezed out of the private rental market.



*“Private rentals are unaffordable for beneficiaries and low income working families, and increasingly now that’s middle income working families too.”
[Transitional housing provider with significant background in social services]*

We also heard anger and frustration from both residents and service providers about the obligations imposed by MSD and HUD. They said service providers are required to try to support clients into ‘sustainable’ private rentals, where affordable private rentals simply do not exist.

Some providers and advocates shared concerns that clients are being pushed to take on severely unaffordable private rentals just to reduce the numbers in emergency or transitional housing. They shared experiences of clients returning to the service after as little as three months because they were back in the same financial distress, or advocating for clients who were told a private rental would be ‘sustainable’ even though it would leave them with less than \$50 a week for food and other expenses.³³ They had particular concerns where clients were encouraged to take on fixed-term tenancies of 12 months or more, given the costs that were likely to be incurred if they broke the tenancy agreement and the long-term impacts this would have on a client’s rental history.

“The recommendation for market rentals is setting one up to fail knowing the budget advisor’s recommendation for affordable housing with Kāinga Ora. The minimum benefit income combined with MSD accommodation subsidy may cover the cost of the rental, however, the minimum living cost such as food, water, utility bills, outstanding debts and medical certifications was not taken into consideration. Moving into market rentals with limited income leads to eviction resulting in homelessness.” [Former resident of emergency and then transitional housing]

Where residents in the emergency housing system cannot find sustainable private rentals, their only other option is public housing. However, the number of those on the housing register, and the near-uniform prioritisation of applicants as having a severe housing need, means many people will struggle to access public housing or will wait prolonged periods before it becomes available.

Many people shared their frustrations about the prioritisation and ranking, both in terms of process and transparency. Some advocates told us that it seems like MSD staff deliberately try to keep register numbers low or to downplay housing need so that clients are not included in the Priority A statistics. We heard from one advocate that MSD staff are not taking enough time during the Public Housing Needs Assessment/Application, making it impossible to reach an accurate rating that reflects the full picture.³⁴

Advocates told us the interview process requires people to discuss sensitive information including trauma or family harm, and accurately describe sometimes significant dysfunction to an unknown call centre employee. They told us that the shame or whakamā of having to admit these kinds of issues results in some clients downplaying their own issues and receiving an inaccurate rating.

We also heard that people’s prioritisation ratings were changed without them being informed, even where they did not give MSD any new information.³⁵

“My housing rating kept changing without my knowledge.” [Resident in emergency accommodation]

“Our residents’ ratings dropped 2-3 points over Christmas for no reason that we could see. It takes a lot of intense work to [follow up with MSD and] raise the points so that they reflect the true

situation. We're not funded to do that kind of support work but we do it anyway because it has to be done." [Transitional housing provider with significant background in social services]

Even having the highest rating will not necessarily result in being provided public housing. We heard from multiple people about the frustration of being on the waitlist and living week to week in emergency accommodation or transitional housing, only to continually miss out on new public housing.

"Even once Kāinga Ora has a house available, they have to find out who has the highest priority rating. Someone in Auckland could have a higher priority and get moved into a new Gisborne home... The East Coast rental rates are set lower in their calculation even though rents have gone up massively here, so people in Auckland are always rated higher; we're never prioritised over the Auckland waitlist." [Housing/benefit advocate]

"It really depends on which placement team at Kāinga Ora picks up the data match, whether you can ensure that local residents in emergency or transitional housing actually get access to new local Kāinga Ora homes." [Housing/benefit advocate]

These frustrations were often compounded by people feeling caught between multiple systems and powerless to navigate any of them. A recurring

theme was that no one in positions of authority appeared to understand or acknowledge that the housing crisis was brought on by faulty systems, not by individual people.

"I struggle with my own mental health... I don't know what to do, it feels like I have been forgotten. I ring up weekly to Work and Income to update my housing needs but still nothing." [Resident in emergency accommodation]

"It feels like we wind up forgetting about the people in motels because there's nowhere else for them to go and at least they're better off than being on the street or in their cars." [Housing/benefit advocate]

"Multiple services have left us shattered and abandoned... I'm tired, I've actually given up." [Former resident of emergency accommodation]

"There's so many of us out there that have been let down due to emergency housing, many more personal stories and experiences. It's mentally draining when you don't have stability. And yes, people have become used to that way of living because they have been made to feel like that's their only option." [Former resident of emergency accommodation]

"Manaakitanga doesn't exist in this system." [Social housing and social service provider/homelessness advocate]



4. Binding human rights obligations in relation to homelessness

As outlined in the *Guidelines*, the full implementation of the right to a decent home may be progressively realised over time.³⁶ However, the United Nations insists that some features of the right to a decent home are so important that they give rise to 'core obligations of immediate effect'.³⁷ In this report we call these 'immediate obligations', because they must be delivered immediately – they cannot be delivered slowly over time.

Here we signal four immediate obligations that arise from the right to a decent home in relation to homelessness. There may be others, and we may refine these four immediate obligations in light of discussions with duty-bearers (e.g. public officials) and rights-holders (e.g. those without a decent home). However, there is no doubt that international human rights law places obligations of immediate effect on local government, central government, and the public sector in relation to homelessness.

In this section we outline four immediate obligations. In the next section we assess whether these binding international human rights obligations are being respected in Aotearoa New Zealand.

Four immediate obligations of the right to a decent home, in relation to homelessness

Immediate obligation 1: Provide emergency housing that meets minimum decency standards and other key features of the right to a decent home

Emergency housing is not required to fully meet all requirements of the right to a decent home, but it must provide for residents' basic needs during their stay. These basic needs include:

a) Minimum decency standards

Emergency housing must be clean, dry, safe, secure, and in good repair. The UN decency principles, as highlighted in the *Guidelines*, require housing to provide for adequate space and protection from cold, damp, heat, rain, wind, disease and other threats to health. They must ensure facilities essential for health, security, and comfort, such as access to safe drinking water, sanitation and washing facilities, refuse disposal and emergency services, and energy for heating, lighting, and cooking.³⁸

b) Other key features of the right to a decent home

Emergency housing must be delivered in accordance with equity, equality, and non-discrimination. Emergency housing that fails to meet the needs of the disabled population, for example, is not consistent with the right to a decent home.

Housing laws, regulations, rules, and practices for emergency housing must be fair, reasonable, proportionate, and culturally appropriate.

These requirements of decency, equity, equality, and non-discrimination, fairness, reasonableness, proportionality, and cultural appropriateness are all features of the right to a decent home, as identified in international human rights law and outlined in the *Guidelines*. They apply to emergency and transitional housing. However, whether they are being met will depend on a range of factors, such as the length of time someone is likely to stay in the accommodation.



Immediate obligation 2: Do not evict anyone into homelessness

This is particularly important when people are living in emergency housing, since it is very unlikely that, if evicted, they will be able to find any alternative housing. Even when government is providing emergency housing via commercial or private providers, government must still meet this human rights obligation and put measures in place to ensure residents are protected against eviction that results in homelessness.

Immediate obligation 3: Uphold Te Tiriti o Waitangi alongside other human rights obligations

In Aotearoa New Zealand, the right to a decent home must be read alongside Te Tiriti o Waitangi. Progressing the right to a decent home requires acknowledging and addressing the impacts of colonisation, systematic dispossession of Māori from their land, and destruction of their traditional ways of living, including communal land ownership.³⁹ It also requires work to address the ongoing systemic disadvantages faced by Māori in the housing system.

Te Tiriti o Waitangi also affirms Tangata Whenua rights, including housing rights and self-determination. Te Tiriti requires government to work in partnership and share decision-making with its Tiriti partners, and to respect and support the rangatiratanga authority and mana motuhake of Tangata Whenua. The human right to a decent home cannot be fully achieved unless Te Tiriti o Waitangi obligations are also met.

Alongside Te Tiriti o Waitangi, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) creates ethically compelling international aspirations which Aotearoa New Zealand has committed to implement.⁴⁰ These aspirations include self-determination, Indigenous peoples' right to the improvement of their economic and social conditions including in housing, and other

rights which in many ways affirm and reinforce Te Tiriti rights.⁴¹ These must be taken into account in the right to a decent home grounded on Te Tiriti o Waitangi.

Immediate obligation 4: Establish effective and accessible accountability arrangements in relation to the emergency housing system

Accountability is a crucial feature of human rights. Without accountability, the right to a decent home can become an empty promise. Accountability need not be about blame and punishment, it can be about identifying what works, so it can be repeated, and what does not work, so it can be adjusted. This is called 'constructive accountability'.

Government has an immediate obligation to put in place effective, accessible, constructive accountability arrangements in relation to the emergency housing system. These accountability arrangements will help to ensure there is an emergency housing system which is consistent with the right to a decent home, Te Tiriti, and other important standards.

Constructive accountability is outlined in the Guidelines and our Inquiry's first report Strengthening Accountability and Participation in the Housing System.⁴² As outlined in that report, this accountability has three elements:

- monitoring i.e., the collection of information and data
- review, including independent review, in relation to agreed standards and promises made
- remedial action i.e., putting things right, so far as possible

As we know, government may address its human rights obligation to provide emergency housing by contracting or funding private providers, but this does not mean it can also contract out of its human rights and Te Tiriti obligations.⁴³ The government remains responsible and accountable

for ensuring the housing is fit for purpose and meets human rights and Te Tiriti obligations.

This responsibility requires developing and implementing standards and mechanisms for monitoring, independent review, and remedial action, such as an effective and accessible complaint process.⁴⁴

Notably, constructive accountability also includes *independent* review carried out by bodies such as a national human rights institution like the Human Rights Commission, Ombudsman, Tenancy Tribunal, or other independent arrangement.

A government's internal reviews to check that strategies, policies, initiatives, and practices are fit for purpose and performing adequately have an important role to play. Internal reviews

can identify whether strategies and policies are upholding the right to a decent home grounded on Te Tiriti o Waitangi. However, if the reviews are not independent, they are not forms of constructive accountability.

Government must also progressively realise the right to a decent home in all other respects

Alongside the four immediate obligations outlined above, government must take deliberate, concrete, and targeted steps towards full realisation of the right to a decent home for everyone in Aotearoa New Zealand, including effective measures to address unfair disadvantage.





5. Assessment of the government's emergency housing system in relation to its immediate human rights obligations

The preceding section outlined four immediate obligations in relation to homelessness, arising from the right to a decent home. In this section, we consider the evidence and assess whether these binding international human rights obligations are being respected in Aotearoa New Zealand.

