



# KĀINGA WHENUA LOAN FOR INDIVIDUALS

A GUIDE TO LENDING FOR HOUSING ON MULTIPLE-OWNED  
MĀORI LAND

# CONTENTS

Kāinga Whenua - introduction	1
Kāinga Whenua - how does it work?	2
Property eligibility criteria	5
Borrower eligibility criteria	6
Borrower application process	
Step 1 - Decide if living on multiple-owned Māori land is right for you	7
Step 2 - Apply for a bank loan pre-approval	8
Step 3 - Seek support from other owners	9
Step 4 - Design your home	10
Step 5 - Find a builder, produce a budget and a plan and obtain consents	11
Step 6 - Loan approval from the bank	11
Step 7 - Sign the tripartite agreement	12
Step 8 - Register with the Māori Land Court	12
Step 9 - Building starts	14
Step 10 - Progressive draw-downs	14
Step 11 - Building complete	14
Who is involved with Kāinga Whenua?	15
Role of the Māori Land Court	16
Key contacts	16

## WHAT IS...?

Māori freehold land	3
Multiple-owned Māori land	3
Māori leasehold land	3
General land	3
Multiple-owed Māori land ownership structure	3
Licence to occupy	4
Tripartite agreement	4
Beneficial owners of multiple-owned Māori land	6
Succession	13

# KĀINGA WHENUA LOAN FOR INDIVIDUALS - INTRODUCTION

## NŌKU TE WHENUA, NŌ ŌKU TIPUNA

THE LAND IS MINE, INHERITED FROM MY ANCESTORS



### Housing New Zealand is working with Kiwibank to help Māori achieve home ownership on their multiple-owned land.

Housing New Zealand recognises there are barriers that make it difficult for Māori to own a home on multiple-owned Māori land. The special nature of Māori land means that it cannot be sold, and banks are unable to meet their standard security needs for mortgage security.

The Kāinga Whenua loan (for individuals) is delivered through a partnership between selected lenders and Housing New Zealand. It provides a home ownership opportunity for Māori to build, purchase or relocate a house on multiple-owned Māori land. The name Kāinga Whenua combines the concepts of home/homestead (kāinga) and attachment to the land (whenua).

#### Definitions to read

Throughout this booklet, there are "What is...?" boxes providing definitions of important aspects of multiple-owned Māori land and Kāinga Whenua loans. We recommend you read these definitions to better understand what is involved with applying for a Kāinga Whenua loan to build, purchase or relocate a house on multiple-owned *Māori land* (see "What is...?" on page 3).

The details of the current *ownership* (see "What is...?" on page 3) of Māori land blocks can be sourced from your local Māori Land Court office. The Court may also be able to answer questions about trusts, incorporations and locating and dealing with other owners.

For more information, contact your local Māori Land Court, visit their website at [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) or check the Māori Land Online website at [www.maorilandonline.govt.nz](http://www.maorilandonline.govt.nz)

# KĀINGA WHENUA LOAN FOR INDIVIDUALS – HOW DOES IT WORK?

If you have a right to reside on multiple-owned Māori land, a Kāinga Whenua loan allows you to build, purchase, renovate or relocate a house on multiple-owned Māori land. The loan can also be used for repairs and maintenance for an existing house on multiple-owned Māori land.

Kiwibank will approve and provide the loan – you will need to meet their standard lending criteria as well as the Kāinga Whenua eligibility criteria.

A contract (called a *tripartite agreement* see "What is...?" on page 4) will be entered into between the borrower, the owners of the land and Housing New Zealand. The contract recognises the borrower as the owner of the house, grants the borrower a licence to occupy a site on the multiple-owned Māori land and gives Housing New Zealand the right to remove the house if the borrower defaults on the loan from the bank.

A Kāinga Whenua loan is secured only against the house, not against the house and land as with most home loans.

With a Kāinga Whenua loan, the bank can lend up to \$200,000\* to cover house building or renovating costs or the purchase price of the house, subject to certain conditions. This includes your right to occupy the land, a valuation from a registered valuer and a satisfactory building contract. No deposit is required for a loan below \$200,000.

A Kāinga Whenua loan for individuals can be used for many non-construction costs, such as connecting power and telecommunication services to the property. It cannot be used to establish or change road access to the block or to pay for surveying, legal fees or council contributions.

