

# Affordable Housing, Democratic Erosion, and the Inevitability of Capitalism

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## Abstract

Recent New Zealand governments have sought to increase the provision of affordable housing by introducing legislative initiatives designed to encourage ownership among first-home buyers. State-directed efforts around affordable housing focused on increasing the supply of land for housing and encouraging builders to include affordable housing in their developments. Evidence from New Zealand Parliamentary Debates (Hansard) shows the Housing Accords and Special Housing Areas Act 2013 introduced by a National-led Government and the Housing Legislation Amendment Act 2016 introduced by a Labour-led Government reinforced the inevitability of the mechanisms of neoliberal capitalism. Members of Parliament tacitly accepted the worth of market mechanisms and the centrality of capitalism to the provision of affordable housing. This paper identifies ways in which recent state intervention in the affordable housing market was expressive of neoliberal capture of the political process. The hegemony of neoliberal capitalism, and associated democratic narrowing, are manifestations of post-politics. When viewed through a post-political lens, Parliamentary debates associated with recent housing legislation expose the potential for the erosion of democracy.

**Keywords:** affordable housing; post-politics; neoliberalism; Hansard; New Zealand

Housing affordability has been the focus of much ongoing debate since the turn of the century, both in New Zealand and internationally. In the context of conditions in New Zealand, governmental and public commentary about housing affordability issues has increased as the twenty-first century has progressed. For example, between February 2001 and January 2011, 370 items in the *New Zealand Herald* referred to housing affordability; between February 2011 and January 2021, there were 1370 such items. The unaffordability of housing in New Zealand is confirmed through measures of home ownership. For example, Stats NZ (2020) reports that at the time of the 2018 Census, the proportion of people living in their own home was the lowest in almost 70 years. This ownership decline has an inverse relationship with house prices; for example, between the 2006 and 2018 Censuses in New Zealand, home ownership rates fell from 66.9 per cent to 64.5 per cent and the average house price increased by 70 per cent (QV, 2021; Statistics New Zealand, 2020).

The significance of housing affordability may be traced to the long-standing cultural expectation of home ownership in New Zealand (Howden-Chapman, 2015). Ferguson (1994), for example, refers to “the New Zealand dream” of owning a suburban home, while Stats NZ (2020, p. 17) explains that home ownership is “important not only for the basic need for shelter, but to provide a foundation for social and economic wellbeing”. Home ownership is also important in New Zealand because housing comprises a significant share of household wealth, is positioned as an appreciating source of retirement income, and enjoys ongoing policy support from government (Law & Meehan, 2013).

The significance of contemporary concerns about housing affordability was such that in 2013 the Fifth National Government of New Zealand, which was the government of New Zealand from 2008 to 2017, introduced legal backing for the provision of affordable housing. This legislation, the purpose of which was to “enhance housing affordability”, came in the form of the Housing Accords and Special

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Housing Areas Act 2013 (HASHAA) (Housing Accords and Special Housing Areas Act 2013, s. 4). Introduced as “a laxative to get new houses flowing” (Smith, 2013a, p. 13328), the HASHAA aimed to improve housing affordability by facilitating an increase in land and housing supply. The core provisions of the HASHAA revolved around the establishment of housing accords and ‘special housing areas’ (SHA). Housing accords specified how local and central government would work together to address housing supply and affordability issues within a given city or district. Central to housing accords was the identification of priority actions and agreed targets for residential developments. Once a housing accord was in place, the minister of housing could approve the creation of a SHA. Land designated a SHA enjoyed more relaxed consent conditions than those prescribed by existing enforcement legislation. These conditions included short decision-making time frames, no public notification of the proposed development, and limited rights of appeal or objection by affected landowners. For James (2017, p. 5), these requirements showed that SHAs prioritised landowner and developer interests: “The impetus to create a SHA is driven by the market. That is, there must be private sector capacity and willingness to build houses.”

In developing the HASHAA, members of the National-led Government explained that they “listened to submitters” and developed legislation that “reflects views of New Zealanders” (Lotu-Iiga, 2013, p. 12782). Evidence suggests, however, that the HASHAA included provisions that narrowed democratic space and constricted opportunities for public contestation of central government’s agenda. The idea that state legislation can be expressive of democratic narrowing is not without precedent. For example, a week after the HASHAA gained assent, the New Zealand Law Society (2013, p. 2) expressed concern about the ways in which “legislative measures” may conflict with “a free and democratic society”. Such concern reiterated comments made by Salmond (2013) who, in challenging the use of urgency to avoid scrutiny of national security legislation, questioned the ways in which law-making processes fail to claim a democratic mandate. Similarly, Bond et al. (2015, p. 1165) argued that in using urgency to fast-track environmental legislation, the “pro-development National-led government ... sought to systematically close down dissent”.