In some cases, the human rights issues are similar or identical across both emergency accommodation and transitional housing. However, we have made a significant effort to identify where one initiative is failing and the other is not. This is because we do not wish to suggest that *both* initiatives need re-design. There are some areas where policy or operational practice is working.

The Inquiry has observed tensions and inconsistencies between emergency accommodation and transitional housing. They are fundamentally different initiatives, including in policy design, models of service delivery, and governance. However, over time the distinction between emergency accommodation and transitional housing has reduced. Emergency accommodation and transitional housing were (and are) intended to respond to specific and different housing need, but increased need has driven both initiatives to respond in ways that were not originally intended. Government has acknowledged “the two initiatives comprising the emergency housing system, the [emergency housing grant] and transitional housing, appear to clients, the public, and agencies interviewed by this stocktake as increasingly similar initiatives despite one being a grant, and the other the delivery of a service (or programme).”⁴⁵

Development of both the emergency housing grant and transitional housing (then known as ‘contracted emergency housing’) initiatives began concurrently in 2015. The emergency housing grant was introduced as a solution to the increasing homelessness observed by Government in 2015 and 2016, and is designed to deliver on a specific policy intent, providing very short-term

accommodation as a ‘bridge’ before residents either move into transitional housing or other sustainable housing solutions. But the emergency housing grant initiative now operates well beyond its policy intention, in part to resolve the lack of places available in the transitional housing programme.

As a result, emergency accommodation has become increasingly embedded as a programme that operates both in tandem with, and parallel to, the transitional housing programme. Most residents will stay in emergency accommodation for much longer periods than originally intended, some to the point that they will never access transitional housing before they exit the emergency housing system entirely. This is despite transitional housing being significantly more appropriate for long stays, and a wider range of wraparound support services available in the transitional housing programme. As acknowledged by Government:

*[Emergency housing grants] are more expensive and have worse outcomes than COVID-19 and Transitional motels as they do not come with any services or support that help address underlying causes of homelessness and result in better outcomes for whānau.*⁴⁶

In either instance, the average length of stay in the emergency housing system is now far longer than originally intended or anticipated. Many of the people who shared their experiences also told us that problems like poor habitability standards are endemic to both emergency accommodation and some transitional housing.

We have also heard about the substantive differences between the two initiatives, such as having access to wraparound social support in transitional housing compared to less support or accountability over providers of emergency accommodation. Where emergency accommodation and transitional housing are



becoming less distinct in the whole emergency housing system, these differences stand out because clients in emergency accommodation will end up receiving significantly less support than those in transitional housing.

We observe that the emergency accommodation initiative:

- is much less likely to meet the minimum standards necessary for delivering this human rights obligation, and
- has the potential to negatively affect the operation and effectiveness of the transitional housing initiative, and the overall emergency housing system.

In our view, the continuing operation of these two initiatives is hindering, rather than supporting, the government's ability to meet its human rights obligation to deliver emergency housing that meets standards of decency and other key features, as outlined in chapter 4.

Immediate obligation 1: Provide emergency housing that meets minimum decency standards and other key features of the right to a decent home

a) Emergency housing must meet minimum decency standards

As we have outlined, emergency housing (whether emergency accommodation or transitional housing) must be clean, dry, safe and secure, and in good repair.

A major theme emerging from feedback is that emergency accommodation is in many cases not providing basic habitability or essential facilities, i.e., the residents' basic needs.

If emergency accommodation was operating according to its original policy intention, where residents stay for a week before moving into

more adequate long-term housing, some of the reported issues, such as unacceptable physical conditions, would be less pressing. However, when people are living in emergency housing for months at a time, motel-style accommodation becomes fundamentally inadequate, particularly where it lacks essential facilities or is significantly too small for the number of inhabitants.

Compared with emergency accommodation, transitional housing is more complex. This housing is delivered through a range of different types of accommodation, and some types are more likely to meet minimum decency requirements. We acknowledge that not all transitional housing is provided through motel units; for example, apartment-style transitional housing is much more likely to adequately meet a client's basic needs regarding decency and essential facilities, even if they remain in that housing for a longer period than 12 weeks.

The fact that transitional housing is provided on a contractual basis also offers government more control over the type, quality, and adequacy of transitional housing; government can ensure minimum quality standards are outlined in each service agreement.

The proposed Code of Practice for Transitional Housing aims to further clarify the expected standards of transitional housing. The draft Code requires transitional housing to comply with the *Healthy Homes Standards*, unless the transitional housing is a motel facility. This requirement is an improvement on the current standards for transitional housing.⁴⁷

However, we note the ongoing use of contracted motel facilities for transitional housing (and COVID-19 contracted emergency housing). We are concerned that exemption of these motels from *Healthy Homes Standards* will result in an ongoing proportion of the government's supply of

transitional housing not meeting these standards, even though in many cases the motels are used as long-term housing well beyond the intended 12 weeks.⁴⁸

As with emergency accommodation, we are concerned that motel-style accommodation may be entirely inappropriate for long-term transitional housing. Some transitional housing residents have reported stays of years at a time while they wait for permanent housing that meets their needs.

We also highlight the safety concerns some residents have shared with us. We have heard from people who went back to sleeping in their cars because they felt safer there than in emergency housing (both emergency accommodation and transitional housing). Concerns raised included accommodation which was not adequately safe and secure (e.g. broken doors or locks) and inadequate or inappropriate security firm practices.

b) Emergency housing must also meet other key features of the right to a decent home

Emergency housing must be delivered in accordance with principles of equity, equality, and non-discrimination. Emergency housing policies and practices must be fair, reasonable, proportionate, and culturally appropriate.

Based on what we have heard and observed, the government's delivery of emergency housing (via emergency accommodation and transitional housing) does not appear to be meeting these human rights standards to an adequate degree.

The way the emergency housing grant initiative is designed has created a situation where commercial accommodation suppliers (particularly private moteliors) are neither landlords nor social service providers but are nevertheless tasked with a key role in the government's homelessness response.

In contrast, transitional housing providers are required to undergo accreditation as approved social service providers.⁴⁹ The Level 3 Social Sector Accreditation Standards require providers to "treat people with respect and deliver services in a manner that has regard for their dignity, privacy and independence," by promoting client-centred practice, evidence of which may include:

- providing services that are accessible to disabled people
- providing services free from any discrimination, coercion, harassment, and sexual, financial or other exploitation
- service recognition and respect for clients' ethnic, cultural and spiritual values and beliefs

Transitional housing providers are also required to provide services consistent with community wellbeing, including welfare and interests of children.⁵⁰ The Accreditation Standards explicitly set out requirements for staff capability and capacity (including compliance with the Human Rights Act 1993), vetting, induction, training and support, and obligations to establish complaints processes and accountability over service delivery.

We are seriously concerned that there does not appear to be any accountability mechanism within the emergency housing grant system to ensure that commercial accommodation complies with human rights obligations owed to accommodation recipients. We have heard of instances where individuals and whānau have been refused accommodation and the refusal appears to be based on a prohibited ground of discrimination (such as pregnancy, ethnicity, disability, or health status including mental health or addiction). Residents may make a complaint to the Human Rights Commission leading to mediation between the parties, but only in relation to discrimination, not other alleged breaches of the right to a decent home.⁵¹



Similarly, under the emergency housing grant initiative, commercial suppliers are not required by MSD to ensure that their accommodation, or a proportion of their accommodation, is physically accessible to meet the needs of disabled people in the emergency housing system. There are no accreditation standards or equivalent accountability mechanisms to ensure that commercial accommodation suppliers receiving payment under the emergency housing grant initiative meet their human rights obligations.

In contrast, the accreditation requirements for transitional housing providers create a mechanism for assessing whether services meet human rights requirements. Alongside these accreditation standards, many transitional housing providers also operate according to frameworks informed by kaupapa Māori, trauma-informed care models, Housing First, and/or other practices that are more likely to result in human rights compliance.

We are concerned that commercial accommodation suppliers receiving the emergency housing grant are often ill-equipped to meet the needs of people experiencing homelessness in a way that upholds mana, dignity, and human rights. This is particularly clear when we compare the accreditation process for transitional housing providers, and the wraparound services provided to people living in transitional housing.

As with decency issues, these inadequacies would be less pressing (although still concerning) if emergency accommodation was always a temporary solution that provided housing for a week or less before people were moved into housing that better met their basic needs. However, it is clear this is not the case. Those living in emergency accommodation are not being moved into more suitable housing for some months, or in the worst cases years.

The significant inconsistency in funding models between emergency accommodation and transitional housing is also leading to poorer overall delivery on the government's immediate human rights obligations. Transitional housing providers are almost always required to provide a higher level of service and support to their clients. Residents in emergency accommodation are significantly less likely to have access to the wraparound supports and other services available to transitional housing residents.

This is effectively creating a two-tier system and is a significant equity issue. This has been acknowledged by Government:

Failure to fund [new supply of public and transitional housing places] will impact those in most housing need, leading to increased levels of homelessness [and] increased [emergency housing grants] at higher cost (and without supports to help people address long term or underlying issues).⁵²

The weekly average cost of [an emergency housing grant] is \$1,494 with no support services provided and results in worse outcomes in the short and longer term as underlying issues are not addressed. The weekly average accommodation and support cost for a COVID-19 or Transitional motel place is \$1,400 per week.⁵³

We do not find it acceptable that the weekly costs for transitional housing and emergency accommodation are roughly equivalent but provide drastically different services for residents in each initiative. We have heard that some transitional housing providers face funding constraints that make it difficult or impossible to deliver the services their clients need.

Our observation is that Government has tried to

reduce inequitable access to wraparound and other services by increasing case management and other supports for those in emergency accommodation. The Minister for Social Development has said:

When we took over in terms of Government, there were families in emergency accommodation that were getting no active case management. They weren't getting the additional wraparound supports that they needed. Many of them have other social challenges that have contributed to the fact that they have become homeless. And so we need to be working fulsomely with these families and that's what we're doing.⁵⁴

However, we are not convinced that this type of 'add-on' support adequately resolves these human rights issues in entirety. From what we have heard and observed, the additional case management and other supports are welcome additions but are still less comprehensive than the wraparound support available in the transitional housing system. The following supports are now available to those in emergency accommodation:

- Dedicated case management
- Flexible funding
- Housing Brokers
- Intensive Case Managers and Navigators
- Ready to Rent.

