

Editorial

When Ireland became an independent State it inherited some appallingly bad housing conditions. This was most notoriously the case in the severely deprived areas of inner-city Dublin, but inadequate and overcrowded housing which lacked basic facilities was also prevalent in towns and villages and rural areas around the country. Over the following seven decades, significant improvements in Irish housing took place, not just because the country (eventually) became more prosperous but because public policy sought to bring this about. Grants and other subsidies provided by the State enabled an increasing number of households to become home-owners; in addition, as a result of large-scale provision by local authorities, tens of thousands of low-income households were enabled to access affordable and secure social housing. This is not to suggest that the policies pursued were always adequate – mistakes were made, most notably the failure to bring about greater social integration through housing and the frequent failure to provide essential social and community facilities in new housing developments.

Yet, overall, it is telling that in a review of Irish housing published in 1988, the National Economic and Social Council could say: ‘In recent years there is evidence that the historical housing problems of overall shortages and poor housing conditions have been largely resolved. ... Among countries of roughly similar GNP per capita, Ireland has close to the best overall standard of housing’.

Almost thirty years later, however, the country is once more in the midst of a serious housing crisis, most acutely evident in the fact that officially recorded homelessness is now at its highest-ever level. Over 8,000 people, 3,000 of them children, were living in emergency accommodation in August 2017. The waiting lists for social housing are also at record levels, and now include 91,600 households (in which are living 210,000 people), which is more than three times the number on waiting lists in 1996. Many other families and individuals are also experiencing housing difficulties – for example, as a result of mortgage arrears or because the rent they have to pay represents a disproportionate share of their income.

Clearly, the policies pursued over the past quarter-century have failed to ensure adequate, affordable and secure housing for all people living in Ireland. As this issue of *Working Notes* highlights, these policies have not just reflected a market-oriented approach to providing housing, but increasingly have allowed housing to be treated as a commodity, an investment opportunity, yet another financial instrument. In such a situation, housing loses its essential purpose: meeting a fundamental human need and fulfilling a basic human right of every person. This ‘commodification and financialisation’ of housing, which is a global phenomenon, became starkly evident in Ireland during the economic boom, and its influence has persisted through the downturn and now into the recovery of the Irish economy.

When Leilani Farha, the UN Special Rapporteur on the right to adequate housing, addressed the UN Human Rights Council on 1 March 2017, she said: ‘... the housing sector has been transformed ... It is no longer as we once knew it. Housing has been financialized: valued as a commodity rather than a human dwelling, it is now a means to secure and accumulate wealth rather than a place to live in dignity, to raise a family and thrive within a community’. Ms Farha was speaking in a global context but her words seem all too applicable to Ireland’s experience in recent decades.

The contributors to this issue of *Working Notes* argue for a radically different approach to housing policy in Ireland, one which is based on recognising housing as a fundamental human right and which treats housing not as an investment or asset but as the means of fulfilling that right. Such an approach is needed to respond to the acute housing problems being experienced by so many and to address the ways in which the housing system is serving to deepen inequalities in income and wealth distribution in this country.

Without such a radical change in approach, there is a real danger that, in Ireland, housing will, to employ the words of the UN Special Rapporteur, ‘... continue to become a prize for the wealthy, and a dream for the majority’.

Rebuilding Ireland: A Flawed Philosophy

Analysis of the Action Plan for Housing and Homelessness

Margaret Burns, P.J. Drudy, Rory Hearne and Peter McVerry SJ

Introduction

Providing affordable, quality and accessible housing for our people is a priority ... The actions of the New Partnership Government will work to end the housing shortage and homelessness. (Programme for Government, May 2016)

Against a background of deepening public concern about the increasing number of households in Ireland experiencing some form of housing distress, and in particular the marked rise in homelessness, the Programme for a Partnership Government agreed in May 2016 set out a number of specific commitments to address the country's housing crisis, and promised that the Minister for Housing would issue an 'Action Plan for Housing' within 100 days of the formation of the Government.¹

That plan, *Rebuilding Ireland: Action Plan for Housing and Homelessness*, was published on 19 July 2016.