This article moves towards an understanding of the democratic deficits that are part of the legislative landscape in New Zealand. Viewing the HASHAA through a post-political lens facilitates reflection on the potential for legislation to limit democratic space. Drawing on analysis of Hansard, this article explores the ways in which the political consensus that formed around the notion of neoliberalism foreclosed on democratic values. In their promotion of housing legislation, members of parliament reiterated the inevitability of neoliberal capitalism, and in reinforcing the necessity and neutrality of market mechanisms, ministers shaped a consensus that operated to neutralise the modes of disaggregation, disagreement and disorder that characterise democracy.

## **The post-political neoliberal consensus**

In recent decades, scholars and social commentators have described contemporary conditions of ‘democratic deficit’ via reference to the notion of the post-political (see, for example, Crouch, 2004; Dean, 2009; Nash, 1996; Swyngedouw, 2011). The post-political refers to the consensual political landscape of post-democratic societies. A central characteristic of such societies is their association with the rise of neoliberalism. In extending competitive markets into all areas of life, neoliberalism has influenced government agendas and associated policy programmes. Thus, el-Ojeili and Taylor (2020) link the “extremism” of contemporary neoliberalism to “problems with democracy” and an associated loss of trust in government. Similarly, Lederman (2019) explains that post-politics insulates decision-making from democratic debate, foreclosing on the possibility of contestation or democratic antagonism.

The definition of post-politics employed in this article draws on the work of Belgian political theorist Chantal Mouffe, French philosopher Jacques Rancière, and Slovenian cultural critic Slavoj Žižek.

While these theorists differ in the specifics of their conceptualisations of democracy and the political, they share recognition that there has been “a shift in recent politics to approaches that attempt to minimise dissent, emphasise consensus . . . and limit potentially disruptive policy alternatives” (Mitchell, 2013, p. 2). At the core of the concerns of Mouffe, Rancière and Žižek about post-political democracy is the loss of the active participation of citizens in politics and civil life that is central to an effective democratic government. Democracy thrives when there are “opportunities for the mass of ordinary people actively to participate, through discussion and autonomous organizations, in shaping the agenda of public life” (Crouch, 2004, p. 2). Public participation in a democracy incorporates citizens being informed about public issues and being able to (freely) express their own opinions and interests (Mouffe, 2014). While forms of democracy remain in place (freedom of speech, free elections, multiple political parties), public participation in democratic government is being replaced by increasing control from privileged elites: “The forms of democracy survive, but its substance is becoming ever more attenuated” (Marquand, 2004, p. 4).

The origins of the current attenuation of democracy have been traced to the late 1990s, a time when “it was becoming clear in most of the industrialized world that, whatever the party identity of the government, there was steady, consistent pressure for state policy to favour the interests of the wealthy” (Crouch, 2004, p. vii). The shift to market-oriented democracy was accompanied and created by consensus around the inevitability of neoliberal capitalism and the acceptance of the neutrality of market mechanisms (Žižek, 1999, p. 353). Acceptance of objective logic of capital means “it is practically impossible effectively to call into question the logic of capital”, with everybody silently accepting “that *capitalism is here to stay*” (Žižek, 2006, p. 194, emphasis in original). Žižek’s belief in the inevitability of capitalism is reinforced by observations of both Mouffe and Rancière. Mouffe (2018, p. 1), for example, reports on the neoliberal hegemonic formation that frames contemporary political changes, while Rancière (1999, p. 113) argues that the identification of politics with the management of capital is “the openly declared truth by which our governments acquire legitimacy”.

As the market has become “the organising and regulative principle of the state and society” (Brown, 2005, p. 41), the possibility of the existence of democratic society has declined. The minority control and power disparities that characterise corporate forces and market processes are incompatible with the principles of inclusion that define democracy (Biebricher, 2015). Furthermore, the disparities and inequalities of income and wealth generated through market competition limit the capacity of the majority to influence economic and social policies (Dean, 2009). In essence, neoliberalism is antithetical to democracy because “neoliberalism has captured the political process and placed it at the service of capital” (Ayers & Saad-Filho, 2015, p. 612).