We completely support more work to ensure every resident in the emergency housing system can access the full range of wraparound services they need. A person living in emergency accommodation will experience better outcomes if they also have access to necessary social supports such as budget advice, drug or alcohol counselling, or housing navigator services.

But this does not change the fact that commercial accommodation suppliers and their staff – the providers of emergency accommodation – are not themselves equipped to provide the kind of 24/7 social services and supports that may be required. Nor, in many cases, do they have the necessary understanding of residents' needs or an ability to meet those needs as required by human rights obligations.

Our finding on immediate obligation 1

Emergency housing as required by this obligation must:

- meet minimum decency standards
- be delivered in accordance with principles of equity, equality, and non-discrimination
- be delivered by policies and practices that are fair, reasonable, and proportionate

In respect of these requirements, we find **this obligation is not being met** and as a result Government is in breach of the right to a decent home grounded on Te Tiriti o Waitangi.

Most emergency accommodation, and some transitional housing, is unsuitable for the needs of those being housed, and does not meet minimum decency standards. Many commercial accommodation suppliers providing emergency accommodation on behalf of the government are ill-equipped to meet key human rights features and in many cases are failing to uphold them.

Transitional housing providers are more likely to meet decency standards and other key human rights features, but we recommend more work be done to ensure standards are universally upheld and that all providers fully understand their human rights obligations in this area. It would be helpful to provide further education, training, or guidance on human rights obligations for transitional housing providers. Nonetheless,



the current transitional housing accreditation requirements, and social service provider practices, lead to an outcome where transitional housing providers are more likely overall than commercial accommodation suppliers receiving emergency housing grant funding, to meet their human rights requirements.

The failure to meet this immediate obligation is exacerbated by inadequate government management and oversight over emergency accommodation and commercial suppliers, and the lack of complaint mechanisms or enforcement options for upholding the standards that exist in transitional housing. MSD does not have any adequate accountability mechanisms to ensure that emergency accommodation funded by the emergency housing grant meets these immediate human rights requirements. This is a serious failure in the Government's emergency housing response.

Immediate obligation 2: Do not evict anyone into homelessness

The right to a decent home includes an obligation not to evict anyone into homelessness. This obligation is imperative in the context of the emergency housing system.

We are concerned that commercial accommodation suppliers paid through the emergency housing grant initiative are permitted to operate inconsistently with this obligation. These suppliers are entitled to evict an emergency accommodation resident if they consider they have broken rules of stay or are no longer welcome, even if this will result in a person becoming homeless.

Many people in the emergency housing system, both in emergency accommodation and

transitional housing, have complex social issues that require active understanding and support to resolve. We have observed that commercial accommodation suppliers are significantly less well equipped to deal with these issues, and this bears upon eviction processes.

We also note that some transitional housing providers, as well as commercial providers of emergency accommodation, have rules of stay that allow them to evict a resident without being required to find alternative accommodation.

Our finding on immediate obligation 2

We find this **obligation is not being met** and as a result Government is in breach of the right to a decent home grounded on Te Tiriti o Waitangi.

Some commercial accommodation suppliers delivering emergency accommodation, and some transitional housing providers, have eviction processes that allow them to evict into homelessness.

Even when government is providing emergency housing via commercial or private providers, its human rights obligation not to evict anyone into homelessness still applies. The fact that providers delivering emergency housing can evict someone without requiring them to make alternative arrangements, means government is failing to meet this immediate obligation.

Overall finding on these first two immediate human rights obligations

The emergency housing system is failing to deliver government's immediate human rights obligations to provide emergency housing that meets minimum decency standards and other key features of the right to a decent home, and not to evict anyone into homelessness. This failure results in a breach of the right to a decent home grounded on Te Tiriti o Waitangi.

Government cannot escape its human rights obligations by asserting that, despite the failures of the emergency housing system, the alternative would be worse because people would have nowhere to stay, as in their response to the report of the United Nations Special Rapporteur on the right to adequate housing:

We know that motels aren't an ideal situation, however, they are preferable to people living in cars, staying in overcrowded housing, sleeping in parks or on the street.⁵⁵

In a country like Aotearoa New Zealand, neither homelessness nor a failing emergency housing system is acceptable, and both fall short of human rights standards.

The obligation on government is to provide decent emergency housing that meets fundamental human rights requirements, not to provide something because it is better than nothing. This obligation has not been met and is a breach of Aotearoa New Zealand's binding international human rights obligations.

Immediate obligation 3: Uphold Te Tiriti o Waitangi alongside other human rights obligations

The human right to a decent home in Aotearoa must be read together with Te Tiriti o Waitangi. This human right cannot be fully realised unless Te Tiriti o Waitangi obligations are also met.

Tangata Whenua are disproportionately represented in homelessness statistics and transitional housing. 60 percent of emergency housing recipients are Māori. These inequities are reflected across the rest of the housing system and are compounded by overlapping forms of disadvantage, such as poverty and discrimination.

As part of the Wai 2750 Housing Policy and Services Kaupapa Inquiry, the Waitangi Tribunal

is now conducting an inquiry on housing policy and services surrounding Māori homelessness. Claimants and witnesses have raised significant issues about the failures of the current emergency housing system to respond to the needs of Māori, and the imperative of Māori-led approaches to emergency housing.

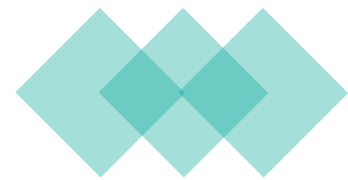
Claimants have highlighted the differences between the government's definition of homelessness and the ways homelessness can be understood in a Te Ao Māori context. It is impossible to deliver services that meet Māori needs when those services are designed to address an issue defined in a way fundamentally inconsistent with Te Ao Māori.

In the context of Wai 2750, the Crown has acknowledged that:⁵⁶

Where disparities exist at a population or group level, the Crown should aim to target housing services in an attempt to remove those disparities and that disparities in housing outcomes that exist between Māori and non-Māori are both inequitable and unacceptable.

This requirement to target services is an obligation under Te Tiriti o Waitangi and human rights law. The right to a decent home requires effective measures designed to address unfair disadvantage experienced by some individuals and communities. If the Government does not take effective steps to tackle discrimination and inequality in housing, it can be held to account and required to take remedial measures.

Additionally, the Crown's commitment to Māori under Te Tiriti o Waitangi goes much further than a promise of equitable treatment. It requires the putting right of wrongs committed and damage inflicted and honouring the pre-existing Tiriti and Indigenous rights of Tangata Whenua.



In the context of the emergency housing system, Article 2 of Te Tiriti is particularly important. It affirms Tangata Whenua rights to “te tino rangatiratanga o ratou wenua, o ratou kainga me o ratou taonga katoa.” Rangatiratanga includes the authority to manage iwi rohe (territory) and to manaaki and tiaki the people, lands and resources within them.

These rights are bolstered by rights affirmed in UNDRIP, such as Indigenous Peoples’ right to “be actively involved in developing and determining health, housing, and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.”⁵⁷

The Government has acknowledged “Iwi and Māori representatives had limited involvement in the design of the original emergency housing funding model.”⁵⁸ This is not consistent with the rights affirmed by Article 2 and reinforced by UNDRIP. Article 2 cannot be effectively applied unless Māori are given the authority and autonomy to create and implement kaupapa Māori-based approaches, with the authority to self-determine their own procedures, policies, and solutions.

The principle of partnership may not be sufficient to achieve these outcomes. We are concerned that some providers have faced the difficulty of being funded to deliver kaupapa Māori services while simultaneously being required by government to meet contractual standards and obligations that run counter to Te Ao Māori.

Our forthcoming discussion paper on Te Ao Māori accountability explores Māori understandings of accountability and different models of accountability for different spheres.⁵⁹ If Māori providers have the authority to self-determine how kaupapa Māori housing services should be designed and delivered, it would be more appropriate for their accountability obligations to align with Te Ao Māori accountability as understood in tikanga Māori.

Our comment on this obligation

The Commission acknowledges the mana and authority of the Waitangi Tribunal in making findings regarding breaches of Te Tiriti o Waitangi, including through this Kaupapa Inquiry. We do not intend to pre-empt the Tribunal in its invaluable work. But we wish to emphasise that the human right to a decent home, and obligations flowing from this human right, cannot be fully achieved unless obligations under Te Tiriti o Waitangi are also upheld and realised. We are extremely concerned that this has not been the case and await the Tribunal’s deliberations, counsel, findings, and recommendations with great interest.

Immediate obligation 4: Establish constructive accountability Establish effective and accessible accountability arrangements in relation to the emergency housing system

As we have seen, accountability is a crucial feature of human rights, including the right to a decent home. This accountability must be effective, accessible, and constructive. It has three elements: monitoring, review including independent review, and remedial action.

Regulatory frameworks and oversight mechanisms which could provide accountability in the emergency housing system

Residential Tenancies Act

The Residential Tenancies Act 1986 is the main legislative framework that regulates housing and protects some of the key features of the right to a decent home. The Act establishes the legal minimum standards for rental tenure security, housing habitability, and facilities, and requires landlords to provide and maintain rental properties in a reasonable state of repair and cleanliness.⁶⁰



The Residential Tenancies Act establishes an independent complaints mechanism in the form of Tenancy Services and the Tenancy Tribunal.

Alongside the Act, *Healthy Homes Standards* establish minimum standards for heating, insulation, ventilation, moisture, and draught stopping. These standards are intended to ensure the quality of rental properties and keep them warm and dry.

The Residential Tenancies Act exempts transient and short-term housing, i.e., accommodation provided for less than 28 and 90 days respectively. When emergency and transitional housing initiatives were originally developed, the intention was that both forms of accommodation would be provided for periods shorter than these timeframes:

At the time that the Government's current transitional housing and emergency housing programmes were introduced, it was not envisaged that clients would remain in the services for extended periods of time.⁶¹

However, legal advice was provided to Cabinet in 2020 that the increasing average length of stay in emergency accommodation and transitional housing meant this accommodation was now likely to be subject to the Act. Following that advice, Cabinet made the decision to exempt emergency housing system accommodation (both emergency accommodation and transitional housing) entirely from the Act, rather than amend the legislation to create new provisions specifically for these types of accommodation.

Since that legislative change in 2020, residents living in the emergency housing system are not entitled to the protection contained in the Act, including access to Tenancy Services and the independent Tenancy Tribunal. While transitional housing providers have their own internal dispute resolution procedures that residents can follow, these are not independent, there are no review or appeal processes, and disputes cannot be escalated to independent bodies such as Tenancy Services and the Tenancy Tribunal.