The amount available to you will depend on your current financial position and your proposal to build, purchase or relocate a house on multiple-owned Māori land.

Kāinga Whenua loans are only available to people who have no access to finance to build, relocate to or buy on their multiple-owned Māori land.

Only one borrower needs to live in the house which allows other whānau to contribute to the loan payment.

Kāinga Whenua applications are required to be in the borrowers' own names and cannot be in the name of a family trust.

\* Exceptions to the loan cap will be considered where you can demonstrate the need for a larger house or where significant infrastructure costs will be incurred.

# WHAT IS...?

## MĀORI FREEHOLD LAND

Land that has been determined by the Māori Land Court as having the status of Māori land is referred to as Māori land in this booklet, and is governed by the provisions of Te Ture Whenua Māori Act 1993.

Ownership in Māori land can range from having shares in a multiple-owned block to having shares solely in one or many blocks.

The Māori Land Court maintains a register of beneficial owners and interests in such blocks.

Māori land can be multiple-owned or individually owned. Generally, multiple-owned Māori land cannot be mortgaged, unless there is only a small number of owners.

There are approximately 1.47 million hectares of Māori land in New Zealand today.

The status of Māori land can only change from Māori freehold land to general land, or from general land to Māori freehold land, by order of the Māori Land Court.

## MULTIPLE-OWNED MĀORI LAND

Multiple-owned Māori land is land in which the beneficial owners share the land together, with the level of ownership determined by their individual shareholdings. Shares may not necessarily be equally distributed.

## MĀORI RESERVE, MĀORI LEASEHOLD LAND

Māori reserve, Māori leasehold and Māori freehold land that has been leased is not eligible for Kāinga Whenua lending, but may be eligible under the following conditions:

- the lease on the Māori freehold land is perpetually renewable
- the right of renewal and date upon which the rent is reviewed is at least five years after the date of approval of the loan.
- a Māori Land Court has confirmed the alienation of a Māori reserve for a term of more than 14 years.

## GENERAL LAND

General land is ordinary land that can be freely bought and sold. It is not Māori land or Crown land. General land includes land owned by Māori.

General land is not eligible for Kāinga Whenua lending.

## MULTIPLE-OWNED MĀORI LAND OWNERSHIP STRUCTURE

Te Ture Whenua Māori Act 1993 identifies five types of Māori landowner trusts, of which Ahu Whenua and Whenua Tōpū trusts will usually be the only acceptable forms of trust ownership for Kāinga Whenua, although land vested in a Māori incorporation will also be considered.

If one of these five types of trust and/or incorporation isn't in place to manage the multiple-owned Māori land, the applicant will need to obtain the agreement of all the owners of the land. For a block of land, there could be hundreds – even thousands – of owners, so obtaining approval is likely to be time-consuming.

In this circumstance, if you are not able to obtain the consent of all the owners, you can go to the Māori Land Court to resolve the situation. The Court would normally facilitate a meeting of assembled owners. A resolution passed by a majority of attending (or represented) owners' shareholding may be sufficient to allow a court-appointed person to sign the tripartite agreement. Check with the Māori Land Court about how this would work.

Where a block of land has many owners, Housing New Zealand recommends a trust is first established under Te Ture Whenua Māori Act. This vests ownership of the multiple-owned Māori land in the trustees. This would provide greater certainty and simplicity in obtaining a licence to occupy and in executing the site licence and deed of mortgage required as part of the Kāinga Whenua loan.

# WHAT IS...?

## LICENCE TO OCCUPY

Before you can use a Kāinga Whenua loan to build or relocate a house on multiple-owned Māori land, you need the owners or trustees to grant you a licence to occupy the land.

A licence to occupy formally grants the right to occupy multiple-owned Māori land and is a lease of the area of land required for the house for the period of the mortgage. The right is issued by the trustees, incorporation or owners of the land and noted by the Māori Land Court against the block of land.

To obtain a licence to occupy, the borrower is required to obtain the agreement of the trustees or owners of the land. When the ownership is not vested in a trust, the borrower is required to obtain the consent of all owners of the land.

Where a borrower is unable to secure the agreement of the required number of trustees or all owners of the land, the borrower has the option of applying to the Māori Land Court to note or confirm the licence to occupy. The borrowers will need to demonstrate that they have sufficient support of the trustees and owners to proceed and that they have made attempts to contact all the trustees and/or owners.

