



# **Ireland - National Report**

## **Housing Solutions for People who are homeless**

FEANTSA Annual Theme 2008

Housing and Homelessness

**FEANTSA QUESTIONNAIRE: Housing Solutions for people who are homeless****Section 1. The Housing Market**

Ireland has a ‘dualist’ rental model which means social and private renting markets are differentiated. The most recent Population Census, taken in 2006, shows that there are 1,462,296 housing units in Ireland. Of these 105,509 (7.22%) were rented from local authorities and 50,480 (3.45%) were being rented from voluntary housing associations constituting the Social Housing stock. This means that Social Housing accounts for 10.66% of total housing stock. Furthermore it is worth noting that the Social Partnership agreement *Towards 2016* stated that the needs of 500 households in temporary accommodation would be met by 2010. A review of progress on this is now ongoing.

The Private Rental Sector accounts for just under 10% of the housing stock. According to the 2006 Census, there are 128,696 (8.8%) units privately rented (furnished) and 16,621 (1.14%) privately rented (unfurnished). Those figures includes just over 60,000 households living in the private rented sector in receipt of rent supplement which is a payment made to low income households in the private sector. The total number of privately rented units in Ireland to 145,317 or 9.9% of the total stock of 1,462,296.

According to the 2005 Housing Needs Assessment which was the most recent calculation of social housing need of the 43,000 households on the waiting list just under 2,000 lived in sub standard accommodation. The most recent data available in relation to dwellings inspected in the private sector reveals that of the 1,697 dwellings inspected that did not meet regulatory requirements there were only 36 legal actions taken (Housing Statistics Bulletin, 2006).

According to the 2005 Housing Needs Assessment which was the most recent calculation of social housing need of the 43,000 households on the waiting list over 10% (4,000) experienced overcrowded accommodation as the reason for needing social housing. The average price paid for a house nationally in March 2008 was euro 281,643

the average price paid for a house in Dublin and outside Dublin in March 2008 was EUR 390,274 and EUR 242,300 respectively. The equivalent prices in December 2007 were EUR 397,507 and EUR 249,359 (Permanent/TSB House Price Index, 1<sup>st</sup> Quarter 2008). The average industrial wage stands at around 37,000 euro.

## Section 2. Public housing policies

The core objective of government housing policy as expressed in its policy statement and the National Social Partnership agreement Towards 2016 is *“to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice”* (Towards 2016, 2006:26). With specific reference to homelessness the Irish Government in its policy statement on Housing policy states in relation to homelessness *“the primary objective is now to provide transitional programmes, where necessary and in due course long term accommodation with necessary care supports, to enable people to move from emergency accommodation to independent living”* (Delivering Homes, Sustaining Communities, 2007:57). In addition, the government has also stated a committed to that by 2010 nobody will have to sleep rough or stay in emergency accommodation for longer than 6 months.

Every Local Authority is required to conduct a tri-annual assessment of housing need. There are also required to produce a local Social/Affordable Housing Action Plan and Local Homeless Action Plan Public housing policy must therefore in the context of an overall plan and needs assessment for social housing calculate how many people are homeless and devise strategies to find accommodation for them. Furthermore any child under 18 if found to be homeless has a statutory right to be cared for and provided with accommodation by the Health Service Executive under the 1991 Child Care Act.

Overall Housing and Homeless policy is developed at a national level within the Department of Environment, Heritage and Local Government. There is a specific Social Inclusion section within the department. Political responsibility for Homeless policy lies with the Minister for Housing and Urban Renewal. However Local Authorities are

responsible for conducting a tri-annual housing needs assessment, preparation of Social Housing Action plans and allocation policy for Social Housing. Therefore Local Authorities have a key role to play in determining the policy objectives of homeless policy, allocating resources and co-ordination of services. The Department of Environment, Housing and Local Government devise and implement strategy in relation to allocation, administration and implementation of Government housing policy. Local Authorities also have a significant role in housing development and allocation. However overall housing policy is ultimately a political decision directed by the government. In 2005 approximately €51 million of State funding was allocated to addressing homelessness.

### Section 3. Access to housing as a trigger/cause of homelessness

Qualitative research undertaken by Focus Ireland in 2007 entitled *Homeless Pathways*, finds that: “... *the most important factor contributing to an individual’s or households pathway out of homelessness is the provision of adequate, secure and affordable housing. Coupled with this is the provision of support services to sustain pathways out of homelessness in the long-term.*”

In examining pathways *into* homelessness, the report concludes that: “*A number of common themes run through people’s homeless pathway biographies: poor access to the labour market and training, lack of educational qualifications, and low incomes... The risk factors outlined are influenced by the availability and affordability of housing, the security of housing and the choices available to people.*”

In examining pathways *out of* homelessness, the research illustrates that “*the provision of adequate, affordable and appropriate housing is fundamental and, once this is in place, support and care needs that are often neglected or difficult to organise if a person is homeless, can be put in place and tailored to the situation faced by an individual or household.*”

There is an urgent need for more resources and a prioritizing of policy to improve access to, and the supply of, good quality temporary accommodation, as well as mainstream social rented housing and affordable privately rented accommodation of a good quality. A key issue is to ensure that there is sufficient 'move-on' accommodation so that pathways through homelessness are not blocked. In the long-run this can reduce reliance on costly accommodation provision. The Homeless Agency states that "*Housing is the key to resolving homelessness. While many people who become homeless have needs in addition to housing, it is impossible to address these needs without a stable housing base. Rates of homelessness have increased in recent years, linked to housing shortages, caused by a combination of a slow in housing output and population increases, due to immigration.*" ([http://www.homelessagency.ie/about\\_homelessness/housing.html](http://www.homelessagency.ie/about_homelessness/housing.html))

Every three years the Dept. of Environment carries out a housing needs assessment. Although the need in 2005 was less than in 2002, however, there has a considerable overall increase in housing needs (see below).

#### Local Authority Housing Needs Assessments

1996	27,427
1999	39,176
2002	48,413
2005	43,684

The Homeless Agency also states that homelessness has increased in recent years due to shortages in housing output and population increases ([http://www.homelessagency.ie/about\\_homelessness/housing.html](http://www.homelessagency.ie/about_homelessness/housing.html)).

In a recent report commissioned by Focus Ireland, *Building for Inclusion? Housing Output and Part V of the Irish Planning and Development System*, it was argued that there a number of 'boom time effects' that are pricing lower income people out of the housing market. The first is that as a result of Ireland's economic growth over the last number of years home-owners are experiencing considerable growth in housing wealth. This has led to

greater investment opportunities for these people and many are further investing in property. This is a contributing factor to price inflation. The second effect is that as prices rise an increasing number of people are priced out of the housing market and may be no longer able to buy or rent. Consequently they are at a greater risk of homelessness (Brooke, 2006).

. The substandard condition of some private rented accommodation has featured prominently in recent a critical issue in housing within public discourse. A recent report by the Centre for Housing Research (2008) stated that 78% of private rented homes occupied by people in receipt of rent supplement in Dublin failed to meet legal minimum standards. Thus a lack of affordable and good quality housing can be a causal factor leading to homelessness and that it is an issue of concern in Ireland.

The Irish Council for Social Housing has stated that the rising cost of purchasing or renting homes has led to an increase in the number of people on waiting lists for social housing as many cannot access secure, affordable rental housing. They further state that there has been an exponential increase in the number of people on social housing waiting lists over the last 15 years due to people being priced out of the housing market. The Dept of Environment housing needs assessment 2005 showed that 43,684 people were in need of social housing.<sup>1</sup> This puts vulnerable households at a greater risk of homelessness.