When government officials consulted on the proposal to exempt emergency housing system accommodation from the Act, peak bodies for tenant protection and community housing raised their concerns that this approach was not sufficiently rights-based.⁶² Media reporting has confirmed that other public officials, including then-director of public health Dr Caroline McElnay, made clear their opposition to the policy:

“The argument is that the risk of ‘market exit’ justifies the removal of human rights (and as a consequence, health protections). We cannot support this argument. We think the Crown is responsible for ensuring adequate housing for everyone.”⁶³

Despite this, the Government chose to continue, and to deliberately remove legal protections for all emergency housing system residents. This decision was made explicitly on the basis that the risk of market exit (i.e., that providers would stop offering emergency housing because they did not wish to be required to meet legal tenancy obligations) was too great.⁶⁴

When Government made this decision, it agreed to develop a Code of Practice that sets out expectations of providers, “to ensure that transitional and emergency [housing grant] housing clients still have adequate protections.”⁶⁵

The Cabinet paper also noted that:

The current model for emergency [housing grant accommodation] is not contract-based. While motels are usually warm, dry, and secure, there are currently fewer levers for ensuring accommodation quality in this type of housing. It will be important that agencies’ internal processes recognise and seek to address this gap in protection, and actively ensure that accommodation providers meet the standards to be set out in the Code of Practice.”⁶⁶

Despite this commitment to create an alternative mechanism that offered adequate protections, a draft Code was not consulted on for more than two years.

The issues we heard about habitability and basic facilities would have been addressed by the Residential Tenancies Act if emergency housing system accommodation was not excluded. In some instances, it is likely residents would have been able to complain to the Tenancy Tribunal about breaches of *Healthy Homes* and other housing requirements.

The issues about tenure security and eviction processes would also have been addressed by the Residential Tenancies Act. Security of tenure, with guaranteed legal protection and due process in relation to eviction, discrimination, harassment, and other unfair treatment, is a key feature of the right to a decent home. Even though emergency housing is by its nature temporary, residents should still be able to have some degree of security about their ongoing housing situation.

We have concerns that the lack of security of tenure, in combination with the lack of a complaint or appeal mechanism for the past two years, has led to conditions where residents in the emergency housing system have little protection against unfair eviction.⁶⁷ Additionally, there is no regulatory protection against residents being given notice as retaliation for complaining about some aspect of the housing service.

This exemption of emergency accommodation and transitional housing from the Residential Tenancies Act, and the delay in developing a Code that provides alternative protection, has led to a breach of the right to accountability and access to justice for these individuals, as well as breaching other features of their right to a decent home. This situation is also likely to breach Te Tiriti o Waitangi.

A draft Code of Practice for Transitional Housing was released for consultation in September 2022. Despite Cabinet's signalled commitment that the Code would provide equivalent adequate protection to transitional housing and emergency accommodation residents, the Code as drafted only applies to transitional housing and not to any emergency accommodation funded by the emergency housing grant.

The Commission has made a submission on the draft Code informed by this Housing Inquiry and what we have heard. In our view the draft Code is not sufficient to meet the obligation to provide effective accountability and access to justice for the following reasons:

- The draft Code sets out Government's expectations of transitional housing providers, but it is not directly enforceable for transitional housing residents.⁶⁸
- Transitional housing residents will still have no access to Tenancy Services and the Tenancy Tribunal. The draft Code does not establish a centralised independent complaint mechanism equivalent to these services and mechanisms.
- The draft Code does not establish sufficient requirements for minimum tenure security or fair and transparent eviction processes, including independent appeal processes.
- The draft Code does not set any timeframes to remedy breaches or provide residents with a centralised complaint process such as a 'notice to remedy' as provided by the Residential Tenancies Act.
- The draft Code does not establish any forms of remedy for breaches, such as apology or financial compensation. Residents who have accommodation partly funded by government are not any less deserving of appropriate remedy or compensation should their rights be breached. Notably, residents are still required to pay up to 25% of their income toward their own accommodation costs.

Non-legislative regulation of transitional housing providers

Transitional housing provides government with a greater degree of control and oversight due to the contractual relationship between government and provider.

Transitional housing providers must operate in line with their contractual service agreements and government operational guidelines.⁶⁹ These guidelines "outline the business processes, administrative functions and recommended interactions between contracted transitional housing providers, HUD and MSD. They are to be used by contracted transitional housing providers to assist in meeting their Service Agreement requirements."⁷⁰

Alongside these service agreements and guidelines, transitional housing providers are required to register as an approved social service provider and undergo accreditation.

In this respect, the accountability and oversight for transitional housing social service providers are a significant improvement on the complete lack of accreditation or oversight for commercial accommodation suppliers receiving emergency housing grant funding. However, neither the operational guidelines nor social service accreditation provide an adequate accountability arrangement for residents of these services.

Regulation and oversight of accommodation suppliers receiving emergency housing grants

The design of the emergency housing grant initiative, including funding arrangements, are a major contributing factor toward the decency problems we have identified with motel-based emergency accommodation. Although MSD pays for this accommodation through the emergency housing grant, it does not have contractual arrangements in place to establish minimum standards or requirements. Individual moteliars



and other commercial accommodation suppliers can access government funding so long as they are willing to offer emergency accommodation, without quality checks.⁷¹ As already noted, the Code of Practice as currently drafted will not apply to any emergency accommodation.

In 2021 the Auditor-General released a report with his findings from an Inquiry into MSD's funding of private rental properties via the emergency housing grant.⁷² This report includes significant findings about the Ministry's oversight of the accommodation it funds with the emergency housing grant, and the lack of mechanisms to ensure accommodation is fit for purpose:

The Ministry does not consider that it was responsible for assessing the quality of the housing it provided or that it has the regulatory mandate or capacity to do this. The only mechanism that the Ministry said it had for ensuring that accommodation was suitable was by responding to complaints from people living there. [emphasis added]

The Ministry received numerous complaints about the quality of some of the houses that it placed people in. We were also told about dwellings with building debris; that did not have cooking facilities, furnishings, or bedding; and that did not have appropriate consents from Auckland Council.

These could have been isolated incidents, but it is not possible to know their extent because the Ministry did not record and retain the addresses of the homes it housed people in, set standards for the properties it used, or have a process to check whether those properties met its expectations. The Ministry also did not have an accurate record of the complaints it received.

*In our view, although there was evidence that service delivery staff responded to some individual complaints, **the Ministry should have***

had mechanisms to ensure that it was clear what quality of housing should be supplied for the price it was paying. It should also have had controls to ensure that quality housing was being delivered. [emphasis added]

While the Auditor-General's report only considered MSD's (since ended) practice of funding private rental properties, the underlying issues in terms of inadequate oversight are essentially the same.

MSD continues to take the position that it is not responsible for emergency accommodation delivered by commercial accommodation suppliers. It asserts that the accommodation arrangements are between the individual resident and the individual motelier, and MSD's role is simply to provide funding via the emergency housing grant.

In November 2022, the Minister for Social Development was asked whether the Ministry was living up to its obligation to ensure it provides safe accommodation services. The Minister's response confirms that MSD's policy and practice remains reactive rather than proactive, relying primarily on individual complaints from clients.

Where we receive complaints around safety, then MSD moves quickly to move families to where they are safe. But we can't respond when people don't tell us what's going on.⁷³

If MSD does not require motels to undergo accreditation, or quality control processes before receiving emergency housing grant funding to deliver accommodation, it cannot ensure the accommodation is adequate to meet basic human rights requirements.

The Auditor-General's findings and recommendations on oversight and review mechanisms were clear. Nevertheless, MSD has failed to implement adequate standards or processes for assessing safety and quality in

emergency accommodation. All three elements of constructive accountability – monitoring, independent review against standards, and remedial action – are lacking.

Constructive accountability requires independent review and remedial action

As outlined in our first Inquiry report, accountability is about ensuring standards are respected and promises are kept. It does not need to be about blame and punishment.

We acknowledge the complexity of the entire housing system in Aotearoa New Zealand, and the difficulty of developing strategy and policy that adequately addresses the entire continuum of housing need. We also acknowledge the difficulties that may emerge in responding meaningfully to homelessness, given the ongoing fragmentation of the emergency housing response across at least three agencies (MSD, HUD, and KO).

However, HUD was established in large part as a response to this complexity. It is explicitly tasked with end-to-end system leadership across the whole of the housing system, including homelessness response.

Despite HUD's leadership in this area, we have observed inadequate accountability in the emergency housing system (i.e. emergency accommodation and transitional housing), and a lack of attention to the experiences of individuals and whānau. This has been exacerbated by the separated responsibility for, and administration of, emergency accommodation and transitional housing.

In November 2021, the Implementation Unit in the Department of Prime Minister and Cabinet delivered a report on emergency accommodation and transitional housing. The purpose of this report was "to assess the current working arrangements between agencies responsible for delivering emergency and transitional housing."⁷⁴

This internal review found that transitional housing, led by HUD, has effective working arrangements, with end-to-end programme management, delivery plans and clear roles and responsibilities across agencies.⁷⁵ It also found that HUD is broadly on track to deliver planned increases in transitional housing, agencies provide clear monthly reports including dashboards and milestones for transitional housing places, and agencies are well focused on increasing supply.⁷⁶

The report found that despite "challenges at the system level and in communities", and demand on the system not anticipated or envisaged when it was originally established, "agencies are fulfilling their roles and responsibilities as intended ... [and] performing well in particular elements of programme delivery."⁷⁷ The report also found that HUD and MSD are working effectively together at the policy level to develop and provide joint advice to Housing and Social Development Ministers.⁷⁸

However, the report also identifies gaps that persist in different emergency housing initiatives, and "neither HUD nor MSD have visibility over the whole emergency housing system, nor of the outcomes for people who move between [emergency housing grant]-funded accommodation into transitional housing, and other social housing providers."⁷⁹ The report raises particular concerns about the gaps and "black boxes" (significant voids) in knowledge about client outcomes, as HUD and MSD are unable to track clients through the whole emergency housing system.