Rebuilding Ireland complements two earlier national plans for housing – *Construction 2020* and *Social Housing Strategy 2020*, both published in 2014.² It also draws on recommendations of the report, published in June 2016, of a Special Dáil Committee on Housing and Homelessness established in April 2016.

Rebuilding Ireland describes the Irish housing sector as 'dysfunctional and under-performing'.³ In response, it sets out proposals under five 'pillars':

- Address homelessness;
- Accelerate social housing;
- Build more homes [in the private sector];
- Improve the rental sector;
- Utilise existing housing.

A detailed 'Table of Actions' was proposed to achieve these objectives, with 84 specific measures to be implemented by the Department of Housing, Planning and Local Government, local authorities, other government departments and state agencies, and other stakeholders. A further 29 actions were

promised in a separate document, *Strategy for the Rental Sector*, published in December 2016.⁴

The proposals in *Rebuilding Ireland* included the establishment of a new Housing Delivery Office in the Department of Housing and a new Housing Procurement Unit within the Housing Agency. The overall implementation of the Plan is overseen by a special Cabinet Committee on Housing, chaired by An Taoiseach.⁵

A core commitment of the Action Plan was the promise to invest a total of €5.35 billion to secure the provision of 47,000 additional social housing units by 2021 (through a combination of new construction, acquisition and leasing from the private market, and bringing vacant social housing back into use).⁶

Rebuilding Ireland also provided for an investment of €200 million in a Local Infrastructure Housing Activation Fund, the purpose of which was to 'relieve critical infrastructural blockages' impeding the development of large private sector sites, thereby facilitating 'substantial and affordable' housing provision on these sites.⁷

The Plan also proposed that large-scale planning applications by the private sector could be made directly to An Bord Pleanála, rather than to the local authority.⁸

The *Strategy for the Rental Sector* announced the introduction of a significant new approach to regulating rents – the identification of 'rent pressure zones' within which rents may not be increased by more than 4 per cent per annum for three years.⁹

Under the 'banner' of *Rebuilding Ireland* also, the introduction of a 'cost rental' scheme in Ireland is being considered, and is the subject of examination by an expert group (led by the Department of Housing, Planning and Local Government) which is due to report by the end of 2017.

These and other proposals under *Rebuilding Ireland* are obviously intended to achieve improvement in

the current housing situation; undoubtedly, many of the specific actions to be taken will bring important benefits for individuals and families who are experiencing housing difficulties.

However, the reality is that despite measures taken under *Rebuilding Ireland*, the incidence of homelessness, which has to be considered a key indicator of whether the housing situation is improving or not, has continued to increase: the total number of people in homeless accommodation in August 2017 was 27 per cent greater than in July 2016 when the Action Plan was published, and the number of children in such accommodation was 30 per cent greater.¹⁰

On 14 June 2017, the newly-elected Taoiseach, Leo Varadkar TD, announced in the Dáil that he had requested the Minister for Housing, Eoghan Murphy TD, to review *Rebuilding Ireland* within three months ‘and to consider what additional measures may be required’.¹¹ In an address on 3 July 2017, Mr Murphy stated that what was being undertaken was *not* ‘a wholesale review’ and added: ‘we’re not starting from scratch again. The plan is good and is delivering important results.’¹²

It is in this context that this article is written. It must be obvious that the five laudable objectives in *Rebuilding Ireland* can be achieved in different ways. We suggest that a re-orientation of policy is warranted. The focus of this article is on achieving an appropriate philosophy of housing in Ireland and actions which reflect that philosophy. We suggest that a philosophy which emphasises ‘market forces’ as a solution to many, or most, of our housing problems, as *Rebuilding Ireland* currently does, will ultimately be doomed to failure. In particular, we contend that it is unrealistic to expect the private rented sector to provide a greatly increased share of the affordable, good quality and secure housing that is needed for Ireland’s growing population.

We argue further that a philosophy which overlooks the fact that housing is a human right and permits housing to be viewed as a ‘commodity’, as if it were just another instrument in the financial market, is a flawed philosophy.