Other forms of Māori ownership of Māori land are recognised by the Māori Land Court but may not be eligible for a Kāinga Whenua loan, as loan eligibility requires a licence to occupy. For example, an occupation order may be granted by the Māori Land Court for the exclusive use and occupation by a particular person, group of people or trust in multiple-owned Māori freehold land. Having such an order does not disqualify eligibility for a Kāinga Whenua loan, but you would still be required to complete a licence to occupy to satisfy finance and security arrangements.

Housing New Zealand requires the borrower to obtain a licence to occupy because it provides a greater level of security for both the borrower and Housing New Zealand than any other option available under Te Ture Whenua Māori Act.

For Kāinga Whenua loans the licence to occupy forms part of the tripartite agreement, which Housing New Zealand produces once the lender grants final loan approval.

## TRIPARTITE AGREEMENT

Kāinga Whenua loans to build or place houses on multiple-owned Māori land require a tripartite agreement. This is a contract between the owners of the land or the trust that holds the land, the borrower (you) and Housing New Zealand.

The tripartite agreement records the following:

- A. Lending - the bank agrees to lend funds to the borrower to buy, locate or build a house on the land.
- B. Security over the house - the borrower agrees to give a security over the house to Housing New Zealand.
- C. Licence to occupy - the owners or trustees agree to give a licence to occupy to the borrower to live on the land.
- D. Ownership of house - the owners or trustees acknowledge that the house is owned by the borrower with a security interest granted to Housing New Zealand.
- E. Entering the land - the owners or trustees agree that Housing New Zealand has the right to exercise its security interest in the house in the event of default under the loan.

This agreement ensures ownership of the house does not become part of the multiply-owned land except in the case of loan repayment default, in which case, ownership reverts to Housing New Zealand. This ensures there is a security (the house) for the bank to provide a loan against. It ensures the borrowers', trustees' and lenders' rights are understood and agreed.

You are required to obtain the signatures of the trustees (or owners where the land is not vested in a trust) of the land on the tripartite agreement.

# PROPERTY ELIGIBILITY CRITERIA

Under a Kāinga Whenua loan, there are stipulations on the house you are planning to build, purchase or relocate to the land.

The requirements of a Kāinga Whenua loan are that the house needs to be:

- built on piles
- one storey of at least 70 square metres
- located on the mainland North or South Islands
- have reasonable road access.

These design requirements ensure the house can be removed if/when required. Many borrowers build on multiple-owned Māori land using kitset or transportable homes.



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**If you want to discuss this with someone from Housing New Zealand, please call 0508 935 266.**

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# BORROWER ELIGIBILITY CRITERIA

To be eligible for a Kāinga Whenua loan, you need to meet all of the following requirements:

- You have an income that allows you to repay the loan, according to the lender's serviceability criteria.
- For employed applicants, you need to have been employed with your current employer for at least 12 months or, if not, have been employed in the same industry for at least 24 months. Self-employment, contract and seasonal income may also be eligible, although some additional rules apply.
- You need to provide satisfactory proof of income to the bank.
- At least one borrower must live full-time in the house.
- You need to be able to obtain a licence to occupy the land you wish to build on. (See the borrower application process for more detail about the licence to occupy.)
- The land needs to be Māori land that can't be mortgaged and is either owned by multiple *beneficial owners* (see "What is...?" below) or the land ownership is vested in the trustees of a trust or incorporation created under Te Ture Whenua Māori Act 1993. (See the application process for more details about owners and trusts).
- You have a good credit history that is acceptable to the bank.

## WHAT IS...?

### BENEFICIAL OWNERS OF MULTIPLE-OWNED MĀORI LAND

Beneficial owners are people or a trust with an undivided share/interest in the land. Where land is invested in trustees or a Māori incorporation, they are the legal proprietors who hold and manage that land on trust for the beneficiaries. The beneficiaries hold their individual shares as 'tenants in common' for their respective shareholdings in the land as the beneficial owners.



# BORROWER APPLICATION PROCESS

**If you can meet all of the eligibility criteria, you will need to go through 11 steps.**

Please note: this may end up being a long process due to the complexities involved in securing a licence to occupy multiple-owned Māori land.

## 1. Decide if living on your multiple-owned Māori land is right for you

Use the information from this booklet to decide if a Kāinga Whenua loan is right for you.