This internal report's finding of gaps in the emergency housing system reflects what we have heard from providers who observe a continuing lack of information sharing and communication between different agencies, even when they all have an operational role in supporting individuals through the system. We highlight the importance of refining policy processes and interactions



between different agencies tasked with responding to emergency housing need.⁸⁰

The Implementation Unit's report also refers to the limitations of the emergency housing grant initiative. It identifies that while the emergency housing grant settings were suitable when first implemented, they "could have been revisited as the situation became more complex and various interventions needed to be considered as a package."⁸¹

Since the report, the Government has acknowledged that emergency accommodation is "unsuitable to respond to the ongoing housing needs of individuals, families and whānau" and it has begun a multi-year internal programme to review and reset the emergency housing system.⁸² The Minister for Social Development signalled the findings of this review and redesign would be released by the end of 2022.⁸³ We have not been asked to contribute to this process.

These internal reviews are important to ensure policies are delivering as intended. The Government has taken some action to internally monitor and review its policies and initiatives that make up the overall emergency housing system. But constructive accountability requires *independent review* followed by remedial action. This independent review and remedial action is lacking in the current emergency housing system.

In 2021 our Inquiry found that:

*Effective and accessible accountability arrangements in relation to the right to a decent home grounded on Te Tiriti o Waitangi do not yet exist in the kōwhiri sphere. This accountability deficit places Aotearoa New Zealand in breach of its legally binding international human rights obligations.*⁸⁴

We are seriously concerned about the lack of constructive accountability in relation to the emergency housing grant initiative. These accountability failures cannot be laid at the feet of a single government agency. While MSD administers the emergency housing grant and other housing support products, HUD is the policy lead. HUD and MSD work together to develop and provide joint advice to Ministers. They have a shared responsibility for the emergency housing system.

The emergency housing grant sits within the benefit system.⁸⁵ This diminishes HUD's ability to manage an end-to-end emergency housing system. While HUD can provide advice to Ministers on the continued operation of the emergency housing grant, it has no direct control over the way funds are spent under this initiative. For example, it cannot ensure value for money of the services paid for, because that is a responsibility held by MSD (although not yet appropriately met by the Ministry).

We do not intend to make findings regarding the appropriateness of government spending; that mandate primarily sits with the Auditor-General and we defer to that office. However, we observe that the inconsistency in funding between these two initiatives in the emergency housing system appears to be having a negative impact.

The failures of the emergency housing grant initiative jeopardise the reputation of transitional housing provided in contracted motels, as well as new initiatives such as motels providing contracted emergency housing. Despite the intention for emergency accommodation and transitional housing to operate as distinct interventions, the two increasingly appear to residents and the public as just one flawed system. This means it is far more likely for poor outcomes in

motels providing emergency accommodation to create and reinforce assumptions that all motel accommodation is the same, regardless of whether it is contracted transitional housing, contracted emergency housing, or emergency accommodation.

We note for example the significant public opposition to HUD's applications for resource consent to continue 13 contracted motels in Rotorua.⁸⁶ We are concerned that this reputational damage may impact HUD's ability to effectively deliver alternative forms of emergency housing which – although by no means perfect – are nevertheless already demonstrating better outcomes than emergency accommodation.⁸⁷ We highlight for example a HUD official's evidence supporting the resource consent application:

The evaluation [of contracted emergency housing] is still underway, and final findings and recommendations are still to be determined ... However, findings do support the proposition that contracted emergency housing may provide better outcomes for whānau and children compared to the alternative of receiving an [emergency grant] or being in some other insecure housing situation.⁸⁸

Across Aotearoa New Zealand we have observed members of the public, businesses, local government officials, and others raising concerns about the emergency housing system.

Our finding on immediate obligation 4

We find that **the obligation is not being met on multiple levels** and as a result Government is in breach of the right to a decent home grounded on Te Tiriti o Waitangi.

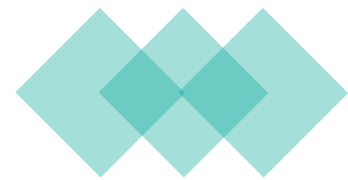
Government's decision in 2020 to exclude emergency accommodation and transitional housing from the Residential Tenancies Act is a serious and ongoing breach of its obligation to provide accountability for the right to a decent home.

The decision was a step backward that regressed the housing rights of many individuals and families.

The lack of adequate accountability has now continued for more than two years. While the draft Code of Practice for Transitional Housing may go some way towards addressing this situation, it is overdue and insufficient.

Unless the draft Code is significantly amended, emergency accommodation residents will continue to have no protection under any regulatory framework.

Government has failed to put in place accountability arrangements for the right to a decent home, grounded on Te Tiriti o Waitangi, in relation to the emergency housing system. The lack of accountability over the emergency housing system, in particular the emergency housing grant initiative, is a serious breach of government's obligation in relation to the right to a decent home.



Final comment regarding our findings and government's ongoing obligation to progressively realise the right to a decent home

As well as the four immediate obligations in relation to homelessness we have just addressed, government also has an obligation to progressively realise the right to a decent home over time. Government must take concrete action to address and remedy other housing system factors that contribute to homelessness.

Emergency housing is one part of a deeply interconnected housing continuum. Reducing homelessness cannot be delivered through the provision of temporary emergency housing alone.

We recognise the current Government is tasked with responding to a situation largely created by decades of institutional neglect. Aotearoa New Zealand suffers from years of undersupply in housing, including a policy of previous governments to sell off state housing stock. This undersupply has been compounded by drastic house price increases and an increasing lack of affordable rental supply. The Government is also faced with other complicating factors, including the COVID-19 pandemic and response, serious building industry supply issues, and a very challenging global economic environment. We accept that wider fixes to these issues and to the housing market will take some time to deliver.

As acknowledged by the United Nations Special Rapporteur on the right to adequate housing in her end of mission statement following her visit to Aotearoa New Zealand in 2020:

While New Zealand has ratified various international human rights treaties obliging all bodies exercising government authority to respect,

protect and fulfill the right to adequate housing, there is insufficient expression of this right in law, in related policy and programmes, and in their implementation. [The housing and human rights crisis] would never have arisen to this extent had housing been fully understood, recognized and implemented by Governments as a human right and a social good rather than as an asset for wealth accumulation and growth over the last decades.

If successive Governments of New Zealand had ensured over the last several decades that every housing related legislative and policy decision had as its aim the promotion of the right to housing, it is clear that the country would not be confronting a housing crisis.⁸⁹

These wider housing system issues are outside the scope of this report. However, we emphasise that government has a binding human rights obligation to progressively realise the right to a decent home, including by taking deliberate, concrete, and targeted steps to reduce homelessness and achieve decent, sustainable housing for everyone in Aotearoa New Zealand.

As highlighted by the Special Rapporteur:

It is clear that ending homelessness and resolving the housing crisis is a commitment that is less about the Government of the day, and more about the health of the nation. This must remain a priority regardless of political agendas.⁹⁰

We urge all political parties to consider how they can support cross-partisan solutions to the country's housing and human rights crisis.



6. Recommendations



1. *Address the inconsistencies between the two different initiatives (emergency accommodation and transitional housing) and create a single, unified system of emergency housing.*

The new unified system must meet urgent housing need at a range of levels and support requirements, without stigmatisation, and with a focus on relational rather than transactional services. It must take particular account of the rights, wellbeing, and specific needs of children and young people experiencing homelessness.

The new system must be designed, developed, and delivered in full partnership with Tangata Whenua, and respond to Māori needs and Te Ao Māori responses to homelessness. This partnership is imperative to ensure that Te Tiriti o Waitangi failures are not repeated or further entrenched.

As much as possible, the system must actively support and build on place-based responses led by community, hapū and iwi initiatives. We highlight the good practice of many kaupapa Māori providers and encourage Government and agencies to think innovatively in the development of a new emergency housing system.

We emphasise the importance of working with those who have lived experience of homelessness and the emergency housing system. Participation and engagement are a key feature of the right to a decent home, as we have outlined in the *Guidelines* and the Inquiry's 2021 report.⁹¹ We recognise that HUD and other agencies are already striving to deepen public participation in the housing landscape. Te MAIHI Whare Wānanga, HUD's place-based approach and the Homelessness Action Plan demonstrate a commitment to participation. These proposals, combined with existing community-led initiatives, should drive and inspire the system redevelopment.

2. *Phase out the use of uncontracted commercial accommodation suppliers receiving the Emergency Housing Special Needs Grant to deliver emergency accommodation as soon as possible.*

We are aware HUD has trialled a pilot of 'contracted emergency housing', which involves delivery of emergency accommodation through contracted moteliors with wraparound services on site.

This is not a long-term solution given the serious issues we have highlighted with the use of motel accommodation, particularly for prolonged periods.

However, we recognise it is unacceptable to leave people with nowhere to go if emergency accommodation provided by uncontracted commercial accommodation suppliers is phased out with no replacement. In the short term we consider the use of contracted motels *with wraparound services* is a significantly better alternative than uncontracted commercial accommodation suppliers.

Contracted motels with wraparound services are only a short-term solution until more appropriate transitional housing, public housing, and sustainable private rental housing is adequate to meet demand. It cannot, like the emergency housing grant initiative, continue to operate at a scale well beyond its original intention and become relied on as a major part of the emergency housing system over time.

3. *Commit to adequately protecting the rights of those in the emergency housing system, either by amending the Residential Tenancies Act or by creating an alternative mechanism that is significantly stronger than the current draft Code of Practice for Transitional Housing. This commitment is required both by human rights law and Te Tiriti o Waitangi obligations.*

Alongside this regulatory framework, we encourage Government to work with those with lived experience of homelessness, to develop a 'Code of Rights for People in Emergency/Transitional Housing'. The Code of Health and Disability Consumers' Rights is a useful model.⁹²

We recommend the development of more training or guidance for transitional housing providers regarding their human rights obligations (e.g., to meet 'minimum decency standards') when providing housing services. This could run alongside, or be folded into, their social service accreditation requirements. Such training and guidance should be extended to contracted motel providers and all providers in the new unified system.

Alongside these three recommendations, which respond directly to what we have heard and found in this report, we reiterate two recommendations made in our 2021 report:⁹³

4. Establish an effective, accessible, and constructive accountability mechanism for the housing system, including the emergency housing system.

It is very important that a constructive Tiriti-based accountability mechanism is urgently established for the right to a decent home grounded on Te Tiriti. This is critical for the legitimacy of those holding power in Aotearoa

New Zealand's housing system. The mechanism should address systemic housing issues, not personal complaints. There are different ways of realising this recommendation, for example, a Housing Ombudsman (Officer of Parliament) or a Housing Rights Commissioner within the Human Rights Commission (independent Crown Entity).