#### Section 4. Role of hostel accommodation

Hostels provide an emergency bed to people (particularly single people) in a 'crisis'. In its evaluation of emergency accommodation in Dublin conducted in November 2007 the Dublin Homeless Agency recommended that *"Each client who occupies a...bed should be designated a key worker"* (2007:34). This is critical if people accessing emergency accommodation are to be supported to access more permanent housing solutions. While the specific policies and procedures of hostels can vary it is generally the case that

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<sup>1</sup> [http://www.icsh.ie/eng/housing\\_in\\_ireland](http://www.icsh.ie/eng/housing_in_ireland)

people who access emergency accommodation will have their needs assessed and a key worker will be allocated to them who will then address these needs.

It is necessary to have sufficient numbers of emergency accommodation places in hostels to prevent rough sleeping. Even within the context of a policy formulation which focuses on prevention there will always be people who become homeless and require emergency accommodation. In order to ensure that hostels can become integrated into an overall strategy to find housing solutions and independence for people who are homeless it is essential that there is a needs assessment conducted based on a case management approach. Through this approach service users can be linked into appropriate services and helped to find more independent and permanent housing appropriate to their needs. To ensure that clients who access a hostel stay is minimized and that there is a focus on finding appropriate 'move on' accommodation it is important that a comprehensive needs assessment takes place when they enter the service. This allows them to be allocated a key worker who can work with them based on a care and case management model to address issues identified in the needs assessment. Where needs have been identified and support is in place many people are able to optimize their autonomy in mainstream housing. By helping people to link in with appropriate services clients can begin to address whatever issues may have contributed to them becoming homeless initially with a view to securing and maintaining a tenancy in the future.

In Ireland the most critical difficulty around moving people from hostels into independent living is the lack of access to permanent housing with appropriate supports. It is very difficult to move directly from hostel or emergency accommodation straight to independent living and it is vital that appropriate support and transitional services are provided. Equally there are people who are presently residing in emergency accommodation who with the right support could live independently but cannot do so because adequate housing has not been provided for them. Hostel Accommodation is not a permanent solution to homelessness or housing need. If one is to adopt a rights based approach to housing policy then it is critical that people who are out of home are

provided with safe, secure, affordable and permanent housing solutions. Hostel accommodation is by nature a temporary stop gap and does not equate with strategies to address housing exclusion on a permanent basis.

Access to housing is a critical issue. In discussing the concept of a 'housing first' approach it is critical that there is clarity as to what is meant. If by 'housing first' it is meant that access to stable and secure housing is crucial in facilitating more effective interventions from support services then the 'housing first' concept has validity. For many people it is possible to live in their own dwelling within the community provided an intensive housing management or support service is put in place. Therefore delivery of quality, affordable housing is essential. Examples in the United States like <http://www.pathwaystohousing.org> shows that it is possible that people with high level support needs and/or with serious mental health problems and that their independence can be optimized living in the community. There is no question that a 'Housing First' approach is the correct way forward for Ireland. Twenty years ago the Social Housing stock was substantial but the support was not in place. Today while support services are better the lack of Social Housing remains a critical issue and is a key factor in the persistence of housing exclusion.

## Section 5. Home Ownership

The latest figures from the Court Service show that during the first quarter of 2008, 754 writs and originating summonses were issued; compared to 566 for the first quarter in 2007 - a 33% increase in the number of mortgage cases received in Chancery against the same period in 2007. The Irish Council for Social Housing states that the rising cost of purchasing or renting homes has led to an increase in the number of people on waiting lists for social housing as many cannot access secure, affordable rental housing. They further state that there has been an exponential increase in the number of people on social housing waiting lists over the last 15 years due to people being priced out of the housing market. The Dept of Environment housing needs assessment 2005 showed that 43,684 people were in need of social housing.<sup>2</sup>

In a recent report commissioned by Focus Ireland, *Building for Inclusion? Housing Output and Part V of the Irish Planning and Development System (2006)*, it was argued that there a number of 'boom time effects' that are pricing lower income people out of the housing market. The first is that as a result of Ireland's economic growth over the last number of years home-owners are experiencing considerable growth in housing wealth. This has led to greater investment opportunities for these people and many are further investing in property. This is a contributing factor to price inflation. The second effect is that as prices rise an increasing number of people are priced out of the housing market and may be no longer able to buy or rent. Consequently they are at a greater risk of homelessness (Brooke, 2006). Just under three quarters of the housing stock in Ireland is owner occupied. While the aspiration to home ownership is a legitimate one for everyone in society; other housing tenures should not be seen as a 'stepping stone' to home ownership. What is critical in the Irish context is that sufficient quality and affordable social housing is provided to single people and families. Furthermore it is critical that new standards in the private rental market are introduced which were committed to in the most recent Social Partnership agreement *Towards 2016* are brought forward as a

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<sup>2</sup> [http://www.icsh.ie/eng/housing\\_in\\_ireland](http://www.icsh.ie/eng/housing_in_ireland)

matter of urgency. Thus, while home ownership ought to be a legitimate aspiration for everybody it should not be seen as the only or ideal solution to housing need.

Home ownership has long been promoted as the tenure of choice within Ireland and the State has a high incidence of home ownership compared with other European countries. As can be seen from the figures above, over 70% of housing units in Ireland are owner occupied. While there are no specific schemes to facilitate home ownership for people who have experienced homelessness, there are several State initiatives to encourage home ownership amongst low income groups, which can include households who have experienced homelessness. These schemes are operated by local and city councils and include a "clawback" or anti-profiteering provision which means that if the property is re-sold within 20 years a proportion of the proceeds are paid back to the local authority.

**Included in these schemes are:**

Shared Ownership Scheme which involves the purchase of a new or second hand home with the purchaser initially taking at least a 40% stake and renting the remainder from the local authority. The individual funds their equity stake through a local authority loan.

Affordable Housing Scheme (1999) allows local authorities to provide newly built houses at a discounted price on their own lands. These properties are offered for sale to eligible first-time purchasers at prices significantly less than their actual market value. The purchaser can also benefit from a loan of up to 97% of the house price from the local authority. To qualify a single income household's gross income should not exceed €40,000, and a double income household's €100,000.

Low Cost Sites can be made available at reduced cost to households which have been approved for social housing by the local authority, or local authority tenants or tenant purchasers or certain tenants of voluntary housing associations.

Tenant Purchase Scheme whereby tenants of a local authority house who have been resident for at least one year may apply to the relevant local authority to purchase it

either outright or by way of shared ownership. The price of the house will be its market value, as determined by the local authority, in its existing state of repair and condition, less discounts. The discount is 3% of the value of the house for each year of tenancy of a local authority house (up to a maximum of 10 years).

Incremental Purchase Scheme allows for social housing tenants use their rental payments to build up an equity stake in a local authority house in an incremental fashion in return for paying a premium on the rent and taking over responsibility for the maintenance of the dwelling. Under the scheme participants take out a mortgage for a stake in the property and buy out the remaining equity stake, at a subsidised rate, over a period up to 40 years. The scheme is typically applied to households due to be allocated local authority housing with incomes in the range €20,000 - €30,000.

According to the Department of Social and Family Affairs among people with a mortgage nearly 3,000 households received social assistance through mortgage interest supplements in 2006. According to the EU-SILC Data (2006) 60% of households below the poverty threshold of 60% of median income are classified as owner occupiers as their housing tenure. The data does not differentiate this category between whether they are mortgage holders or not. Thus, poverty is not confined to any specific housing tenure. In terms of income supports for home owners in poverty a number of changes could be undertaken to take households out of poverty. They include:

- Increase social welfare payment rates for those in receipt of same.
- Increase child benefit rates.
- Increase awareness of Family income support and make increases to this payment.
- Increase fuel allowance.
- Extend eligibility for the full medical card.
- Increase tax bands to ensure that people on the minimum wage and on low incomes generally are taken out of the tax net.