Consider the benefits, risks, costs and obligations of home ownership in a multiple-owned Māori land situation. These include:

- the long-term commitment required to go through the process for a Kāinga Whenua loan and then living on multiple-owned Māori land
- the remoteness of some multiple-owned Māori land and the reduced employment opportunities and income that may result
- the limited opportunities for resale of the house should you wish to leave the multiple-owned Māori land.

Home ownership is a long-term commitment, so you need to be certain this is what you want to do and that you will be able to sustain it (i.e. you will be able to continue to pay back your loan for the entire term of the loan). The consequences of defaulting on loan repayments are severe and could result in you losing your home – your house can be sold, and you will be responsible for paying any shortfall owed to the bank.



If you want to talk to anyone from Housing New Zealand about Step 1, please call 0508 935 266 .



## 2. Apply for a bank loan pre-approval

Kāinga Whenua loans are provided by Kiwibank. You will need to apply directly to Kiwibank and have your eligibility assessed.

- Kiwibank Home Loans - Customer Service Line  
0800 272 278

If you are eligible for a Kāinga Whenua loan, and can borrow enough to build or buy a house, the bank will contact you to go through their pre-approval process.

This involves completing a Home Loan Application Form, submitting that to the bank, and then receiving a pre-approval confirmation letter from the bank.

Getting a pre-approval will confirm that you meet the borrower eligibility criteria for Kāinga Whenua and

the bank's lending criteria. It will also let you know how much money the bank would be prepared to lend you to build or relocate on your multiple-owned Māori land.

The bank will provide details of who to contact once you have gained a pre-approval and completed your house plans and budget.

The loan pre-approval will be valid for six months. If you haven't been given final loan approval during that time, you will need to ask the bank to extend the pre-approval for another six months. To do this, the bank will need you to reconfirm your circumstances.



### 3. Seek support for your plan from the other owners of the block

To live on (“occupy”) your multiple-owned Māori land, you will need the support of the other owners of the land – or trustees where ownership of the block has been vested in a trust.

Ultimately, this support will need to be documented with their signatures on the tripartite agreement which Housing New Zealand produces after the bank approves the loan (step 6). But in the meantime it is worth your while talking to the trustees, or other owners, to determine if they support your plan, and

will be willing to sign the tripartite agreement when the time comes.

For this step you do not need a signed document from the trustees, or other owners, but may choose to do so if you feel that may help.

Remember, without their support, you will not be able to secure a Kāinga Whenua loan.

This can be a lengthy process when there are numerous landowners or trustees as follows:

#### Step A

You will need to identify who owns the Māori land you wish to live on and then identify if there is a trust or incorporation established under Te Ture Whenua Māori Act 1993 that manages the land on behalf of the beneficial owners. If there is a trust, go to step B. If there is no trust or incorporation, go to step C.

#### Step B

Where a suitable trust exists, you will need to obtain the agreement of the trustees to obtain a licence to occupy. Trustees can be identified by an enquiry at the local Māori Land Court. If the required number of trustees will not agree to granting you a licence to occupy, you may have to make an application to the Māori Land Court to seek directions or a determination.

#### Step C

Where there is no trust or incorporation over the land, ownership of the land sits with the multiple owners in their respective shareholdings, rather than with trustees, and you will need to obtain the agreement of all owners to grant the licence to occupy. The ownership records that identify individual owners of the land are held at the local Māori Land Court. To set up a trust, see step E.

#### Step D

Where you are unable to gain agreement from all owners or you are unable to locate owners (for example, they may no longer live in the area or in New Zealand or may be deceased), you can apply to the Māori Land Court for an assembled owners meeting. This meeting requires owners (or someone on their behalf) who together own or represent at least fifty percent of the beneficial interest in the land (in shares) to approve a licence to occupy.

#### Step E

Where a trust doesn't exist, you can set up a trust to manage your multiple-owned Māori land. A trust is a structure put in place to manage the assets and liabilities on behalf of an individual person or group of people. Trusts are administered by trustees, who are given the legal responsibility to look after the assets for and on behalf of the beneficial owners. Trustees are nominated, selected or elected by the beneficiaries of the trust and operate within the trust deed – a set of rules agreed by the trustees. Your local Māori Land Court can advise you on how to go about setting up a Māori land trust or Māori incorporation to manage your multiple-owned Māori land.



