

# Legislative changes supporting housing initiatives

Effective from Waitangi Day, 6 February 2021

**In August 2020, the Government passed targeted changes to Te Ture Whenua Māori Act 1993 to simplify the legal processes for owning, occupying and using Māori land.**

## What has changed?

### LEASE OR OCCUPATION LICENSE:

Trusts over Māori reservation land may issue a lease or occupation license to enable the land to be occupied or built on for a period of time. The lease or occupation license does not grant a title of ownership; this remains with the trust. Previously, leases and occupation licenses could only be issued up to 14 years, a timeframe that made it difficult to get finance to build on Māori reservation land. The Act now enables trusts to grant leases and occupation licenses for the purposes of education, health or papakāinga housing for a period of more than 14 years. This will make it easier to build on Māori reservation land.

### OCCUPATION ORDER:

An occupation order provides the right to build on a piece of land owned by multiple owners (but does not grant a title of ownership over that piece of land). Occupation orders can now be granted not only to the landowner or any person entitled to succeed to their interest, but also to beneficiaries of the whānau trust that holds a beneficial interest in the land. Where that land is vested in a trust or an incorporation, such an order will only be made with the consent of the trust or management committee, and may be made for a specified period. An occupation order can pass by succession.

## Why make this change?

The changes in the Act respond to demand to build papakāinga housing on Māori land for the purposes of supporting Māori into housing and whānau to return to their whenua. Papakāinga is traditionally referred to as the ancestral home and the nurturing place to return to.

Extending the eligibility of occupation orders will enable more people who whakapapa to land to occupy and build on their land interest.

## What do I need to do?

Contact your trust about an occupation license or lease.

Before applying to the Māori Land Court for an occupation order, you will need consent from the other owners of the land, and if applicable, from trustees or the management committee of the Māori incorporation over the land.

You will also need to be clear what the plan is for building on the land, including who the housing is for.

Contact a Māori Land Court offices for further information about building on Māori land.

For office contact details, go to

[www.maorilandcourt.govt.nz/contact-us](http://www.maorilandcourt.govt.nz/contact-us)

To download a form from our website, go to

[www.maorilandcourt.govt.nz/apply/fees-and-forms](http://www.maorilandcourt.govt.nz/apply/fees-and-forms)

Also contact Te Puni Kōkiri to understand support and funding for Māori housing initiatives.