The Government statement on Housing policy *Delivering Homes; Sustaining Communities* (2007) argues that *“Given the resources and capacities now available to the country. It is right to aspire to a better quality housing environment for all Irish people and those who wish to live here”*. (2007:8). This means building sustainable communities with tenure mix.

What is also critical to preventing the development of slums is that standards are revised and enforced in the private rented sector and also that Social Housing is built to the highest standards. In addition that the social infrastructure is invested in within large urban areas in the context of diverse and socially balanced development.

In the Irish case Part V of the planning and development Act was an intervention from government to address this issue. By stating that all new housing developments had to include a 20% social and affordable housing element it was envisaged that tenure mix would be ensured preventing the development of slums. Regrettably Part V contains a number of amendments which mean ‘on site’ delivery of the social and affordable units are difficult to attain. In addition, it is critical that the standard of housing management in estates is of a requisite standard to maintain the area and prevent slums from re-emerging.

In Ireland owner occupation accounts for about three quarters of our housing system. This means that in the Irish case Social Housing is residual, focused on low income groups and seen not as tenure of choice. While government policy has sought to stimulate the growth of the private rented sector with the establishment of the Private Residential Tenancies Board (PRTB) it remains a fragmented and diverse sector. Government priorities home ownership because housing is viewed as a marketable commodity not a social good. In that framework widening access to for consumers to purchase this commodity becomes a cornerstone of government policy. There is a major difficulty with the policy of selling socially rented housing stock. In effect this amounts to the ‘privatisation’ and consequent depletion of the social housing stock. In the ten years between 1994 and 2004 nearly 18,000 social units were sold off to owner



occupation (Drudy, 2005). In the same period 43,253 social units were either constructed or acquired. This amounts to just a net gain of 25,444 units in the total social housing stock over a decade. As the availability of land becomes increasingly scarce and social housing need amounts to 43,000 households it seems difficult to justify selling existing local authority stock into private ownership. Far from increasing housing options for the homeless this policy has had the effect of reducing the stock of social housing available thus reducing access for homeless people and other excluded groups.

## Section 6. Role of private rental housing market

Since the foundation of the Irish State the Private Rented sector has traditionally been a highly de-regulated, diffuse and underdeveloped tenure. However this has begun to change beginning with the publication of the Commission on the Private Rented sector report in 2000 and subsequent policy developments. This sector has the potential be a genuine actor in the provision of quality and affordable housing solutions for homeless people. However a number of policy changes are necessary to ensure the realization of this ambition. As mentioned in a previous section of this report it is critical that new standards in the private rented sector promised in Towards 2016 are brought forward and that Local Authorities are given the necessary resources necessary to conduct inspections of private sector units. A key driver in this must be the continued ‘roll out’ of the Rental Accommodation Scheme (RAS). The establishment of the Private Residential Tenancies Board (PRTB) has also been an important advance for tenants rights with near 200,000 properties now registered with the board.

Many people on low income living in private rented derive funding for the rent through a rent supplement scheme administered through the Department of Social and Family Affairs. There is an inherent ‘poverty trap’ within this system as people who take up full-time employment risk losing this benefit. In the short term it is absolutely essential that the various caps on rent supplement are revised upwards to support low income households who are either not able to access housing in the market or are having to ‘top up’ their rent out of basic payments. A long term solution would be to move from a ‘dualist’ to a ‘unitary’ rental model in which a uniform housing benefit would be paid to households in both local authorities and the private rented sector which could then be re-invested into the management and maintenance of the housing stock.

Firstly, in 2004 the Private Residential Tenancies Board (PRTB) was established to regulate the sector. All landlords are required to register their property with the PRTB which ought to be inspected by local authorities to ensure it complies with minimum standards. These minimum standards are due to be revised and updated shortly. In terms of housing access The Rental Accommodation Scheme (RAS) is an initiative which seeks to provide a sustainable social housing option for those with a long-term housing need, specifically, those who have received rent supplement for 18 months or more and homeless individuals or families with a long-term housing need. Up to now Rent Supplement has been paid directly to the individual to help them pay rent for accommodation which they have sourced themselves. Many recipients have found themselves in sub-standard accommodation and vulnerable to insecure tenure. Furthermore, rent supplement can lead to a poverty trap because recipients will lose the supplement if they work 30 hours or more in a week.

RAS, on the other hand, involves local authorities taking a long-term lease with a landlord, often with a number of units, giving the housing authority greater control over the quality of accommodation, security of tenure and cost. In addition, RAS tenants pay rents relative to their means, which means that they can work full-time and so helps avoid the poverty trap. A further potential benefit of RAS is wider geographical dispersal of accommodation, promoting social mix and integration. About 60,000 households receive rent supplement. A very significant churning movement between homelessness and the bottom end of the private rented sector exists where accommodation that is not appropriate as a long-term home prevails. This has been exacerbated in recent years with access to housing and move-on to households emerging out the far side of homeless services proving more and more difficult to secure. There are serious quality and affordability issues right across the country for many people, particularly single people who tend to be over-represented in homeless services and in the bottom end of the private rented sector. RAS is an initiative that is aimed at addressing this issue and makes the private sector a viable housing tenure for homeless people.

The Rental Accommodation Scheme (RAS) is an initiative which seeks to provide a sustainable housing option for those with a long-term housing need, specifically, those who have received rent supplement for 18 months or more and homeless individuals or families with a long-term housing need. In Ireland nearly 60,000 households in the private rented sector have their rent paid through a Rent Supplement paid directly to the individual to help them pay rent for accommodation which they have sourced themselves. Many recipients have found themselves in sub-standard accommodation and vulnerable to insecure tenure. Furthermore, rent supplement can lead to a poverty trap because recipients will lose the supplement if they work 30 hours or more in a week. RAS, on the other hand, involves local authorities taking a long-term lease with a landlord, often with a number of units, giving the housing authority greater control over the quality of accommodation, security of tenure and cost. In addition, RAS tenants pay rents relative to their means, which means that they can work full-time and so helps avoid the poverty trap. A further potential benefit of RAS is wider geographical dispersal of accommodation, promoting social mix and integration. All local authorities are implementing RAS and all have transferred households from rent supplement to RAS. From 2005 to the end of December 2007 local authorities 5,964 households previously receiving rent supplement were accommodated under RAS directly. Within the Irish context many private landlords are reluctant to rent out their properties to potential tenants in receipt of SWA Rent Supplement. Those who do rent properties to this group often have sub standard accommodation.

In addition, many households seeking to rent at the lower end of the private rental market do not have the finances to pay the deposit and where it is paid disputes can arise between landlord and tenant about its retention where a tenancy breaks down. The RAS scheme can facilitate the participation of support services which support the tenant to maintain their tenancy and alleviate private landlords of aspects of the day to day housing management activity. Controls on rent were introduced across Europe following the First World War including Ireland. Rent control was deemed to be 'unconstitutional' by the Irish Supreme Court in 1982 and was thus abolished. While policy debate has now moved away from a rigid policy of rent control the importance of

affordability and security of tenure mean that the importance of regulation in the private rental market is recognized. In Ireland, landlords are now required by law to register with the Private Residential Tenancies Board (PRTB).