If you wish to discuss these issues further, contact your local Māori Land Court for assistance. Or visit their website at [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) or check Māori Land Online at [www.maorilandonline.govt.nz](http://www.maorilandonline.govt.nz)

## 4. Design your home

With the support of the trust, or from other owners, in place, you will now need to design a home that meets your needs as well as the requirements of a Kāinga Whenua loan. The home must:

- be built on piles
- be a single storey
- be located on the mainland North or South Islands
- have road access to allow a truck to reach the site
- have a reasonable construction cost, up to a maximum of \$200,000 – a guide is approximately \$1,600 per square metre. (Exceptions to the loan cap will be considered where the need for a larger house can be demonstrated or where significant infrastructure costs will be incurred).

Many people prefer the convenience and economy of a kitset-type house. Alternatively, you could have a house designed for you or find a suitable house that you could relocate to the site.

The house design and building costs also need to fit within the pre-approval amount that has been provided by the bank in Step 2.

A market valuation of the proposal from a registered valuer is required in determining the loan available for a particular proposal. The loan amount available will be the lower of the cost to build/relocate or the valuation.

Valuation before construction/relocation will be on an 'in situ' basis – the value will be determined by comparison with a similar property on general land in that area, and then the value of that land is deducted.

For Kāinga Whenua loans with progressive draw-downs, updated valuations will be required before loan draw-downs. These valuations will be on a cost-to-complete basis – there must always be sufficient loan funds available to complete the construction/relocation.

On completion of the house, the final valuation will also be on an 'in situ' basis.



**If you want to talk to anyone from Housing New Zealand about Step 4, please call 0508 935 266.**



## 5. Find a builder and produce a budget and plan, including obtaining council consents

If you have decided to build a house and have a design, you need to find a builder who is a licensed building practitioner. The builder will need to provide you with an itemised budget that meets the bank's lending criteria. Make sure the builder gives you a quote and a construction plan, including a payment plan. The building contract will need to be a fixed price contract with a non-escalation clause.

As part of the plan, have your architect or draughtsperson, builder or building company identify all the council consents required and then apply for these consents to ensure your house will comply with the local council's building bylaws. These consents are required before the final loan approval is given.

Often a housing development on Māori land requires significant infrastructure development. A Kāinga Whenua loan can be used to meet many of these costs such as:

- installing stormwater/drainage/water/water tank
- power and telecommunications from the block to the house
- installing a septic tank and associated engineer's report
- geotech report

- laying a driveway within the block
- resource consent/building consent/design costs
- valuations (up to a total of \$750).

The Kāinga Whenua Loan cannot be used for:

- council development levies
- establishing a road (or part of a road) to the block
- surveying of the block and legal costs.

### CONTINGENCY REQUIREMENT

Construction loans require that a contingency sum is built into the loan amount approved to ensure funds are available if there are any cost overruns. This contingency (5% if a Master Build Guarantee is provided, otherwise 10%) is added to the quote provided by the builder. This higher amount is the amount the bank will use in their approval assessment. Kāinga Whenua loans also require the use of a head contractor who manages all subcontractors.



To find a licensed building practitioner near to you, look in the Yellow Pages or visit the website [www.masterbuilder.org.nz](http://www.masterbuilder.org.nz).

## 6. Loan approval from the bank

If your application fits the Kāinga Whenua eligibility criteria and the bank's lending criteria, the bank will issue a loan approval. One of the conditions is that the tripartite agreement is signed by all parties. You will also need to submit your budget and construction or relocation plan to the bank.

Where a deposit is required, this must be a cash contribution from you. It cannot be borrowed, and this deposit must be used before you are able to draw down loan funds.

## 7. Sign the tripartite agreement

The Kāinga Whenua tripartite agreement includes two components. Firstly, the licence to occupy where the trustees, or landowners, grant you the legal right to live on a defined site on the block for the duration of the loan. Secondly, the tripartite includes a series of agreements that establish that the house will be your individual property, that you are granting Housing New Zealand a 'security interest' over that house, and the trustees/owners grant Housing New Zealand certain access rights in the event of borrower default. The tripartite agreement also includes a site plan – a map of the block of land that details exactly where you have been given permission to build.

The tripartite agreement is granted by the trustees or beneficial owners and will be noted or confirmed by

the Registrar of the Māori Land Court, once all three parties to the agreement have signed it (ie, borrower/occupier, the trustees or owners, and Housing New Zealand, as insurer). It will need to be signed by all owners or the required number of trustees.