In relation to housing in New Zealand, the HASHAA supports Stavrakakis’s (2011) assertion that neoliberal ideologies are part of the post-political consensus because they are central to attempts to marginalise democratic antagonism and de-politicise democratic processes. Murphy (2014, p. 14) reports that the HASHAA drew on alignment between “pro-market, pro-development, logic” and the “preference for neoliberal ‘market-based’ solutions” to housing affordability. Thus, Malva (2016, p. 26) identifies how, as an expression of the “financialisation” of housing in New Zealand, the Fifth National Government opposed any “measures which would even minimally undermine the profitability of housing markets”.

## **Housing affordability and the HASHAA**

The HASHAA was enacted by the Fifth National Government to improve the provision of housing, with availability being framed as a problem of supply. The Government promoted the belief that the HASHAA would provide conditions within which private-sector developers would be encouraged to build affordable homes (Murphy, 2016). The political ideology that shaped the HASHAA may be understood as part of ongoing interventions from central government in the New Zealand housing market. For over a century,

New Zealand governments have legislated to encourage home ownership and house construction. Davidson (1994) reports that the state first involved itself in facilitating the erection of dwellings in the 1890s, and subsequent changes in the early decades of the twentieth century reinforced the commitment of the state to owner-occupied housing (Ferguson, 1994). The connection between state finance and the construction of new housing acted as a tool of economic management, with support for domestic building being an economic regulator to maintain employment levels and internal demand. Ferguson (1994, p. 295) notes that for 30 years after 1935, New Zealand governments “managed the building industry and manipulated housing as part of a wider managed economy”.

Following three decades of the management and promotion of home ownership, the state began to withdraw from its housing finance and construction commitments. By the 1970s, the gap created by the absence of the state was filled by private sector finance and development companies. The declining availability of low-interest government loans and increasing cost of land stemming from ongoing urban growth combined to increase the cost of entering homeownership. This trend was exacerbated by the regulation changes that New Zealand governments adopted in the 1980s, with housing policy being reshaped in concert with the wider neoliberal restructuring of economic strategies and social policies (Thorns, 2006). In adopting a “policy stance that emphasized market provision”, the state effectively withdrew from “its traditional role as a key agent in the housing system” (Murphy, 2009, p. 195). Summarising the housing policy changes of the 1990s, Murphy (2009, p. 211) notes that the “neoliberal vision of an effective market, functioning to provide for consumer needs” became a “reality of declining homeownership rates and rising housing costs”.

Between 1991 and 2001, the percentage of home ownership in New Zealand fell from 73.8 per cent to 68 per cent (Thorns, 2006). This declining trend continued into the new century; indeed, Johnson et al. (2018, p. 13) report that “declining rates of home ownership have become a defining feature of New Zealand’s housing landscape since 1991” (p. 13). In 2013, the ownership rate was 64.8 per cent, the lowest rate of home ownership since 1953 (Bourassa & Shi, 2017). In an environment of declining rates of home ownership, the HASHAA reflected the belief that an increase in the supply of residential land would lead to increased availability of housing. The premise of the HASHAA reflected the particular neoliberal ideology of the National-led Government that enacted the legislation. Thus, as with previous governments in New Zealand, the government of the day encouraged home ownership by legislating conditions of supply.

## Method

The analysis presented in this article relies upon transcripts of the New Zealand Parliamentary Debates (Hansard), which are available from the website of the New Zealand Parliament. Hansard is the only official report of the proceedings of the House of Representatives. White and Nandedkar (2021, p. 219) comment on the value of analysing parliamentary debates and speeches, noting that the use of Hansard speeches allows researchers “to identify the specific language used by politicians before it is filtered by the media”. Hansard was searched using the phrases ‘housing accords’, ‘special housing areas’, ‘housing affordability’ and ‘affordable housing’. The bulk of the materials identified through the keyword search was extracted from debates during readings of the Housing Accords and Special Housing Areas Bill and the Housing Legislation Amendment Bill. The Housing Legislation Amendment Bill altered some of the provisions of the HASHAA, changing its date of expiration from 16 September 2018 to 16 September 2021 and setting time limits for the lodging of SHA applications (Housing Legislation Amendment Act 2016).