The 2006 census found 1.77 million permanent housing units in Ireland. Of this total 174,935 of these housing units remain vacant. In addition, there were 41,600 vacant flats and there were 49,800 holiday homes. This amounts to just over 15% of the housing stock being vacant. The rise in vacant accommodation is a cause for concern. Given the limited resources available to the construction industry one must be concerned in the production of second homes for some while at the same 43,684 households remain in housing need (Local Authorities assessment of housing need; 2005). Furthermore the vacancy of homes in (particularly in urban areas) indicates that there is still a substantial investor lead presence in the housing market. Addressing this issue has not been policy priority for government and it remains an emerging issue within the housing stock.

One specific policy was the Living over the Shop (LOTS) scheme LOTS was introduced in the five major cities; Cork, Dublin, Galway, Limerick and Waterford, to secure investment to tackle the problem of vacant storey space over commercial premises in certain streets and, in so doing

- provide additional residential units in areas suitable and attractive for such development;
- achieve greater economic use of such premises with a view to relieving the pressure on housing supply, particularly for rented residential accommodation,
- promote sustainable development patterns and assist in fostering a living urban environment in certain designated streets, and
- promote more sustainable use of existing building stock and infrastructure and relieve pressure for greenfield development. Designations under the scheme were made on the basis of proposals from relevant local authorities.

The scheme was discontinued in 2006. The LOTS were based on a section 23 tax incentives were generous. it allowed a property owner to offset development costs of above-shop apartments against, not just the rent from those apartments, but all rental income in the state over ten years. For owner-occupiers the costs of refurbishing a floor or floors over commercial premises could be offset against all forms of income. Government policy in Ireland has tended to stimulate rather than stop speculation in the housing market. In 1997 Capital Gains Tax was halved from forty to twenty%. in addition several tax incentives are provided for investor lead housing procurement. Thus, investor lead activity in the housing market is a reality in the Irish context which has been facilitated by government policy.

The most recent data available in relation to dwellings inspected in the private rental reveals that of 8,364 dwellings inspected a total of 1,697 that did not meet regulatory requirements. There were only 36 legal actions taken (Housing Statistics Bulletin, 2006). This is a derisory figure. Landlords who are found to be renting properties that do not meet basic minimum standards must be held to account and where necessary, legal action should be taken. All private landlords are required to register with the Private Residences Tenancy Board (PRTB). Despite this legal requirement, and the linking of tax deductions to registration, it remains the case that a sizeable proportion of the privately rented residences in the country may not be registered with the PRTB. According to the DoEHLG website there are nearly 200,000 properties registered with the PRTB (<http://www.environ.ie>). There is a commitment in the National Social Partnership Agreement Towards 2016 to update the minimum standards in the private rented sector. The present guidelines are in existence since 1993 and an update of these standards is required urgently. Local Authorities are responsible for ensuring homes provided in the private rental market are of a required standard. Local Authorities must be empowered, resourced and instructed to conduct more inspections. Implementing such a policy would further enhance recent progress towards improving standards in this sector. It is critical that these new standards are brought forward. An evaluation by Focus Ireland (2008) of its Tenancy Sustainment service found that tenants living at the bottom end of the private rented sector still faced major issues in relation to tenure security and housing standards.

Minimum standards for private rented accommodation are contained in the Housing (Standards for Rented Houses) Regulations, 1993 which replaced earlier Housing (Private Rented Dwellings) (Standards) Regulations 1984. Requirements specified in the current regulations include: to keep the dwelling in a proper state of structural repair and not subject to dampness or collapse because of rot or other defects, and requirements in relation to sanitary facilities, heating, ventilation, natural light and safety of electrical and gas supply and maintenance of common areas, yards, forecourts, walls and fences.

It is the general responsibility of local authorities to establish whether accommodation does or does not comply with the standards regulations and to take enforcement action against the landlord where it finds a breach of the regulations. Over the period 2001-2004, 12,241 dwellings were inspected and notices were served in less than 3% (303) of cases. In 2005, only 15 of the 34 City and County Councils undertook any inspections in their area. In 2007, the Department of the Environment, Heritage and Local Government wrote to each local authority to suggest increasing the number of housing inspections.

It is more than 14 years since the current housing standards were updated. In recognition of the need to modernise housing standards, the social partnership agreement, *Towards 2016*, has stated that *'Minimum standards regulations for the private rented sector will be updated by the Department of the Environment, Heritage and Local Government and effectively enforced by local authorities.'*

The Private Residential Tenancies Board (PRTB) was established in September 2004 by the Department of the Environment, Heritage and Local Government to resolve disputes between landlords and tenants, operate a national tenancy registration system and provide information and policy advice on the private rented sector. The establishment of the PRTB, and other changes to residential landlord and tenant law in the Residential Tenancies Act 2004, arose out of recommendations of the Commission on the Private Rented Residential Sector. At the end of 2006 the PRTB had registered 137,961 tenancies, according to its Annual Report. The emergency accommodation sector for homeless

people in Ireland has traditionally relied on hostel type accommodation provided by religious and other charitable groups. In recent years, the sector has seen radical reform. The following is an extract from a recent evaluation commissioned by the Homeless Agency in relation to emergency accommodation in Dublin:

*“A decade ago, most emergency homeless services were very different from homeless services today. The majority operated in extremely poor quality premises and was run almost exclusively by volunteers with little or no training. They aimed to provide a short-term respite for rough sleepers, who were given food, warmth, shelter and some referral to other services....Very little, if any, focus or assistance was given with accessing move-on housing. Since then the sector has undergone a transformation, characterised by an overall professionalisation of services, changes to the nature of service delivery, and a clearer shared understanding of the role of emergency homeless services. In particular there has been a move away from the somewhat passive ‘respite’ model of provision described above, towards a more developed and interventionist model of service delivery. This envisages homeless services existing to respond to a housing and personal crisis ... by ensuring that residents move on to appropriate long-term housing, with support if required, as quickly as possible.”* (Emergency Accommodation Overarching Report: Evaluations of Emergency Accommodation in Dublin. November 2007. Homeless Agency, Dublin.)

In addition to specific purpose hostels, private B&B accommodation is also used to accommodate homeless people in urban areas, where hostel places may not be available or may be unsuitable. B&B accommodation is characterised as privately owned accommodation which is usually utilised to house families and couples on a temporary or night by night basis. The latest review of B&B accommodation in 2003 found that there were 1,800 bed places in bed and breakfast accommodation for people who are homeless in Dublin [provided by 34 landlords in 59 properties]. (*Bed and Breakfast Accommodation in Dublin: Review and Recommendations for its future use.* January 2003. Homeless Agency, Dublin.)

The Government’s 2001 “Homelessness: An Integrated Strategy” made the commitment to “the elimination of the use of bed and breakfast accommodation for families other than for emergencies and only for very short-term use of not more than one month”. In a review of the

Government's Homeless Strategies in 2005 it was stated that *'important steps have been made towards the phasing out of bed and breakfast accommodation'* and significant restructuring and reduction in expenditure in this area have been made. However, emergency and B&B accommodation still constitutes a considerable proportion of the annual homelessness budget in Ireland. Funding allocated for emergency accommodation services through the Homeless Agency in the Dublin area has increased substantially in recent years and reached €15.3m in 2006, out of a total budget of €40.1m. Many homeless people can find themselves entrenched in emergency accommodation, due to a lack of long-term accommodation options. Many homeless do engage in squatting. People who live in such situations fall into the category of 'hidden homeless' which means it is difficult to quantify the extent of this phenomenon at any one time. However it is certainly an issue and many people who are homeless do stay in squats either permanently or generally at irregular intervals.

## **Section 7. Role of social/public Housing**

Social Housing is provided by local authorities or voluntary housing associations for people who are in need of housing but cannot afford to buy their own homes from their own resources (Dept of Environment, Heritage and Local Government). The 1995 policy document, *Social Housing – The Way Ahead*, sets out the government’s overall aim, which is to “Enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment, and, as far as possible, at the tenure of its choice.”