Housing New Zealand will provide the tripartite agreement to your solicitor. You will need to sign the agreement, and you are responsible for having it signed by the trustees or owners of the land. Once this is completed, Housing New Zealand will also sign the tripartite agreement as the bank's insurers, and then return the document to your solicitor. Your solicitor will also be required to confirm the signature list on the agreement is complete.

## 8. Register with the Māori Land Court

### Noting and confirming your licence to occupy

The Māori Land Court becomes involved in this process by 'noting' (in respect of trusts and incorporations) or 'confirming' (in respect of a block with no defined management structure) your licence to occupy along with the tripartite agreement.

This process will not normally require a Court hearing, and as long as the term of the licence including any rights of renewal does not exceed 52 years, your properly completed licence to occupy and tripartite agreement are noted or confirmed by the Court registrar and returned to you and your solicitor.

Once the registrar has noted or confirmed the licence and tripartite agreement, your solicitor issues Housing New Zealand with a certificate confirming this has been completed. Housing New Zealand will then authorise the bank to make the funds available for you.

### If trustees and owners won't grant a licence to occupy

If you do not receive sufficient support from the trustees and/or owners granting a licence to occupy,

you may be able to apply to the Māori Land Court to seek directions as to whether the Court is prepared to recognise a licence to occupy without the agreement of the required number of trustees and/or owners.

### If the ownership list of the land is not up to date

If you are not an owner in your own right, or a beneficiary of a trust which has shares in the block, you may need to complete an application for *succession* (see "What is...?" on page 13) to have your inheritance vested in you and persons entitled, by the Māori Land Court.

In the case of a trust, you may need to have shares transferred to you by the trust through the Court.

In the case of a block with owners who are deceased, you may be required to contact the descendants of those persons, if known, and demonstrate to the Court you have their support (see Step 3).



If you wish to discuss the requirements of the Māori Land Court, contact your local Māori Land Court for assistance or visit their website at [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt)

# WHAT IS...?

## SUCCESSION

When owners of Māori land pass away, their ownership rights and entitlements can only be passed on to their blood descendants through a succession in the Māori Land Court.

A succession transfers the interests held by the deceased in Māori land to those persons entitled either under the provisions of a will (whether probate has been granted) or to all the descendants of the deceased in equal shares. In both cases, the land may only be left to those persons who have whakapapa to the deceased and/or the land.

To legally transfer the land interests of a deceased person to a successor, the Māori Land Court determines who is entitled to be included as a successor and then makes a vesting order transferring those interests.

A block in multiple-ownership may have one or many people for which succession needs to be processed by the Court to determine ownership. This does not automatically stop proceedings to have the licence and tripartite agreement noted and/or confirmed. However, where the Court needs to approve your licence and tripartite agreement, you may need to demonstrate that you have tried to contact those persons who may benefit from succession.

Where a person who has ownership interest in a block of multiple-owned Māori land dies, enquiries can be made with your Māori Land Court.



## 9. Building starts

With these legal steps completed, you can now start the building (or relocating) of your home according to the design, plan and budget you submitted as part of your application.

Your loan agreement requires that you establish and maintain full replacement insurance for the house, which the bank can help you with.

## 10. Progressive draw-downs

Your agreed plan with the builder will have a clause that details when the funds to pay for the building or relocating will be required (as detailed in Step 5). It should also detail what work needs to be completed before the next draw-down of funds from the loan can occur. Fund draw-downs will be on the basis of cost-to-complete. This means there must always be sufficient money retained by the bank to complete the building of the home according to the agreed plan and to obtain a final code compliance certificate from the council. Funds will be provided to your solicitor to forward to you or your building contractor.

Timings and finer details for progressive draw-downs will be unique to every Kāinga Whenua loan.

Before the final draw-down, your solicitor will provide a certificate of practical completion. Within three months of completion, your solicitor will provide a certificate of compliance from the local council to confirm that your home complies with all local bylaws and the New Zealand Building Code. Your valuer will need to provide a final valuation that confirms the value of your home is in line with the valuation from your original proposal.

## 11. Building complete

Once the building is complete, you can move in. Congratulations, you now have your own whare on your multiple-owned Māori land.