The Housing Accords and Special Housing Areas Bill had its first reading on 16 May 2013, its second reading on 22 August 2013, and its third reading on 5 September 2013. The Housing Legislation Amendment Bill passed under urgency through its three readings on 6 September 2016. Additional Hansard

materials were identified in answers given in the House to oral questions and legislative debates around housing issues, including construction contracts, budget allocations and residential taxation. These additional materials covered transcripts from a range of dates between 16 May 2013 and 25 November 2021.

Thematic analysis was employed to identify and interpret the meaning of information contained in empirical materials (Sarantakos, 2013). While often not named as a method of exploration, thematic analysis is widely used in the social sciences (Braun & Clarke, 2006). Thematic analysis relies on the researcher developing a system of coding data and identifying broad themes within chosen texts (Hill et al., 2014). A flexible method, thematic analysis may be employed in relation to a range of different conceptual frameworks (Galvin et al., 2015). Thematic analysis is well-suited to this research as it may be applied to a range of topics and a mix of data sources. Thus, Clarke and Braun (2013) explain that thematic analysis may be used to analyse different types of data; it works with large or small data sets, and it can be applied to produce data-driven or theory-driven analyses.

The use of thematic analysis feeds into wider debates in the social sciences as to what constitutes ‘good research’. Thematic analysis validates research findings through exploring themes that felt important (Schinke et al., 2013). Thematic analysis also allows researchers to take a reflexive and intuitive approach to data sets. Furthermore, the fluid nature of thematic analysis allows for the identification of sub-themes that add depth and richness to research findings (Hill et al., 2014). The themes sought in the empirical data were identified through reading appropriate conceptual materials. Following the example of McGrath (2008), themes were noted in individual documents and these examples were coded into parcels of evidence.

By examining the results of a keyword search of Hansard, it is possible to identify points of contact between legislative debates and post-political concepts. Post-political themes are evident in the scope of the debates that took place around the content and progress of housing and housing-related legislation. Thus, by examining the context of the keywords identified in Hansard, it was possible to determine the post-political relevance of housing-related statements. Analysis of keywords, contexts and post-political concepts identified four themes: MPs from across all political parties accepted a neoliberal consensus, linked a neoliberal consensus to a loss of democracy, privileged ‘measurable knowledges’ for their perceived objectivity; and limited disagreements to a selection of ‘answers’ that align with accepted understandings of neoliberal governance. Concerns and debates around contemporary threats to the meaning and expression of democracy provide a focus for discussion in this research.

## **The HASHAA and neoliberal consensus**

The loss of democracy identified within post-politics is grounded in the ways in which neoliberalism aligns with political consensus. This consensus is built around the inevitability of neoliberal capitalism, the “absolute identification of politics with the management of capital” (Rancière, 1999, p. 113). The rise of neoliberalism in the 1990s was accompanied by acceptance of the inevitability of market mechanisms and the centrality of capitalism to contemporary society. Confidence in the necessity of neoliberalism is such that democratic values are reshaped in its image. The inevitability of neoliberal capitalism is a theme which emerges in the discourses employed by the National-led Government in its promotion of the HASHAA.

Approaches to the inevitability of neoliberalism differed between MPs who supported the National-led Government and MPs from opposition political parties. MPs aligned with Government interests voiced their support for private-sector involvement in providing affordable housing, arguing that it was in the best interests of homeowners for the state to facilitate the private development of housing. Jami-Lee Ross, the National Party MP for Botany, was unequivocal when he informed the House of his position:

The best way for houses to be built in this country is to have them built by the private sector. The role for the Government to play is to put in place the policies that enable the private sector to get on and build. (Ross, 2015, p. 2521)

This statement reiterated comments Ross had made in previous debates in which he argued that it is due to Government policies that Auckland residents are “seeing the developers getting out there, subdividing the land, and increasing the supply that we desperately need in this country” (Ross, 2014, p. 18184). Such support is part of an overall government economic approach: “Our consistent economic plan is giving homebuyers, developers, banks, and construction companies the confidence to invest and increase housing supply in this country” (Joyce, 2017, p. 19253).