Local authorities are required to carry out housing needs assessments every three years. These are used to determine the housing needs, including homelessness, throughout the country. The 1988 Housing Act is a key piece of legislation dealing with homelessness. While the 1988 Act does not impose a duty on housing authorities to provide housing to people who are homeless, it does clearly give responsibility to the local authorities to consider their needs and expand their powers to respond to those needs. Government policy as set out in *Homelessness – An Integrated Strategy* (2000) does, however, clearly state that local authorities are responsible for addressing the housing needs for people who are homeless. Social Housing specifically for homeless people is designated as “special needs housing” and is funded under Capital Assistance Scheme. (CAS)

Under Part V of the Planning and Development Acts 2000-2004 planning authorities must prepare housing strategies which should take account of the different housing needs within the local population. Furthermore, planning authorities can require, when granting planning permission to developers, that a percentage of land is reserved for social and affordable housing (up to 20%). However, there is a further clause which states that payments may be received in lieu of land or housing. The most recent figures from the Department of Environment up to the end of 2007 state 3,246 social or affordable units were acquired under Part V in 2007. Of these only about one-third of them were social units. Voluntary organizations also have an important part to play in

addressing and preventing homelessness. Services such as emergency accommodation, refuges, and short-term, transitional and long-term supported housing projects are available. Focus Ireland has a particular emphasis on preventing homelessness and has programmes such as Tenancy Support and Settlement which aims to address problems that could lead to homelessness before it occurs. Increasingly, Social Housing providers place emphasis on long-term solutions to homelessness and have many projects around transitional and long-term housing which are designed to equip people for independent living and to give them long-term support to remain in their homes. Other initiatives focus on things like education and childcare as ancillary issues that can help address homelessness and its causes.

The 1988 Housing Act is a key piece of legislation dealing with homelessness. While the 1988 Act does not impose a duty on housing authorities to provide housing to people who are homeless, it does clearly give responsibility to the local authorities to consider their needs and expand their powers to respond to those needs. Specifically authorities may house homeless people from their own housing stock or through arrangement with a voluntary body. The Act also enables the local authority to provide a homeless person with money to source accommodation in the private sector. Government policy as set out in *Homelessness – An Integrated Strategy* (2000) does, however, clearly state that local authorities are responsible for addressing the housing needs for people who are homeless. In addition to the provisions relating to direct responses to people presenting as homeless, Section 10 of the Act enables local authorities to provide funding to voluntary bodies for the provision of emergency accommodation and long term housing for people who are homeless. The 1988 Act requires that local authorities carry out periodic assessments of the number of people who are homeless in their administrative area, as part of their housing needs assessment. The first assessment was carried out in 1989 with follow up assessments in 1991, 1993, 1996, 1999 and 2002 (Homeless Agency, [http://www.homelessagency.ie/about\\_homelessness/policy.html](http://www.homelessagency.ie/about_homelessness/policy.html))

Even when social housing is available, it proves very difficult for people experiencing homelessness to access such accommodation. There remains a stigma attached to

homelessness that means social housing, whether provided by local authorities or community and voluntary organisations, often concentrates on other target groups, further exacerbating the problem of lack of housing for those attempting to move out of homelessness. The Review of the Government's Integrated and Preventative Homeless Strategies by Fitzpatrick Associates in 2006 recommended that local authorities ensure a sufficient proportion of their own and the voluntary sector's housing stock is set aside for people experiencing homelessness. There is an opportunity to follow-through on this recommendation, by allocating a significant proportion of new social housing output to people progressing out of homelessness. Section 10 of the 1988 Housing Act empowers Local Authorities to secure Social Housing for households designated as being homeless. There is also funding available for "special needs housing" through the Capital Assistance Scheme (CAS). Local Authorities must also produce individual Social Housing Action Plans and Homeless Action Plans for their area.

Equally important to making more housing available is the provision of support services to help people maintain their tenancies, acting as a preventative measure in helping people avoid a return to homelessness. Isolation, coping skills, budgeting, training, education and establishing a support network are key elements in helping people to maintain their tenancies. This support system must be established in tandem with the provision of additional housing. If this housing support was more widely available through a dedicated funding stream it might also encourage social landlords to provide additional Social Housing given that the support was in place.

Often it is argued that homeless people are not ready for independent living. However evidence from Ireland and abroad (e.g. Supporting People in the UK) shows that many people who have been or are 'at risk' of becoming homeless can maintain a tenancy in mainstream housing provided the appropriate supports are put in place. In addition, the evidence also shows that providing long term secure Social Housing with support offers greater "value for money" than the provision expensive emergency accommodation. Also, there is a debate about tenure mix and sustainable communities which argues that households who require a range of supports should not be housed in a concentrated

area. This is a legitimate concern. However with adequate and structured planning acute housing need can be tackled in the context of building sustainable communities.

The Social Housing stock is not of a sufficient quantity to play an effective role in addressing and preventing homelessness. Statistics provided by the Department of the Environment, Heritage and Local Government in their tri-annual Housing Needs Assessments show that the number of households in social housing need has soared from 28,624 in 1993 to 43,684 in 2005. The National Economic and Social Council (NESC) have stated a minimum of 73,000 Social Housing units were required between 2004 and 2012. The government is behind schedule in meeting this target. Substantial increase in house prices and rental costs during the period mean that many households simply cannot afford accommodation from their own resources and are becoming increasingly reliant on State and voluntary social housing as well as Rent Supplement in the private rental sector. The Social Partnership agreement, *Towards 2016*, has committed to has endorsed the figure recommended by the National Social and Economic Council (NESC). If this target is to be met an average of 9,125 social units per year are required. According to the latest figures the Government and voluntary groups have provided 29,147 units of social housing between 2004-2007, which is 7,355 units below target for the period. An important development in the provision of social housing is Part V of the Planning and Development Acts 2000-2002, which requires that a percentage of housing in most private residential developments must be made available to the local authority for the purpose of social or affordable housing. However, this opportunity to substantially increase social housing availability has not been fully utilised since the inception of the scheme.

The present for of funding creates difficulties for Social Housing provision to homeless people. The streamlining of funding applications was a commitment in the Social Partnership Agreement Towards 2016. The DoEHLG has decided to devolve administration and sanctioning of projects to Local Authorities in a move supposed to streamline the application process. However based on existing pressure on resources this move has the potential to place further strains on local authorities in an already

stretched system. Major implications exist around this devolution of decision making. They include the need for consistency across all Local Authorities, developing a mechanism to prioritise schemes and the adequacy and control of Local Authority resources to undertake their huge workload. The DoEHLG now state that where a housing scheme costs under €500,000 no prior approval from the DoEHLG is required and where it is below €5 million approval required is minimal. In addition, under the Capital Assistance Scheme the DoEHLG will now fund 100% of the costs of ‘special needs housing’ which applies to Part V developments too. However there is a critical need to review existing capital funding limits as they are below the level required particularly in urban areas like Dublin. The last review took place in February 2006. This is also an issue in terms of pre-approval as the thresholds at which pre-approval is not required is extremely low.