Principles

The following analysis, which seeks to explore the overarching policy positions that explicitly or implicitly shape *Rebuilding Ireland*, is based on a number of key principles:

Housing is a human right: Housing is recognised as a fundamental human right in the Universal Declaration of Human Rights (1948), in the International Covenant on Economic, Social and Cultural Rights (adopted by the United Nations General Assembly in 1966), and in later UN human rights treaties which elaborate on economic and social rights as they apply to specific groups or particular situations.¹³ The right to housing is also recognised in the Revised European Social Charter of the Council of Europe (1999). The realisation of the right to housing is deeply intertwined with and a necessary condition for the realisation of other human rights, such as the right to life itself, the right to health, to education, to respect for family life, to privacy, to freedom from discrimination, and to participation in democratic processes.

Housing is not merely a commodity: The fact that housing is required to meet an essential need of every person, and that every person has a right to housing, means that it cannot be treated merely as a commodity, available only to those who can afford whatever is the current market price. Neither should housing be considered ‘as yet another market-place opportunity for investment, speculation and capital gain’.¹⁴

Housing policy should seek to mitigate some of the inequality arising from existing patterns of income and wealth distribution: Left to the market, access to housing and the quality and security of the housing obtained will be related to the pre-existing income and wealth of a household. In turn, the housing expenditure of a household, and the form of this expenditure (whether this is in rent or mortgage repayments), will be a significant determinant of the income available for non-housing needs, and therefore of the household’s overall standard of living, including its ability to save. Housing expenditure over the long-term will also be a key determinant of a household’s wealth – or the lack thereof. In other words, without state intervention, housing becomes a source of ever-greater inequality in terms of wealth and disposable income. Enlightened housing policies can, however, interrupt this process by ensuring good quality housing and related facilities for low-income households at a cost to those households which is related to their income.

Housing is inextricably linked to the attainment of social justice: Given the vital importance of housing in the lives of individuals, families and communities, the many ways in which housing

affordability and quality can promote or hinder human flourishing, and the role which housing plays in shaping the distribution of wealth and household disposable income, it is clear that a just housing system is a prerequisite for the achievement of greater fairness in society and for the promotion of the common good.

‘Policy-free’ Narrative of Irish Housing Development

A particularly striking feature of *Rebuilding Ireland* is what might be termed the ‘policy-free’ narrative adopted to describe the development of the Irish housing system over recent decades.

Thus the current housing crisis is attributed solely to the country’s economic collapse and the recession,¹⁵ as if policy choices affecting housing made during and indeed prior to this period were of no relevance.

Likewise, the Plan describes the shift in the balance between market supply and public provision of housing – and the resulting reshaping of the tenure structure – in terms that simply do not recognise the role of political and policy choices:

*... housing provision has moved from a model where a significant share of overall annual housing delivery was accounted for by direct provision of mainly local authority housing ... to a model where housing provision has been predominantly provided by the private market ...*¹⁶

Elsewhere, the document refers to data which ‘illustrate the degree to which demand for social housing has been met by private landlords through a number of schemes’¹⁷, thereby managing to ignore the fact that the use of the private sector to meet social housing need could only have come about as a result of the specific policy decisions, and the associated funding allocations, made by successive governments.

The effect of this narrative – in which changes in housing with far-reaching consequences are presented as if they somehow just ‘happened’ – is to gloss over the reality that Ireland’s housing system and the current housing crisis are the result of policy choices, and of the political and ideological interests being served by those choices.

The Right to Housing

While *Rebuilding Ireland* recognises that housing

is ‘a basic human requirement’,¹⁸ nowhere does it discuss or even mention that housing is a fundamental human right.

This omission occurs despite the fact that Ireland has ratified a range of international human rights treaties, most notably the International Covenant on Economic, Social and Cultural Rights, which include the right to housing. It is also despite the fact that, for more than a decade, there has been considerable public and political debate in Ireland about socio-economic rights, including housing, particularly in regard to the question of including such rights in the Constitution. Indeed, the May 2016 Programme for Government gave a commitment to request an Oireachtas Committee to examine this question.¹⁹

Ireland’s housing system and the current housing crisis are the result of policy choices, and of the political and ideological interests being served by those choices.