These sentiments reinforced comments made by the leader of the National Party; in response to a question about who is best to provide affordable housing, the prime minister stated: “The private sector does it, and it does it very successfully” (Key, 2015, p. 2343). In 2016, the prime minister reiterated his confidence in the private sector; responding to a question from James Shaw, co-leader of the Green Party, John Key explained:

The private sector is well and truly equipped to build the houses ... I really seriously think if the member is telling us the answer to resolving the challenges in Auckland’s housing – or indeed housing issues around the country – is to get people employed by the Government as chippies building those houses, I think we would be better to leave it to the private sector. (Key, 2016a, p. 12400)

The belief that the private sector was best ‘left’ to build affordable houses did not align with the position held by members of opposition parties. MPs from the opposition benches focused on three problematic issues associated with private-sector developers providing affordable housing: the lack of housing diversity, land banking, and favouritism.

In terms of housing diversity, opposition MPs argued that developers will build “large McMansion-style houses, just as they do currently in greenfield developments on the urban fringes, because that is what is profitable for developers” (Walker, 2013, p. 13206). The National-led Government recognised the appeal of such houses, with the minister of housing reporting: “A developer is hardly going to build a house that he [sic] cannot sell. They are in the business of building things that they can sell” (Smith, 2013b, p. 13924). Denis O’Rourke, speaking on behalf of the opposition New Zealand First Party, told the House that “developers like to build larger homes on large sections because they get larger profits from doing it” (O’Rourke, 2016a, p. 13381). O’Rourke’s comments duplicate those made by Holly Walker in 2013, with the Green Party MP stating that “to make a profit in the construction industry, you need to build large houses with large footprints, so that you can recover all those variable costs of building and make a profit” (Walker, 2013, p. 13206). Phil Twyford, the Labour spokesperson for housing, expressed similar sentiments during debates for the Housing Legislation Amendment Bill 2016, explaining that “developers will always choose to build more expensive dwellings because that is where they make bigger profit margins” (Twyford, 2016a, p. 13363).

The potential for developers to profit financially from the HASHAA also came through in debates about land banking. *Land banking* refers to land being purchased and left undeveloped. Such land would be ‘banked’, held in the expectation that limited land supply would ensure the land appreciated over time. By holding property in this manner, the land could be on-sold for profit. Alternatively, prices for houses built on the banked land could be elevated, a reflection of what is increasingly valuable land. The statement of the prime minister that “there is no evidence, I think, to support that there is land banking” (Key, 2016b, p. 12935) was opposed by opposition MPs. The position of these MPs regarding land banking was summarised by the Labour Party’s spokesperson for housing:

What we can see in the special housing areas is that they have actually been a magnet for land banking. They have encouraged land banking by providing the fast-tracked consenting status. By giving them a kind of special status as special housing areas, they have actually encouraged land banking. You can see one example after another of special housing area land being marketed by real estate agents for land banking. (Twyford, 2016b, p. 13347)

These comments reiterate statements made by MPs from the Labour, Green and New Zealand First parties during earlier debates about the HASHAA and the Housing Legislation Amendment Act. The Labour Party MP David Cunliffe, for example, explained that the reason for a lack of construction in Auckland was because “people are land banking, even in special housing areas, because with Auckland’s rampant price inflation, they can be pretty sure that their investment is going to be worth more a couple of years down the track” (Cunliffe, 2015, p. 7841). Andrew Little, the leader of the opposition in 2016, expressed a similar sentiment: “There are far too few houses being built on special housing areas, and that is the problem – they have gone to land bankers” (Little, 2016, p. 13327). Metiria Turei, co-leader of the Green Party, argued that legislative changes were needed to stop land banking: “Unless there are provisions to stop land banking, allowing more special housing areas in Auckland will simply drive up prices, create wealth for land bankers and speculators, and not deliver actual affordable homes for New Zealanders to live in” (Turei, 2016, p. 13354). Denis O’Rourke, a MP for New Zealand First, made the position of his party clear when he told the House that he was in no doubt that “profiteers are already buying up land that might be used for special housing areas” (O’Rourke, 2013, p. 10598).

Opposition MPs argued that provisions to stop land banking were not included in the HASHAA because it was a practice that benefitted ‘mates’ of National Party MPs. Claims of favouritism relied on references to ‘elite’ New Zealanders who were financially secure and had little interest in the construction of affordable houses. For example, during the first reading of the HASHAA, Labour Party MP Moana Mackey told the House:

Government members do not believe that there is a housing crisis, because their voters can afford to buy houses in Auckland and around the country, so they really do not care about the rest of New Zealand, who are struggling to get into their first homes. (Mackey, 2013, p. 10071).