Funding for homeless projects is provided through two mechanisms Capital Assistance Scheme (CAS) and the Capital Loan and Subsidy Scheme (CLSS). The difference between these schemes is as follows:

#### **Capital Assistance Scheme (CAS)**

Under this scheme, voluntary housing bodies provide accommodation to meet special housing needs such as those of the elderly, people with a disability, homeless, returning emigrants or smaller families. The approved voluntary housing bodies are responsible for tenancy allocations in consultation with the local authorities. A minimum of 75% of the houses in each project are reserved for persons whose applications for local authority housing have been approved by the local authority, homeless persons, or local authority tenants and tenant purchasers who return their dwellings to the local authority. However, one third of these may be allocated to eligible elderly returning emigrants. The remaining houses in a project are let to people nominated by the voluntary housing body. Rents are determined having regard to tenant’s means and the cost of managing and maintaining the dwellings. The government has recently stated that 100% funding can be provided for ‘special needs’ projects i.e. homelessness. However there is a need for this funding stream to be much better resourced to meet competing demands.

### **Capital Loan and Subsidy Scheme (CLSS)**

Under this scheme, voluntary housing bodies provide housing for renting, particularly to meet the needs of low-income families. Not less than three quarters of the dwelling units are let to households that have qualified for local authority housing. Rents are determined taking account of household earnings and circumstances. Tenants of the houses are centrally involved in the management of their estates.

Each local authority has its own criteria for assessing social housing waiting lists and these are not standardised across the country. There are 29 County Councils, 5 City Councils and 5 Borough Councils in Ireland, each of which are responsible for processing and allocating social housing stock within their area on behalf of the Department of the Environment, Heritage and Local Government.

In general, the waiting period on the social housing list depends on the circumstances of the household and the availability of Council housing in the area of choice. Applications are generally assessed on factors such as household size, income, present accommodation (if any), the condition of accommodation and any special circumstances, including age, disability, medical circumstances, etc. Each local authority has its own application form and method for prioritising applicants, some by using a point system for factors such as homelessness, unfitness of current accommodation, overcrowding, medical reasons, compassionate grounds etc. For example, Donegal County Council, states that *'in the allocation of dwellings, the Housing Authority will give first priority to applicants who are homeless.'* This is not a standard policy however and applicant procedures and policies vary considerably across the country. Length of time on the list can also be considerable, with the latest figures in 2005 showing that nearly 25% (10,415) of the households on the local authority lists had been waiting for accommodation for over three years (Housing Needs Assessment, DoEHLG, 2005).

Traditionally, families with children have been prioritised on local authority waiting lists which means that single people can find securing accommodation a lengthy and difficult process. A breakdown of the 10,415 households on a local authority waiting list for over three years shows that 4,128 are single people, 4,451 are lone parents and 1,836

are couples (with or without children). Local authorities reserve the right to block or remove households from waiting lists if they are deemed to be a high-risk, for example if household members are engaged in anti-social behaviour or drug misuse. Local authorities can also evict tenants from social housing for similar reasons.

The Household Budget Survey undertaken by the CSO in 2005 found that the average gross weekly income for those in rented local authority houses in 2004-2005 was €453.57, which nearly 50% less than the State average of €987.96. The Assessment of Housing Need 2005 shows that a large majority (68%) of the 43,684 households on local authority waiting lists had gross annual incomes less than €10,000. In contrast the average industrial salary in 2006 was €27,964.56 and the average civil service salary was €43,594.20.

<b>Income Bracket</b>	<b>No. of households</b>	<b>%</b>
Up to €10,000	29,848	68%
€10,001-€15,000	6,941	16%
€15,001-€20,000	4,463	10%
€20,001-€25,000	1,669	4%
€25,001-€30,000	492	1%
More than €30,000	271	1%
<b>TOTAL</b>	<b>43,684</b>	<b>100%</b>
<i>Source: Assessment of Housing Need 2005, DoEHLG</i>		

Within Irish public policy Social Housing is provided at only a residual level. Along with the bottom end of the private rental market this form of housing tenure is provided only to low income households and given the dominance of owner occupation within Irish housing policy there is a significant stigma placed on social provision. Therefore while Social Housing should be provided as a matter of urgency to households in immediate need the creation of social mix in Social Housing is dependant on an upsurge in social housing making it a realistic housing option and just residual. Every Local Authority allocates Social Housing through a different mechanism. Equally sustainable

communities must be based on tenure mix. However it is crucial that those most in need receive access to Social Housing and that a revenue stream is also put in place to support households who may require a more intensive housing management service. Thus, urgency of housing exclusion ought to be a critical factor in allocating social housing but these housing solutions must be sustainable so as to ensure that tenancies do not break down. In relation to residency an applicant for Social Housing must have a legal right to remain in the State. Residency also has a local dimension and while the DoEHLG has no strict guidelines on this matter generally applicants can apply to more than one Local Authority.

There are examples of structured co-operation between the homeless sector and local authority and voluntary housing providers. The Irish Council for Social Housing is represented on the National Homeless Consultative Committee (NHCC) which incorporates a range of stakeholders engaged with homeless policy. Furthermore there is a Social Inclusion unit within the Department of Environment which deals with Homeless policy matters. Government policy is committed to building sustainable communities. It is critical that 'social mix' takes place integrating different housing tenures, income groups and ethnicities. This is essential in promoting integration and in ensuring that communities using the same schools, community facilities, transport network and so on. Thus, in that context mixing housing tenures and ensuring a diverse social mix in terms of allocations is critical to building sustainable communities.

In 2000 the government brought forward Part V of the Planning and Development Act which stated 20% of housing in new developments had to be social or affordable. Due to some loopholes and administrative problems outcomes under Part V have been mixed. However it still has the potential to act as a driver in promoting tenure mix and sustainable communities. Thus, implementation of Part V ought to be an essential priority for policy makers with a shift in emphasis in output from affordable to social housing of which there is a greater demand (43,000 households). Another important mechanism for providing housing for 'excluded' groups is through the rental sector. In this context it is critical that rental properties are of quality, affordable and that good

housing management becomes an integral part of rental housing for marginalized groups. At a macro level the stigma and residuualisation around Social Housing must be critiqued and challenged. Social Housing ought to be of the highest quality and promoted as an integral and equal housing tenure within our housing system. There is an expertise within Social Housing providers with experience of providing for and managing Social Housing to the most excluded groups. This expertise in housing management allows them to support integration, social mixing and community development.

There are several obstacles to the construction of more Social Housing. They include the following:

- a) **Funding** – The limits on funding for Social Housing provided through the Capital Assistance Scheme (CAS) must be revised upwards to allow Local Authorities and voluntary housing bodies to compete in accessing units for social housing based on market rates. The actual pool of funding available must also be increased.
- b) **Implementation of legislation** – Part V of the Planning and Development Act 2000 stated that 20% of all new housing developments had to be made up of a combination of social and affordable housing. However the impact of the implementation of the act has been mixed. Only one third of the units delivered under this provision are social units. There is a clear preference for delivery of ‘affordable’ rather than ‘social’ housing. Equally many developers have preferred to provide ‘cash in lieu’ rather than housing units. However a recent High Court judgment has stated that delivery of units ought to be the priority.
- c) **Availability of Land** – Another issue exists in terms of finding suitable sites for development particularly in urban areas and especially in Dublin.
- d) **Prohibitive cost of management charges** – Another key problem for the voluntary housing sector is the punitive cost of apartment and management fees. In most cases, the management and maintenance of the exterior and common areas of apartment blocks is the responsibility of an estate management company funded by management fees paid by the owners of the apartment. This is an

issue for local authorities but it is particularly prohibitive to the work of the voluntary housing sector. Housing associations have continually argued that they cannot afford to pay management fees out of the income they receive from rented housing. Voluntary housing is by nature provided at a differential rent to the most vulnerable sectors of society. Unless this anomaly is addressed as a matter of urgency voluntary housing providers will continue to find it almost impossible to provide social rented housing in apartments – which will have a serious negative impact on the sector’s capacity to deliver Social Housing.