5. Establish an independent advisory and advocacy group grounded on Te Tiriti o Waitangi.

The right to a decent home requires housing initiatives to be evidence-based with attention to both the kāwanatanga and tino rangatiratanga spheres of authority. We recommend an advisory and advocacy group responsible for providing expert advice and commissioning research, including Te Ao Māori perspectives and concepts of housing.

The right to a decent home entitles individuals and communities to active and informed participation on issues relating to housing, including policy making and accountability. The advisory and advocacy group would be responsible for ensuring voices from all segments of society are heard, especially those who are most impacted by the housing crisis. It is crucial that all those with lived experience of inadequate housing and homelessness are heard and listened to.



Conclusion

The current emergency housing system is seriously failing. Many people are in serious and unaddressed housing need. We urge Government, opposition, and all stakeholders, to seek and support bipartisan solutions.

HUD, as befits its leadership role, has the task of evaluating whether housing policy, regulatory, investment, and institutional settings all work together to reach enduring positive change.⁹⁴ Increasingly, organisations responding to housing need across different areas of the system are recognising the social function of housing, rather than treating housing as primarily a financial investment.⁹⁵

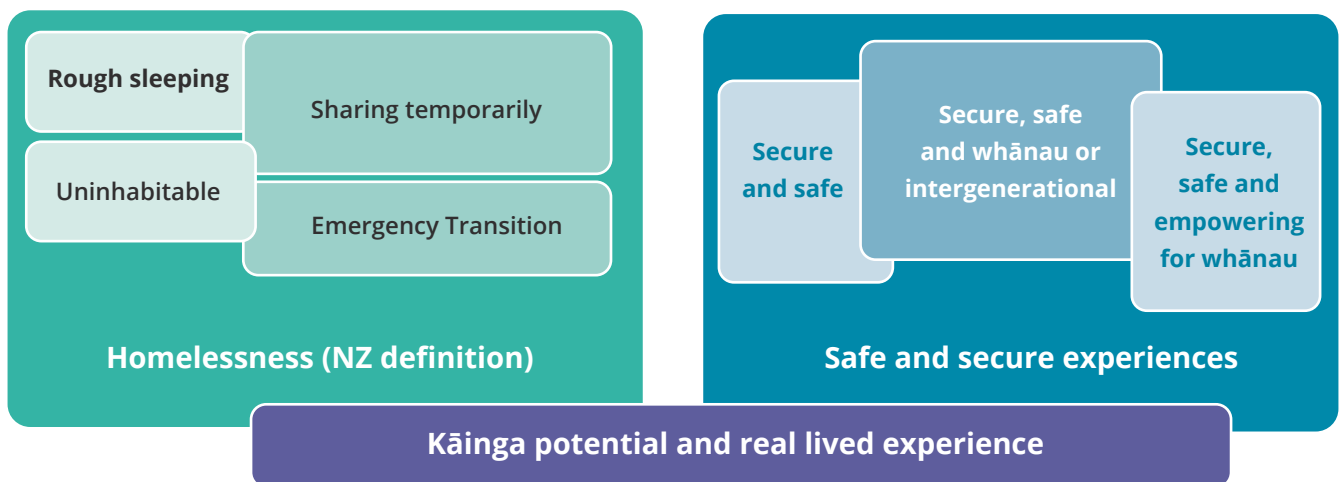
In this work to reshape our emergency housing system, and the housing system more broadly, the fear of getting it wrong must not stand in the way of trying something new. Innovative approaches or initiatives may not achieve the right outcomes the first time. But the current system is already failing in fundamental ways.

Now, more than ever, we need bold and courageous thinking, reinforced by community participation and constructive accountability, to help deliver a fair, decent, equitable housing system for everyone in Aotearoa New Zealand. In this life-enhancing endeavour, the right to a decent home grounded on Te Tiriti o Waitangi has a major role to play.



Government housing policy has tended to be designed around this model, assuming and promoting a linear progression from one end of the continuum (requiring most support) to the other (requiring least support).⁹⁶

Some organisations responding to housing need have reframed the housing continuum to acknowledge housing's social function and to highlight that those in forms of housing including transitional housing are still experiencing homelessness.⁹⁷ For example, the Independent Māori Statutory Board has developed the alternative model below, with the goal of "shift[ing] from thinking about housing in terms of financial cost, to thinking about its social function."⁹⁸



Housing system terms

Commercial accommodation suppliers. Motels, backpackers, and other commercial short-term accommodation providers. These suppliers provide the bulk of emergency accommodation funded by the emergency housing grant. They are not contracted by MSD and operate as commercial businesses receiving payment from MSD on behalf of MSD's clients.

Contracted motel. Motels were first used as transitional housing in 2017. This has continued, with HUD now contracting a number of motel blocks to operate entirely as a transitional housing property (usually with contracted social service providers on site to manage the facility).

COVID-19 motels. Motels originally contracted during the first COVID-19 lockdown to ensure

vulnerable people would have somewhere safe to stay. These 'COVID-19 motels' include support services but are not transitional housing. The contracts are renewed and ongoing as of 2022.

Emergency accommodation. The temporary emergency accommodation that is funded by the emergency housing grant. It is typically provided by non-contracted commercial accommodation suppliers such as motels. It is sometimes also referred to as "emergency housing".

Emergency housing grant. The Emergency Housing Special Needs Grant, which funds non-contracted temporary emergency accommodation for 7 to 21 days at a time. It is administered by the Ministry of Social Development.

Emergency housing system. The government front-line response to homelessness and people with urgent housing need. The system includes a range of initiatives and responses, two of which are the housing grant and transitional housing. It is sometimes referred to as “emergency and transitional housing” because housing grant accommodation and transitional housing form the bulk of the places in the system.

Housing register. The list of people who have been assessed as eligible for public housing, and who are waiting for a public housing place to become available. It is managed and administered by the Ministry of Social Development.

Public housing. Housing delivered by KO and CHPs, and available to people assessed as eligible based on their housing needs. Public housing is sometimes referred to as “state housing” or “social housing”. Residents in public housing usually pay up to 25% of their income as rent.

Transitional housing. A form of emergency housing delivered by accredited and contracted housing support providers, which includes wraparound social support. Transitional housing includes newly built properties, repurposed properties, motels, and properties leased from the private market. Some transitional housing is in contracted motel accommodation, but most is in other facilities. The intended length of stay is 12 weeks. It is funded and managed (via contracts) by HUD, with some administration ongoing from MSD.

Wraparound support. Social support services such as wellbeing checks, healthcare, counselling, employment assistance, budgeting, and other support services which are provided onsite in a transitional housing residence/complex.

Human rights terms

Constructive accountability. A key feature of human rights. Constructive accountability has three elements:

- monitoring i.e., the collection of information and data;
- review, including independent review, in relation to agreed standards and promises made;
- remedial action.

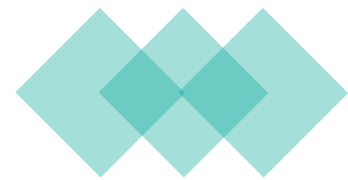
Immediate obligations. Features of the right to a decent home that are so important that they must be delivered immediately – they cannot be delivered slowly over time.

Progressive realisation. Taking deliberate, concrete, and targeted steps towards full realisation of the right to a decent home. Progressive realisation acknowledges that the right to a decent home cannot be completely delivered overnight. Apart from immediate obligations, the other features of the right to a decent home are subject to progressive realisation.

The right to a decent home grounded on Te Tiriti o Waitangi. Used by the Human Rights Commission to refer to the ‘right to adequate housing’, as established in binding international human rights law. The right to adequate housing is broader than physical shelter, and encompasses the right to warm, dry, safe, secure, affordable, accessible, healthy, decent housing.

In Aotearoa New Zealand, the constitutional status of Te Tiriti o Waitangi means that the right to a decent home must be read alongside (‘grounded on’) Te Tiriti.

In 2021 the Commission published *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*. These set out in detail the key features of the right to a decent home grounded on Te Tiriti o Waitangi.



Endnotes

- ¹ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, “2018 Severe Housing Deprivation Estimate”, March 2018. <https://www.hud.govt.nz/stats-and-insights/2018-severe-housing-deprivation-estimate/>.
- ² These include the International Bill of Rights (which provides the foundation for all international human rights), the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the Declaration on the Rights of Indigenous Peoples.
- ³ Te Kāhui Tika Tangata Human Rights Commission, *Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the right to a decent home in Aotearoa*, August 2021. https://www.hrc.co.nz/files/7416/2784/4778/Framework_Guidelines_on_the_Right_to_a_Decent_Home_in_Aotearoa_FINAL.pdf, paragraphs 5 to 10.
- ⁴ Guideline 3, paragraphs 11 to 15.
- ⁵ Guideline 5, paragraphs 20 to 23. For the private sector, see also Section 5.
- ⁶ Section 2: Colonisation and Te Tiriti o Waitangi.
- ⁷ Parliamentary Business Research papers, “Homelessness in New Zealand”, July 2014. <https://www.parliament.nz/en/pb/research-papers/document/00PLECoRP14021/homelessness-in-new-zealand>.
- ⁸ Department of the Prime Minister and Cabinet, Report: *Emergency and Transitional Housing*, November 2021. <https://dpmc.govt.nz/sites/default/files/2022-03/proactive-release-iu-dpmc-2021-22-788-emergency-transitional-housing.pdf>.
- ⁹ Hon Dr Megan Woods, “Rotorua marks third step in delivery of its Emergency Housing Plan”, Beehive.govt.nz, March 24, 2022. <https://www.beehive.govt.nz/release/rotorua-marks-third-step-delivery-its-emergency-housing-plan>.
- ¹⁰ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, “Aotearoa New Zealand Homelessness Action Plan 2020-2023”, February 2020. <https://www.hud.govt.nz/our-work/aotearoa-new-zealand-homelessness-action-plan-2020-2023/>.
- ¹¹ Hon Paula Bennett, “Boost for emergency housing begins today”, Beehive.govt.nz, 1 July 2016. <https://www.beehive.govt.nz/release/boost-emergency-housing-begins-today>.
- ¹² Ministry of Social Development – housing and support services, “Emergency Housing Special Needs Grant”, msd.govt.nz, <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/social-housing/>.
- ¹³ In most circumstances, the proportion of accommodation costs paid by MSD through the housing grant does not need to be paid back (it is a ‘non-recoverable’ grant). However, MSD does have the power to determine that a household has unreasonably contributed to their own housing need and therefore must pay back the grant as a deduction from their weekly income. MSD can also decline grants in certain circumstances.
- ¹⁴ Clients must contribute the higher of 25% of the net weekly income of the client and their partner, or 25% of the applicable rate of Jobseeker Support, even if they are not receiving this assistance. See the *Guide to Social Development Policy*, “Clients must contribute to their emergency housing costs”, workandincome.govt.nz, <https://www.workandincome.govt.nz/map/income-support/extra-help/special-needs-grant/clients-must-contribute-to-their-emergency-housing-costs.html>.
- ¹⁵ When the grant was first established clients were not required to contribute towards any accommodation costs. Previous grants had been recoverable (i.e. had to be paid back), and this was highlighted as one of the issues the new housing grant was intended to fix. The then-National Government also highlighted that the emergency housing grant was “the first time any government has committed ongoing, dedicated funding for emergency housing.”
(Bennett, “Boost for emergency housing begins today”.)