The theme of the HASHAA being of benefit to National Party mates came through in several speeches delivered by Labour Party MP Su’a William Sio. For example, during the third reading of the HASHAA, Sio stated that the legislation “enables this Government to be able to allow for development that favours its mates and its friends” (Sio, 2013, p. 13346). In May 2015, Sio commented that the National-led Government was in denial about the existence of a ‘housing crisis’ in New Zealand:

They continue to deny it because, I suspect, building more houses is just too challenging for them, and building more houses reduces the profitability of the portfolios of some of their investor and property developer mates. Yes, Mr Deputy Speaker, I know that you will agree with me because those mates have been funding the campaigns of this particular Government. (Sio, 2015, p. 3532)

During the second reading of the HASHAB, Sio’s Labour Party colleague Rajan Prasad made similar assertions, telling National Party MP Simon O’Connor that the Government did not care about providing affordable housing: “I do not think that members opposite actually care, because so long as somebody will build those very expensive homes for that member’s mates to occupy, then it does not matter” (Prasad, 2013, p. 12792). Green Party MP Julie Anne Genter (2013, p. 11009) also spoke of having “a Government

that is very clearly looking out for its mates and a number of vested interests”. Green Party MP Eugenie Sage used the first reading debates to argue that the HASHAB would “benefit National’s property developer mates” (Sage, 2013, p. 10073). The Labour Party spokesperson on housing explained that “speculators generally, who are purportedly the target of this Bill, are the friends of the National Party” (Twyford, 2015, p. 7999). New Zealand First MP Denis O’Rourke told the House that all the National Government cares about “is that the private developers, who no doubt give donations to the National Party, will be able to make greater profits” (O’Rourke, 2016b, p. 13542).

Denis O’Rourke also spoke to the neoliberal agenda of the National-led Government. During the first reading of the Housing Legislation Amendment Bill, O’Rourke argued that the failure to solve housing affordability problems was “based on this Government’s neo-liberal belief in the market as being a way of solving these problems” (O’Rourke, 2016c, p. 13335). During the second reading of this Bill, which took place on the same day as the first and third readings, O’Rourke stated that the National Party had become “some neo-liberal monster that is no longer fit to govern this country” (O’Rourke, 2016d, p. 13355). These were the only two times the term neoliberal was included in debates.

Opposition MPs challenged the outputs of private development (types of houses) and the provisions of the legislation (enabling land banking, favouring mates); they did not, however, challenge the fundamental private sector and profit-generating aspects of the HASHAB. Furthermore, the KiwiBuild housing policy promoted by the Labour Party while in opposition relied on the same private-sector developers that opposition MPs decried as being mates of members of the National Party. Labour Party MP Grant Robertson explained to the House that KiwiBuild “is about actually rolling up our sleeves and saying: ‘We’ll get alongside construction companies and we’ll make sure those affordable homes are being built’” (Robertson, 2013, p. 10059). Jacinda Ardern made a similar statement in 2016, informing the House that KiwiBuild “is about partnering with private developers in order to deliver affordable housing” (Ardern, 2016, p. 13449). In their respective affordable housing schemes, both Labour and National acted within the norms of contemporary neoliberal capitalism and, in so doing, maintained spaces of the post-political.

## Post-politics, post-National

It is, perhaps, a matter of timing that it was a National-led Government that introduced the HASHAA. Indeed, legislation introduced by the Labour-led Coalition Government that was elected in September 2017 retained the direction introduced by the HASHAA. For example, the Urban Development Act 2020 includes provisions for the creation of ‘specified development projects’ (SDPs), the management of which aligns with rules required for SHAs introduced under the HASHAA. Thus, just as SHAs invoked relaxed consent conditions, so SDPs allow for the modification of planning instruments to enable the project objectives to be achieved. Furthermore, both SHAs and SDPs require ministerial approval before they can be implemented, and both development tools limited the submission and appeal rights of the public. Just as it may be argued that SHAs served “the interests of the elite and market-based actors” (Dodd, 2020, p. 21), so SDPs have been identified as being expressive of the “neoliberal assumptions” that inform the housing sector in New Zealand (Barrett & Garrett-Walker, 2021, p. 327).