## Section 8. Prevention of Homelessness

Following on from the Government policy document, *Homelessness – An Integrated Strategy* (2000), Local authorities are required to draw up action plans aimed at tackling homelessness. Key guiding principles around the action plans are:

- Emergency accommodation should be short-term
- Housing with on-site care and support services should be available to those who need it
- Settlement in the community should be an overriding priority through the provision of long-term housing
- Welfare and support services should be provided on an outreach basis
- Preventative strategies for at risk groups should be developed
- A continuum of care should be provided to homeless people from the time they become homeless

If a lasting solution to homelessness is to be achieved, it is critical that significant resources are invested in prevention of homelessness in addition to interventions that target people who are currently homeless. In this regard there is an urgent need for development and funding of early intervention preventative actions. There are a wide number of family support activities being delivered around the country and these should be used and built upon to act as early warning systems with regard to homelessness, with linkages developed between agencies and additional family support initiatives introduced where gaps currently exist. Early intervention strategies should include the establishment of indicators that act as an early warning system and should as far as possible try to offer supports while the potentially homeless individual remains in the family home.

There are several reasons why households may face eviction or loss of a tenancy this can include rent arrears, anti-social behaviour, being the victims of crime or other issues that may require intervention and support. Local authorities and housing associations can

evict tenants who are participating in anti-social behaviour. Anti-social behaviour can mean involvement in drug-dealing or other violent or intimidating behaviour (Housing, Miscellaneous Provisions, Act 1997). However, some service providers have indicated that people have been evicted for reasons that do not amount to anti-social behaviour as set out in the Housing Act, 1997, such as drug-use rather than drug-dealing. Estates or communities less tolerant of drugs might put greater pressure on local authorities to implement eviction notices (Homeless Agency, *An Overview of Policies and Practice on Anti-Social Behaviour in Dublin*, 2003). The HSE may also refuse or withdraw rent supplement for private rented housing where tenants have been evicted for anti-social behaviour (Citizens Information). Other reasons that feature among Dublin City Council eviction statistics are: arrears, squatting, illegal occupancy, estate management, T.P. arrears (Homeless Agency, *An Overview of Policies and Practice on Anti-Social Behaviour in Dublin*, 2003).

Initiatives are in place to support tenancy sustainment programmes provided by Focus Ireland and other groups. However while Prevention is becoming an increasingly important aspect of the discourse around Homeless Policy. However what is missing in the Irish policy context is a strategy for identifying people at risk of homelessness that require preventative actions. While assessment and counting of people experiencing homelessness is vital, it is equally important (and cost effective) to establish a series of indicators to identify those at risk e.g. combinations of repeated rent arrears, repeated requests to be moved, repeated maintenance requests, repeated incidences of anti-social behaviour. These indicators are evidence of a tenancy in crisis and can flag the need for preventative service intervention and therefore a system must be found to monitor when such situations arise. In relation to evictions for Anti-Social Behaviour a Homeless Agency study, *An Overview of Policies and Practice on Anti-Social Behaviour in Dublin* 2003, stated that all officials who were interviewed as part of the study “emphasized” that eviction was only used as a last resort where all other interventions have failed.

The same study also found that there was a wide divergence in the manner in which interventions were employed across local authorities to try and prevent eviction. Interventions may include:

- Local authority area office using its Welfare Section at the early stage of the eviction process.
- Referring people at risk of eviction to treatment services for addiction problems or
- Making links with Family Support Services.
- Advising those at risk to get support and information from other statutory agencies or support services.

There are a number of issues with this however. The responsibility of local authorities to link people at risk with other services has not been clearly laid out. Secondly, the differences of practice across local authorities may reflect the lack of clarity around procedures. Furthermore, although policy states that the Health Board should be notified when there is an eviction notice there was a lack of clarity among the local authority on what the role of the Health Board was in such cases (Homeless Agency, *An Overview of Policies and Practice on Anti-Social Behaviour in Dublin*, 2003).

There are over 60,000 households in the private rented sector presently in receipt of rent supplement<sup>3</sup>. The rent supplement was originally designed as an emergency intervention, but now operates in practice as a long term payment to many people who live in the private rented sector. Supplementary Welfare Allowance (SWA) was introduced in 1977 and rent supplement was an additional payment which could be provided under that scheme. Since then the policy context in which rent supplement is provided has changed. A range of socio-economic factors have led to a staggering growth in households claiming rent supplement (McCashin, 2004). This is clear when one notes that expenditure on Rent Supplement in 2007 amounted to just over €391

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<sup>3</sup> According to a Parliamentary Question to the Minister for Social and Family Affairs (366/14837/08) there were 61,361 households in receipt of rent supplement as of April 11<sup>th</sup> 2008.

million<sup>4</sup>. The staggering rise in expenditure on rent supplement is evident when one notes that expenditure on the scheme was €68 million in 1994 and €134 million in 2000 respectively (McCashin, 2004).

It has long been acknowledged that rent supplement is a flawed policy for dealing with housing need. A Review Group report in 1995 led to the establishment of an interdepartmental committee in 1996 to look at reform but its recommendations were considered by Government to be too complex and so the system has remained largely intact. Maximum rent ceilings on the amount of rent allowance one could claim were introduced in 2002. Rent Supplement is also paid in arrears creating more pressure for the tenant. Hence, what was originally envisaged as a short term intervention effectively operates as a long term subsidy to low income households in the private rental market. It is not cost effective, effective or efficient. There is a need for a fundamental reform of this system.

Advice is needed on a range of issues relating to retention of rent supplement, rights and responsibilities as a tenant, back to work employment opportunities and how to access local services. While housing advice is important many people in the situation of being 'at risk' of losing a tenancy may have a range of health and social issues that contribute to their non-payment of rent and/or anti social behaviour and the tenant typically no longer accesses the services they require or would not have the confidence or motivation to do so. Evidence from social housing bodies when they do work with a tenant who is about to be evicted is that they are in denial that there is a problem, they have ignored correspondence, they are not well enough to adequately comprehend the implications of the notice and warnings and they need high levels of support to enable them to being to address the issues. It would seem therefore that they are highly unlikely to access a citizen's advice centre, or public information on housing rights and need on site immediate support and a support plan to prevent homelessness for them

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<sup>4</sup> According to a Parliamentary Question to the Minister for Social and Family Affairs (366/14837/08) there was €391.4 million spent on rent supplement in 2007.

and/or their family. What is needed is some type of preventative tenancy sustainment service, and adequate provision should be made for this by government.

The provision of sufficient levels of social housing stock will be central to ensuring successful progression routes for people experiencing homelessness. The ‘Towards 2016’ Social Partnership Framework commits to the continued relevance of the NESC (National Economic and Social Council) recommended targets of 73,000 additional social housing units in the period 2004 to 2012. ‘Delivering Homes, Sustaining Communities’, produced by the Department of Environment, Heritage and Local Government, also makes commitments to expanding social housing stock - amounting to 9,000 per annum over the next 3 years. It is imperative that a sufficient proportion of such social housing is allocated to people experiencing homelessness. The government intervenes in the housing market across all tenures in variety of forms. What is critical is that the government initiate policy interventions designed to prevent people becoming, remaining or returning to homelessness.

## Section 9. Right to Housing

Within the Irish context housing rights are historically weak by way of comparison to other neighbouring EU countries in terms of providing a rights' based approach to housing and accommodation for its citizens either constitutionally or through legislation. Although Ireland does not have either of these two measures we do have an established housing policy to guide government housing and provision and programmes. Section 10 of the Housing Act 1988 empowered Housing Authorities to provide shelter for people experiencing homelessness however it created uncertainty regarding which agency should have primary responsibility for the provision of care, support, resettlement and outreach services to the homeless. While homeless people are entitled to be considered for housing by local authorities, there are too few tenancies available to meet demand for social housing while one cannot draw on a specific case related to a right to housing. In an overall sense the Irish judiciary have been slow to vindicate social, economic and cultural rights through the courts.