In October 2020 the grant policy settings were changed to extend the period a grant can be granted for, from seven days to 21 days, in certain circumstances, and require emergency housing grant clients to contribute 25% of their income towards the cost of the emergency accommodation.

(Work and Income Te Hiranga Tangata, “Changes for people in emergency housing from 19 October”, workandincome.govt.nz, September 14, 2020. <https://www.workandincome.govt.nz/about-work-and-income/news/2020/emergency-housing-changes.html#:~:text=How%20much%20you'll%20pay,you're%20in%20emergency%20housing.>)

These changes were initiated by the Labour-New Zealand First Coalition Government.

Policy analysis outlined that these changes were required because the number of distinct clients seeking the emergency housing grant, the number of emergency housing grants, and the amount granted each month, had all increased between seven to ten percent from 2018 to 2019, and there needed to be “a stronger focused approach to demand management, including strengthened prevention and support measures.”

Analysis also referred to the inequity between clients receiving emergency housing grants, who did not pay any contribution towards housing costs, and those in other forms of supported housing (transitional and public housing) who contribute 25% of their income.

(“MSD and HUD, Contingency bid – Emergency Housing Special Needs Grant (EH SNG) Policy Settings”, June 2019. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/information-releases/emergency-housing-and-transitional-housing-amendment-2020/contingency-bid-emergency-housing-special-needs-grant-eh-sng-policy-settings.pdf>.)

- ¹⁶ The proposal to change this policy outlined that the increased period for the housing grant should be “at the discretion of MSD” and only in cases where clients are receiving additional wraparound support in the form of intensive case management and contracted navigators. (MSD and HUD, “Contingency bid – Emergency Housing Special Needs Grant”). This has now been reflected in MSD policy: see the *Guide to Social Development Policy*, “Longer grant periods for Special Needs Grants for emergency housing”, workandincome.govt.nz, <https://www.workandincome.govt.nz/map/income-support/extra-help/special-needs-grant/longer-grant-periods-for-special-needs-grants-for-emergency-housing.html>.
- ¹⁷ DPMC, “Report: Emergency and Transitional Housing”, at paragraph 18 Table 1.
- ¹⁸ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, “Public Housing Quarterly Report”, June 2022. <https://www.hud.govt.nz/documents/public-housing-quarterly-report-june-2022/>.
- ¹⁹ DPMC, *Report: Emergency and Transitional Housing*, at paragraph 15.
- ²⁰ *Residential Tenancies Amendment Bill: Officials’ Report to the Social Services and Community Committee*, May 2020. https://www.parliament.nz/resource/en-NZ/52SCSS_ADV_94841_SS7991/b14687440e56fb4245f7575b5be5462befca1dbb, at para 517.
- ²¹ Ministry of Social Development Te Manatū Whakahiato Ora, “Monthly housing update October 2022” <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/statistics/housing/monthly-housing-update/2022/monthly-housing-update-october-2022.pdf>.
- ²² Ministry of Social Development Te Manatū Whakahiato Ora, “Transitional Housing”, msd.govt.nz, July 2017. <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/social-housing/transitional-housing-fact-sheet.pdf>
- ²³ Ministry of Social Development, “Transitional Housing.”
- ²⁴ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, *Operational Guidelines for Providers of Transitional Housing*, 2021. <https://www.hud.govt.nz/assets/Uploads/Documents/Transitional-Housing-Guidelines-2021.pdf>.
- ²⁵ *Operational Guidelines for Providers of Transitional Housing*.
- ²⁶ This policy direction is signalled in Budget 2022 initiatives: *Contracted Emergency Housing (Rotorua Response)* <https://www.hud.govt.nz/assets/Uploads/Documents/Contracted-Emergency-Housing-Rotorua-Response-Budget-template-Redacted.pdf> and *Public and Transitional Housing – Maintaining and Increasing Public, Transitional and COVID-19 housing supply* <https://www.hud.govt.nz/assets/Uploads/Documents/Public-and-Transitional-Housing-Budget-template-Redacted.pdf>.
- ²⁷ *Maintaining and Increasing Public, Transitional, and COVID-19 housing supply*, at page 6.
- ²⁸ *Operational Guidelines for Providers of Transitional Housing*.
- ²⁹ Michelle Cooke, “Data reveals hundreds living in transitional housing for months on end”, stuff.co.nz (originally published on rnz.co.nz), August 3, 2021. <https://www.stuff.co.nz/national/300372765/data-reveals-hundreds-living-in-transitional-housing-for-months-on-end>.
- ³⁰ Although there is no specific youth homelessness strategy, agencies do have a youth-focused work programme and a youth transitional housing service. The Associate Minister of Housing (Homelessness) announced in June 2022 that through Budget 2022 \$40 million is being invested to support young people through the HAP. This is implemented through a specific rangatahi focused workstream – see Hon Marama Davidson “Investing in youth homelessness”, beehive.govt.nz, 13, June 2022. <https://www.beehive.govt.nz/release/investing-address-youth-homelessness>.
- ³¹ David MacKenzie, Tammy Hand, Adam Dean, *Early intervention strategies to prevent youth homelessness*, October 2020. <https://aifs.gov.au/resources/short-articles/early-intervention-strategies-prevent-youth-homelessness#footnote-0027-backlink>.
- ³² MSD has the ability to immediately remove a client from the register if the client declines a public housing property without “a good and sufficient reason”, but its own staff guidance includes factors such as being too far away from school or employment when assessing reasons clients have declined accommodation. See the *Guide to Social Development Policy*, “Examples of good and sufficient reasons for declining a social housing policy”, workandincome.govt.nz, <https://www.workandincome.govt.nz/map/social-housing/register-management-and-referrals/examples-of-good-and-sufficient-reasons-for-declining.html>.
- ³³ We note that some transitional housing providers choose to provide financial literacy support services for whānau. For example, Te Puea Memorial Marae has a budget advisor onsite at the marae to support whānau, along with social workers and other social services.
- ³⁴ MSD estimates that this assessment usually takes an hour due to the length of the application, the types of questions, and the assessments that are undertaken.
- ³⁵ MSD advises that it downgrades a priority rating if it is deemed appropriate based on the client’s circumstances, or if information has been provided that suggests the housing need is not as urgent as the priority rating assigned. If a client has had a change in circumstances that is likely to affect or alter their priority rating, housing needs, or rate of indicative income-related rent, their application must be reviewed and the client must be advised if the outcome of the review changes their priority rating or housing needs. See the *Guide to Social Development Policy*, “Reviewing clients on the register”, workandincome.govt.nz, <https://www.workandincome.govt.nz/map/social-housing/register-management-and-referrals/reviewing-clients-on-the-register.html>.
- ³⁶ *Human rights indicators: A guide to measurement and implementation*, OHCHR, UN, 2012.
- ³⁷ “Thus, for example, a State party in which any significant number of individuals is deprived of ... basic shelter and housing, ... is, prima facie, failing to discharge its obligations under [international human rights law]. If [international human rights law] ... were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its raison d’être.” *General Comment 3*, UN Committee on Economic, Social and Cultural Rights, in E/1991/23.