In addition to facilitating SDPs, the Urban Development Act 2020 provided mechanisms for Kāinga Ora to “initiate, facilitate, undertake, streamline and consolidate” urban development projects (Urban Development Act, 2020, s. 3). Kāinga Ora – Homes and Communities is a Crown entity that was established in late 2019 as part of efforts to increase efficiency in the provision of social and affordable housing. Kāinga Ora was established to fulfil two key roles: to be a public housing landlord, and to lead and coordinate housing and urban development projects (Ministry of Housing and Urban Development, 2020). One way in which Kāinga Ora fulfils its roles is through purchasing land for housing from Crown agencies or private vendors. This land is on-sold to developers, ‘development community’ partners who are

contracted to provide new housing. The overall aim of agreements with developers is that at least 20 per cent of new houses are made available for social housing and that at least 40 per cent of new houses are 'affordable'; that is, being sold for less than target market prices (Office of the Minister for Housing and Urban Development, 2018). The money Kāinga Ora receives for the on-selling of land is used to buy additional parcels of land and the construction of further social and affordable housing.

Since its formation, Kāinga Ora has been home to the KiwiBuild programme, the housing construction initiative that was a flagship policy during the Labour Party's 2017 election campaign. Positioned via a promise to provide 100,000 affordable homes over 10 years, KiwiBuild was launched immediately after the election with a preliminary target of building 1000 new houses by June 2019; this target was not reached, with only 327 new homes having been built by July 2019 (Cooke, 2019). In recognition of the failure to meet stated targets, and in response to increasing demand for public housing, a reset of KiwiBuild was announced in September 2019. In addition to removing housing targets, the reset included funding for rent-to-buy and shared equity schemes, and changes to deposit requirements for first-home buyers (Woods, 2019). While these changes did contribute to an increase in the construction of affordable houses (see Halbert, 2021), they did not resolve criticisms that KiwiBuild was part of the ongoing "naturalisation of markets as the key instrument to fulfil housing need for the majority of the population" (Barrett & Garrett-Walker, 2021, p. 324). Thus, Cole (2020, p. 30) argues that Kāinga Ora and KiwiBuild policies legitimate and extend processes of privatisation: "Politicians talk about building affordable housing but, at the same time, they are reassuring property owners and investors that they will not make policies that drive down house prices."

For some critics, a lack of political will to challenge the neoliberal status quo is evident in the decision of the Labour-led Government to not introduce a capital gains tax. This decision was made despite the recommendation from the Tax Working Group that a capital gains tax would be integral to efforts to improve housing affordability via an amended taxation regime (Tax Working Group, New Zealand, 2019). Commentators questioned the validity of the decision to not introduce a capital gains tax. St John and Baucher (2021, p. 4), for example, explain that the growing wealth divide in housing makes it "untenable" to ignore taxation changes, while Mclaughlan (2020) identifies distortions in housing demand that stem from the absence of a capital gains tax. Despite legislating to limit interest deductibility for landlords and extend the bright-line tests to 10 years for investors, the upward pressure on housing prices continues; *The Economist* (2021) reports that in the year to January 2021, international house prices rose by 5 per cent on average and New Zealand house prices rose by 22 per cent over the same period.

## Conclusion

In light of changes in the New Zealand housing markets in recent years, the HASHAA may be positioned as being the first of a range of articulations of contemporary post-political assemblages in New Zealand (Fougère & Bond, 2018). Indeed, Driver et al. (2018, p. 254) recognise the "ethos of the post-political neoliberal NZ State" and its "worrying tendency away from democratic deliberations towards expert-led authoritarian forms of decision-making". Similarly, Driver et al. (2018) recognise the erosion of democracy that has accompanied contemporary governance regimes in New Zealand. The HASHAA is part of a post-political condition wherein spaces for public discussion and debate are eroded and opportunities for critical analysis and debate are constrained.

Analysis of the HASHAA exposes the democratic deficits that have become part of the legislative landscape in New Zealand. Unpacking the HASHAA reveals the embeddedness of the post-political in the actions and ideology of New Zealand politicians. There was active debate of the HASHAA in the House of Representatives, but there was no opposition to the neoliberal foundations of the legislation. Indeed, debate focused on political point-scoring rather than consideration of substantive issues of economy and

society. The similarities between the attitudes of government and opposition MPs point to the post-political loss of traditional political differences, a convergence evident in the urban development and KiwiBuild policies of the Labour-led Government. This lack of difference poses problems for the maintenance of democracy and the emergence of alternate socio-economic ideologies.

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