It should be noted also that the UN Committee responsible for overseeing the implementation of the Covenant on Economic, Social and Cultural Rights has made clear that it expects states which have ratified the Covenant to prepare a national housing strategy that reflects the commitment they have given to implement the right to housing.²⁰

The reality is, however, that *Rebuilding Ireland* merely follows at least ten previous national plans or statements on housing and homelessness since 1990 which have likewise ignored the question of the right to housing.²¹ By contrast, the National Children’s Strategy (2000)²² and the National Policy Framework for Children and Young People (2014) explicitly state that their proposed actions are intended to advance the implementation of the UN Convention on the Rights of the Child, with the 2014 Strategy including an overall commitment to ensure that ‘Ireland’s laws, policies and practice are compliant with the principles and provisions of the UN Convention ...’.²³

If it is considered appropriate that a national strategy for one area of public policy should be framed with reference to the requirements of the

human rights treaty applicable in that area (a treaty which, in fact, includes the right to housing), why then are national strategies for housing developed without any reference to the right to housing set out in the human rights conventions which Ireland has ratified?

There are several dimensions of the right to housing, as outlined in international human rights law, which are of particular relevance to the current situation in Ireland and which therefore ought to have been reflected in a national action plan for housing.

For example, the UN Committee on Economic, Social and Cultural Rights has made clear that the right to housing is not fulfilled merely by the provision of some minimal form of shelter; rather, it is ‘a right to live somewhere in security, peace and dignity’.²⁴ Three of the key characteristics of adequate housing identified by the Committee are of obvious relevance to Irish housing policy at this time: security of tenure (which has been described as a ‘cornerstone’²⁵ of the right to housing), affordability, and adequacy in terms of structures and facilities.

Yet, in *Rebuilding Ireland* it is the private rented sector, the part of the Irish housing system most likely to be characterised by insecurity and high housing costs, and where regulations in respect of accommodation standards are frequently not met, which is singled out to play an increasing role in housing provision, including being used to a greater extent to meet social housing need, without substantial reforms being put in place to address these deficiencies.

Article 2.1 of the Covenant on Economic, Social and Cultural Rights requires each State Party to take steps ‘to the maximum of its available resources’ towards ‘achieving progressively the full realization’ of the rights (including the right to housing) recognised in the Covenant.

The concept of ‘progressive realisation’ reflects a recognition that while states may not be in a position to immediately implement socio-economic rights in full, they are nonetheless expected to make consistent progress towards that goal. In the case of housing in Ireland, however, what has occurred over the past two decades is not progressive realisation but significant retrogression. This was evident during the economic boom when the number of households on waiting lists for social

housing doubled and house prices escalated out the reach of increasing numbers of people. The situation has, of course, deteriorated considerably since then, to the point where Ireland now has its highest-ever level of recorded homelessness as well as record numbers of households on social housing waiting lists (to instance just two of the many features of the current housing crisis).

The concept of ‘maximum available resources’ reflects a concern that States Parties to the Covenant should give due priority to the realisation of socio-economic rights, including during times of economic difficulty. *Rebuilding Ireland* commits €5.5 billion to social housing and housing infrastructure in the period up to 2021 – but no analysis is advanced to show that this constitutes the limit of the amount the State *could* provide in response to the grave housing situation facing the country.

Furthermore, it should be noted that the concept of ‘maximum available resources’ includes an obligation on States Parties to ensure that public resources for the realisation of rights are allocated in a manner that is both effective and efficient.²⁶ A number of features of the Action Plan are open to question on these grounds, including the selling-off of public land for private housing development and the determination not just to continue but to expand the open-ended subsidisation of rents in the private rented sector, instead of directly providing social housing.

Target 11.1 of the Sustainable Development Goals

The 2030 *Agenda for Sustainable Development* (the ‘Sustainable Development Goals’), adopted at the United Nations Sustainable Development Summit in September 2015 and applicable in both developed and developing countries, requires States to ‘make cities and human settlements inclusive, safe, resilient and sustainable’ (Goal 11). Under Target 11.1 of Goal 11, States are expected to ‘ensure access for all to adequate, safe and affordable housing’. Ireland is a signatory to the 2030 Agenda; indeed, this country was joint facilitator (with Kenya) of the final intergovernmental negotiation of the Sustainable Development Goals.²⁷

Despite this, *Rebuilding Ireland* makes no reference to Target 11.1 of the Goals and the promise which Ireland has made to ensure ‘adequate, safe and affordable housing’ for all by 2030. The UN Special

Rapporteur on the right to housing, Leilani Farha, has pointed out that, at a minimum, Target 11.1 implies a commitment to end homelessness by that year.²⁸ The Action Plan, however, does not even raise the question of setting a target date for ending homelessness.