Irish public policy in relation to housing should adopt a rights based approach we believe that everyone who is homeless or in housing need has the right to a place that they can call home. In our view, Housing and accommodation is fundamental to survival and to living a dignified life with peace and security. While a legal right to housing will not address all the issues that pertain around homelessness and housing need it will ensure that housing need is acknowledged as not merely being denied access to a commodity but to a basic human right. Research has found that many landlords are reluctant to accept rent supplement (Threshold, 2004) and even where accommodation can be found it is often at the bottom end of the market and of poor quality. Social Housing is allocated in different ways by local authorities. When social housing does become available it is often for households classified as homeless to access it and also very few units are provided with single person households in mind. However these difficulties relate to housing policy directives rather than any formal discrimination.

## Section 10. Immigration

### Tenure

Owner occupancy rates for the stock of immigrants living in Ireland prior to 1995 are substantially higher than for the stock of immigrants living in Ireland by 2004. Up to the period 1995 61.9 per cent of immigrants recorded their housing tenure as being owner-occupied. By 2004 this had fallen to 46.3 per cent. The proportion of immigrants indicating that they were renting their dwelling rose from 33.1 per cent to 50.7 per cent. In contrast owner occupancy by native households has remained high over the period and by 2004 had risen slightly when compared to 1995. Thus, the gap between the two groups has widened. In 1995 there was a 16.8 percentage point gap in owner occupancy rates between immigrants and natives. By 2004 this had risen to a gap of 36.4 percentage points. (Duffy, 2008 ESRI working paper).

The 2006 census indicates that 10% (420,000) of the Irish population are now non-Irish residents. The migrant population is diverse and incorporates a multitude of nationalities, cultures, age groups and family forms – all of whom have different housing needs. Migrant communities share with other vulnerable groups' difficulty in accessing affordable, quality accommodation. However they also face additional difficulties in terms of discrimination and harassment.

Research has indicated that migrants' legal status impacts strongly on their vulnerability in terms of being 'at risk' of homelessness (Homeless Agency, 2006). The most vulnerable groups are Refugees, Asylum Seekers and illegal immigrants. Also, the risk of homelessness is increased for migrants who lack the educational and linguistic skills to avail of employment in the labour market. Concern has been expressed that many migrants are experiencing 'hidden' homelessness living in insecure accommodation with friends or relatives.

### Key challenges for Housing Policy;

**Diversity:** Migrant communities are heterogeneous group. Different communities and individuals will have different expectations and needs with regard to housing.

**Language:** For many migrant communities English is not their first language and in many cases migrants may not possess any English at all. This may impact on their ability to secure information about housing rights and entitlements. Furthermore it can act as a barrier to resolving logistical or social problems related to their accommodation.

**Clustering:** International experience shows that many migrant communities tend to live closely together. There are a number of challenges and opportunities related to this social trend. Clustering can provide migrants with an important social network to link in with thus providing them with information about their rights and entitlements. However concern exists about the need to ensure migrant housing avoids overcrowding, inappropriate accommodation and residualisation.

**Housing design:** A right to housing philosophy requires that accommodation ought to be culturally appropriate. Many properties may not be suitable in some cases for different ethnic groups e.g. lack of appropriate washing facilities for some Islamic people

**Recording Ethnicity:** Recording the ethnicity of people within various housing tenures provides important information for housing planners and monitoring of emerging housing trends. However excessive focus on recording ethnicity can lead to harassment and/or discrimination.

**Social Participation:** Two key factors are critical to promoting social participation in communities are ability to educational integration and securing

employment. Without addressing these two issues many immigrants find it difficult to protect their housing rights.

The Homeless Agency recently published a report, *Away from Home and Homeless* (2006), in which they state that the increasing use of homeless services by EU10<sup>5</sup> nationals may be linked to the constraints placed on them by the Habitual Residency Condition (HRC). This condition refers to an enduring physical presence usually beginning in the past and continuing into the foreseeable future. The Dept. of Social and Family Affairs state that, “an applicant who has been present in Ireland for 2 years or more, works here and has a settled intention to remain in Ireland and make it his/her permanent home will also satisfy the habitual residence condition” (Homeless Agency, *Away from Home and Homeless*, 2006). People applying for specific social welfare payments must satisfy this condition. People who do not meet the requirements are assisted to return to their home countries.

The Homeless Agency estimated that during any given day between 60 and 120 EU10 nationals sought the help of various services for homeless people in Dublin. However, they point out that the actual demand could be considerably higher due to the HRC restrictions on accommodation and financial support and because some homeless services see this as a restriction on their ability to work with EU10 nationals. Out of 49 people interviewed 96% stated that lack of employment or lack of money was the primary reason for their homelessness. Because of inability to find work and HRC restrictions 30% stated that they had no form of income whatsoever (Homeless Agency, *Away from Home and Homeless*, 2006).

The Dept. of Environment, Heritage and Local Government has interpreted HRC as a restriction on EU10 nationals rights to homeless services, arguing that if there is a restriction on the right to social welfare then there should also be a restriction on the right to access publicly funded services. There is confusion among homeless services

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<sup>5</sup> Those countries which became part of the EU in May 2004, The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, Malta and Cyprus.

about whether or not they should refuse support to EU10 nationals, though many find it impractical to shut off all supports. The Dept. of Social and Family affairs upholds the view that those who are not HRC compliant are not entitled to any welfare services, including temporary accommodation or local authority housing. However, in subsequent consultation the department stated that HRC is benefit-specific. The Dept. of Environment has also instructed local authorities that they should not accommodate EU10 nationals who present as homeless unless they satisfy the HRC.

The statutory organizations that homeless people most often have contact with are the Homeless Persons Unit (HPU), the Asylum Seekers Unit, and the Reception and Integration Agency. From its study the Homeless Agency found that EU10 nationals are more reluctant to contact the HPU than Irish nationals as they may be aware that the HPU operates the HRC condition.

The HPU and the Asylum Seekers Unit have responsibility for EU10 nationals who are homeless. Both of these bodies subscribe to the HRC. If a person fails the HRC they are referred to the RIA where they are offered accommodation on the condition that they agree to repatriation. Should they refuse they are generally denied further assistance from these bodies.

At the time of the Homeless Agency's study, *Away from Home and Homeless*, there was no accommodation provider in Dublin that offered accommodation to EU10 nationals except on an emergency basis for one or two nights. Providers used to offer bed spaces to EU10 nationals, however, policy changes were brought about for reasons such as insufficient resources to cater for indigenous homeless as well as EU10 nationals who are homeless and an interpretation of the HRC that meant that EU10 nationals were not entitled to accommodation if they did not satisfy HRC.

Citizen's Information Service has reported on incidents where EU10 nationals who lost employment before two years of residence in Ireland can experience great difficulty in meeting daily costs because they are not entitled to Unemployment Assistance. They



further report on incidents where EU10 nationals have become homeless due to their inability to pay for their accommodation with their low wages (Homeless Agency, *Away from Home and Homeless*).

Similar restrictions have been placed on Romanian and Bulgarian nationals since their annexation to the EU in 2007. Nationals from these countries are not entitled to access housing services or to access social welfare payments unless they are legally employed and have been paying Pay Related Social Insurance (*Emigrant Advice, Rights and Entitlements of Romanian Nationals & Rights and Entitlements of Bulgarian Nationals, 2007*).