### **What happens if you don't repay the loan?**

The bank will work with you to avoid this. However, if you do fail to repay your home loan or otherwise remedy any defaults, the house will need to be sold to another beneficial owner or moved off the land and sold to recover the money owed on the outstanding loan.

You will still need to repay any outstanding amounts that could not be repaid from the sale of the house.



# WHO IS INVOLVED WITH KĀINGA WHENUA?

## Housing New Zealand

Housing New Zealand will insure the Kāinga Whenua loan made by the bank. Housing New Zealand does not make any decisions around lending and who receives a Kāinga Whenua loan – these decisions are made by the bank.

## PROVIDING YOU WITH SUPPORT

Building on multiple-owned Māori land can be long and complicated, but Housing New Zealand is here to support you through the process. To find out about the assistance it can offer, call 0508 935 266.

## The bank

All Kāinga Whenua loans are made through Kiwibank. It is responsible for making the lending decision and providing the finance for a Kāinga Whenua loan.

Your main relationship will be with Kiwibank.

- To contact Kiwibank, please call their Home Loans Customer Service line on 0800 272 278

## Local councils

Local councils provide all the required building consents. If the required building standards have been met, they will issue a code compliance certificate. Local councils also collect rates from multiple-owned Māori land in the same way as for general land.



## Role of the Māori Land Court

The Māori Land Court has exclusive jurisdiction through Te Ture Whenua Māori Act 1993 to deal with all matters relating to Māori land.

The Māori Land Court is a Court of Record, holding and maintaining current and historical information (as far back as 1862 in some cases) in respect of Māori land. The Court deals with such issues as recording ownership and interests in Māori land succession to land interests, trusts and incorporations, leases and title improvement over the land.

Any sale, lease, licence, forestry right or mortgage of Māori land can only be by way of noting or confirmation by the Court or, in the case of transfer of shares by succession or gift, by vesting order. The Court can also hear applications that deal with the subdivision of Māori land, roadways, easements, reservations and surveys over the land.

The Māori Land Court is responsible for noting (with trusts) or confirming (with multiple owners) a licence to occupy along with the other loan paperwork as part of the tripartite agreement. This needs to occur before funds are released to allow the building to get under way.

The Court can also become involved if it is not possible to get all the owners to agree to grant a licence to occupy.

Where required, the Court may become involved in settling disputes about ownership of land and granting of licences to occupy through Court-facilitated assembled owners meetings.

The Court records ownership records of Māori land, which you can search at one of their offices or online at [www.maorilandonline.govt.nz](http://www.maorilandonline.govt.nz)

There are seven main Māori Land Court offices and two information offices located around New Zealand - Whangārei, Auckland, Hamilton, Rotorua, Gisborne, Whanganui, Hastings, Wellington and Christchurch.

Contact details are available through the phone book under the Ministry of Justice or through their website at [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt)

## KEY CONTACTS

### Housing New Zealand

Call free: **0508 935 266** anytime, or visit [www.hnzc.co.nz](http://www.hnzc.co.nz)

### Kiwibank

Call free: **0800 272 278**

### Local councils

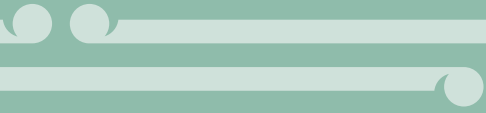
Contact details for local councils are listed in the Blue Pages of the telephone book.

### Māori Land Court

Contact details are available through the phone book under the Ministry of Justice or online:

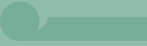
Court Māori land ownership records:  
[www.maorilandonline.govt.nz](http://www.maorilandonline.govt.nz)

Contact details for main offices nationwide:  
[www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt)



# NOTES

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The information contained in this brochure is intended to help you understand the Kāinga Whenua loan, and explains what you need to do to find out about building, re-locating or buying a house on Māori land. It is not intended to address the specific circumstances of any particular individual or entity. All reasonable steps have been taken to ensure the quality and accuracy of the information. Housing New Zealand makes no warranty, express or implied, nor assumes any legal liability or responsibility for the accuracy, correctness or completeness or use of any information contained in this brochure. The eligibility criteria or other policies applicable to the Kāinga Whenua loan may be changed, deleted, added to or otherwise amended without notice. The information contained in this brochure should not be construed as legal or professional advice and you should take advice from qualified professional people.