- ³⁸ *Framework Guidelines*, Section 3: Key features of the right to a decent home grounded on Te Tiriti o Waitangi.
- ³⁹ At paragraphs 32 and 33.
- ⁴⁰ United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295), adopted by the General Assembly in September 2007 and signed by Aotearoa New Zealand in 2010. See <https://www.tpk.govt.nz/en/a-matou-whakaarotau/te-ao-maori/un-declaration-on-the-rights-of-indigenous-peoples>.
- ⁴¹ United Nations Declaration on the Rights of Indigenous Peoples <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>. For example, see Articles 3 and 21.
- ⁴² *Housing Inquiry First Report: Strengthening Accountability and Participation in the Housing System*, December 2021. https://www.hrc.co.nz/files/2716/3944/7313/Housing_Inquiry_Strengthening_Accountability_and_Participation_FINAL-compressed.pdf.
- ⁴³ For example, see the Productivity Commission's report *More Effective Social Services*, August 2015, <https://www.productivity.govt.nz/assets/Documents/8981330814/social-services-final-report.pdf>, at page 109: "The Crown cannot devolve some responsibilities. These include international commitments on human rights, where New Zealand is party to an international agreement or treaty... Under the Treaty of Waitangi the Crown has duties and obligations that derive from Articles Two and Three. These include active protection of Māori interests and the protection of tino rangatiratanga."
- ⁴⁴ *Framework Guidelines*, Section 5: Private sector.
- ⁴⁵ *Report: Emergency and Transitional Housing*, at paragraph 3.
- ⁴⁶ *Maintaining and Increasing Public, Transitional, and COVID-19 housing supply*.
- ⁴⁷ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development *draft Code of Practice for Transitional Housing, Outcome 3: Healthy and Safe Housing*.
- ⁴⁸ We acknowledge that the use of motels for transitional housing has declined over time, from 924 places (29% of transitional housing places) in June 2020, to 899 places (16% of transitional housing places) in June 2022. However, the decrease in percentage terms is much more significant than the decrease in actual numbers, because of the increase in other transitional housing supply.
- ⁴⁹ *Te Kāhui Kāhu New Zealand Government Social Sector Accreditation Standards Level 3*, August 2021. <https://xn--tekuhiku-7bbe.govt.nz/documents/what-is-accreditation/accreditation-standards/level-3-social-sector-accreditation-standards.pdf>.
- ⁵⁰ We note that the accreditation standards do refer to children's rights as contained in the United Nations Convention on the Rights of the Child (UNCROC), in the context of any organisations choosing to develop a charter outlining children/young persons' rights.
- ⁵¹ Providers are also subject to other laws, such as the Consumer Guarantees Act and Building Act, but again these do not provide adequate accountability in relation to breaches of the right to a decent home.
- ⁵² *Maintaining and Increasing Public, Transitional, and COVID-19 housing supply*, at page 5.
- ⁵³ At page 14.
- ⁵⁴ RNZ Checkpoint, "No deadline for phasing out motel emergency accommodation", [rnz.co.nz](https://www.rnz.co.nz/national/programmes/checkpoint/audio/2018866014/no-deadline-for-phasing-out-motel-emergency-accommodation), November 8, 2022. <https://www.rnz.co.nz/national/programmes/checkpoint/audio/2018866014/no-deadline-for-phasing-out-motel-emergency-accommodation>
- ⁵⁵ Human Rights Council 47th session, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, Leilani Farha, on her visit to New Zealand*, Comments by the State, July 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/149/67/PDF/G2114967.pdf?OpenElement> at paragraph 8(e).
- See also for example Minister for Social Development Hon Carmel Sepuloni's comments in the article above:
- "The alternative was that people would have nowhere to stay, and so it is not the ideal, we prefer this didn't have to be the option, but ... we're still in the situation where we're building [new] houses,"
- and Minister for Housing Hon Megan Woods' comments in a September 2022 interview with 1News:
- "It is working as best it can... by the measure that they're an incredibly vulnerable group of people who otherwise were sleeping in cars and in the doorways of shops... I think everybody accepts that [it's better than the alternative.]"
- 1News, "Emergency housing 'working as best it can' – Megan Woods", September 11, 2022, <https://www.1news.co.nz/2022/09/11/emergency-housing-working-as-best-it-can-megan-woods/>.
- ⁵⁶ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development *Budget 2022 Initiative Summary – Supporting the reset and redesign of the emergency housing system* <https://www.hud.govt.nz/assets/Uploads/Documents/Emergency-Housing-Review-Redacted.pdf>, at page 2.
- ⁵⁷ United Nations Declaration on the Rights of Indigenous Peoples, Article 23.
- ⁵⁸ *Supporting the reset and redesign of the emergency housing system*, at page 8.
- ⁵⁹ Te Kāhui Tika Tangata Human Rights Commission, Dr Diane Menzies and Jacqueline Paul, *Discussion paper: Understanding Accountability for Māori*, forthcoming December 2022.
- ⁶⁰ While the Residential Tenancies Act does not directly regulate the standard of rental properties, it requires landlords to comply with the Building Act 2004 and the Building Code, the Health Act 1956, Housing Improvement Regulations 1947, and any local government bylaws set by individual councils. Among other minimum requirements, properties must have:
- A room that can be used as a kitchen, with a sink and tap connected to useable water and adequate facilities for preparing and cooking food (such as a working oven and stovetop elements)
 - Provision for washing clothes, if the house is intended for 2 people or more

- Sufficient facilities for the number of people living in the house, and bedrooms adequately sized for the number of people sleeping in them
 - Approved forms of heating in living rooms.
- ⁶¹ *Residential Tenancies Amendment Bill: Officials' Report to the Social Services and Community Committee*, at paragraph 517.
- ⁶² At paragraph 529.
- ⁶³ Sam Olley, "Emergency housing: Government warned of human rights risks years ago, documents reveal", *rnz.co.nz*, October 5, 2022. <https://www.rnz.co.nz/news/political/476085/emergency-housing-government-warned-of-human-rights-risks-years-ago-documents-reveal>.
- ⁶⁴ *Residential Tenancies Amendment Bill: Officials' Report to the Social Services and Community Committee*, at paragraphs 519 and 520.
- ⁶⁵ At paragraph 522.
- ⁶⁶ At paragraph 523.
- ⁶⁷ As we have acknowledged, residents can complain to the Human Rights Commission if they consider they have experienced unlawful discrimination, including in housing.
- ⁶⁸ The Code will be enforceable through being referenced or incorporated in a contractual agreement or through a court referring to it in a judicial review proceeding. However this enforcement will not apply until at least sometime in 2023 as it will need to be incorporated into new contractual agreements as they come up for renewal.
- ⁶⁹ *Operational Guidelines for Providers of Transitional Housing*.
- ⁷⁰ *Operational Guidelines for Providers of Transitional Housing*.
- ⁷¹ We note that in some cases, MSD have determined that particular moteliere will no longer qualify for emergency housing grant payments, but this is an exception rather than a standard accountability review.
- ⁷² Controller and Auditor-General, "Inquiry into the Ministry of Social Development's funding of private rental properties for emergency housing", *oag.parliament.nz*, December 2021. <https://oag.parliament.nz/2021/inquiry-emergency-housing/docs/emergency-housing.pdf>.
- ⁷³ RNZ Checkpoint, "No deadline for phasing out motel emergency accommodation". In that interview, the Minister was asked whether the Ministry was ensuring it 'contracts' safe accommodation services, but we note that MSD does not contract accommodation through the housing grant.
- ⁷⁴ *Report: Emergency and Transitional Housing*, at page 1.
- ⁷⁵ At paragraph 6a.
- ⁷⁶ At paragraph 6c and d.
- ⁷⁷ At paragraphs 5 and 6.
- ⁷⁸ At paragraph 32.
- ⁷⁹ At paragraph 5.
- ⁸⁰ These include but are not limited to:
- The design of government service delivery. Some standard service design and ways of working in government services, such as contact only by phone and the expectation that clients will be able to always answer calls from case managers, are not appropriate for the needs of those they are intended to serve.
 - The importance of connections between agencies and the possibility for a 'one door' approach with clear responsibility. Gaps in both information and responsibilities are causing problems for those navigating the emergency housing system. These problems include a lack of coordination between MSD case managers, housing providers, KO, and other agencies involved, and difficulty understanding who the 'key person' should be in terms of directing a person through the system and ensuring they receive correct support and entitlements.
 - The operation of the emergency housing grant in relation to its approval and renewal timeframes.
 - The operation and processes related to the housing register. These include the way that needs assessments are carried out (both the amount of sensitive information being asked for and how this can be collected more appropriately), a review of the way priority ratings are determined, and more transparency about movement in ratings.
- ⁸¹ *Report: Emergency and Transitional Housing*, at paragraph 30.
- ⁸² *Supporting the reset and redesign of the emergency housing system*, at page 5.
- ⁸³ RNZ Checkpoint, "No deadline for phasing out motel emergency accommodation".
- ⁸⁴ *Strengthening Accountability and Participation in the Housing System*, at page 17.
- ⁸⁵ *Report: Emergency and Transitional Housing*, at paragraph 30: "Demand drives funding: EH SNG [housing grant] is a Non-Departmental Benefit or Related Expense (BORE), with funding allocated annually based on estimates, and adjusted every six months in response to how many grants are made. This means [the housing grant] is not set up or managed like a programme."
- ⁸⁶ Kelly Makiha, "Homelessness won't go away if contracted motel consent bids fail, ministry says", *nzherald.co.nz*, October 19, 2022. <https://www.nzherald.co.nz/rotorua-daily-post/news/homelessness-wont-go-away-if-contracted-motel-consent-bids-fail-ministry-says/6YEDICUP3TIXR54HFWPSWZSK5I/>.



- ⁸⁷ Makiha, “Homelessness won’t go away.” As noted by HUD economic consultant Shamubeel Equb, if contracted motels are not used, individuals will be pushed back into non-contracted motels paid by the emergency housing grant.
- ⁸⁸ Before Independent Hearings Commissioners Rotorua Lakes Council, *Statement of evidence by Nicholas McNabb*, October 5, 2022. <https://www.rotorualakescouncil.nz/repository/libraries/id:2e3idno3317q9sihrv36/hierarchy/our-council/consultation-and-public-notice/publicnotices/220608-contracted-emergency-housing/applicants-reports-and-supporting-evidence/16%20Nick%20McNabb%20Economic%20Evidence%20-%20Rotorua%20CEH%20Applications.pdf>, at para 8.51.
- ⁸⁹ *End of Mission Statement Visit of the Special Rapporteur on the right to adequate housing to New Zealand*, Leilani Farha, February 2020. <https://www.ohchr.org/en/statements/2020/02/end-mission-statement-visit-special-rapporteur-right-adequate-housing-new>.
- ⁹⁰ Human Rights Council 47th session, *Visit to New Zealand: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context*, Leilani Farha, April 2021. <https://undocs.org/en/A/HRC/47/43/Add.1> at paragraph 25.
- ⁹¹ *Guidelines on the right to a decent home in Aotearoa* at paragraph 66, and *Strengthening Accountability and Participation in the Housing System*.
- ⁹² Health & Disability Commissioner, *The Code and your Rights* <https://www.hdc.org.nz/your-rights/the-code-and-your-rights/>.
- ⁹³ *Strengthening Accountability and Participation in the Housing System*, chapter 6 (page 30-31).
- ⁹⁴ Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development Statement of Strategic Intentions 2019-23, February 2019. <https://www.hud.govt.nz/documents/hud-strategic-intentions-2019-2023/>, at page 8.
- ⁹⁵ Independent Māori Statutory Board, “*Rethinking the Housing Continuum*”, Local Government New Zealand, 2019. <https://www.lgnz.co.nz/assets/Housing-2030-Library-Resources/6ebdbef9a/Re-thinking-the-HOUSING-CONTINUUM.pdf>.
- ⁹⁶ For example, see the diagram used in the *Briefing for Incoming Minister: Housing and Urban Development State/Social Housing 2017*, Ministry of Social Development, Housing New Zealand, Treasury, Ministry of Business, Innovation & Employment, Te Puni Kōkiri, September 2017. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/bims/2017/housing-bim-2017.pdf>. See also the continuum as illustrated by Kāinga Ora: “Our major housing programmes”, <https://kaingaora.govt.nz/working-with-us/our-major-housing-programmes/>.
- ⁹⁷ *Rethinking the Housing Continuum*.
- ⁹⁸ *Rethinking the Housing Continuum*. The IMSB explicitly highlights the “income and opportunity gap” between those in safe and secure housing and those not. Their model also reconsiders what they describe as “the typical linearity of the model which presupposes a linear differentiation of homelessness experiences, and seems to imply a need to move through those stages before exiting – a kind of graduation exercise from homelessness.”



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