Commodification and Financialisation of Housing

Absent from *Rebuilding Ireland* is any acknowledgment that commodification and financialisation of housing have been highly influential in the changes that have been brought about in the Irish housing system over the past two decades and are key factors underlying the serious housing problems now affecting so many households.

Commodification and financialisation mean that housing is seen not in terms of what should be its essential purpose – the provision of homes and the meeting of a basic human need – but primarily as a commodity, an asset, a means of speculative wealth creation, another element of the financial system which can be used to generate profits.

The process of commodification and financialisation of housing is a global phenomenon; it reflects core policies of neo-liberalism, including financial deregulation and trade and investment agreements which prioritise the interests of corporations, as well as the adoption by governments of policies through which it can be actively facilitated, including taxation measures and housing policies which reduce the role of publicly provided housing.²⁹

The UN Special Rapporteur on the right to adequate housing has described the amount of private capital now being invested in housing and real estate markets worldwide as ‘staggering’.³⁰ She has argued that the scale and impact of financialisation has ‘transformed’ housing,³¹ robbing it of its ‘function as a social good’³² and of its ‘connection to community, dignity and the idea of a home’.³³

Others suggest we have now reached a point of ‘hyper-commodification’ of housing;³⁴ they have summed up the outcome of this by describing one particular investment property in New York as being ‘not high-rise housing so much as global wealth congealed in tower form’.³⁵

Policies which promote the commodification and financialisation of housing lead to increases in

house prices and rents, an inadequate supply of social housing, and an increase in homelessness. In parallel with these trends, ‘speculative’ or ‘investment’ housing may be left empty on the basis that it will increase in value whether it is occupied or not. Another, and inevitable, outcome of housing financialisation is that, while growing numbers of people, including those on middle incomes, experience housing insecurity and unaffordability, the additional income and wealth now generated from housing flows upwards to the wealthiest. The result is not just greater inequality but the likelihood of increasing influence by such wealth-holders on policy, and the undermining of ‘democratic governance and community accountability’ in regard to housing.³⁶

Commodification and financialisation obviously pose a serious threat to the realisation of the right to housing for every person. Indeed, the UN Special Rapporteur has described financialisation as ‘one of the greatest challenges facing the right to housing to date’.³⁷ She has also highlighted that it is a major obstacle to the attainment of Target 11.1 of the Sustainable Development Goals.³⁸

*Commodification and
financialisation pose a serious
threat to the realisation of the
right to housing ...*

The Irish Housing System

An analysis of housing in Ireland published in 2005 showed how the housing policies then being pursued displayed the ‘predominant influence of a commodified philosophy of housing’.³⁹ This was evident in the light-touch regulation of lending for housing and the rise in house prices; the promotion of the for-profit rental sector through tax breaks; the use of Public Private Partnerships (PPPs) for the regeneration of local authority estates; the failure to provide a sufficient supply of new social housing.

It might have been expected that the financial crash, with its deeply damaging consequences for the housing system, the wider economy, and society as a whole, would have led to a turning away from policies of commodification and financialisation of housing in Ireland. Instead, these policies intensified. The austerity measures adopted to deal with the crisis included drastic cuts in funding for

new social housing construction so that output fell to a fraction of what had been provided prior to the crash – which itself had been inadequate to meet social housing need. As a consequence of this lack of output, there was increased reliance on the private rented sector to meet the growing need for social housing.

Even more significant were the additional dimensions to the financialisation of Irish housing introduced through government policies in the post-2008 period. The priority given to restoring the banking sector meant that billions of euro worth of non-performing loans and distressed assets which had been taken over by NAMA and the Irish Banking Resolution Corporation (IBRC) were sold to international private equity firms at a considerable discount.⁴⁰

The involvement of such funds in Ireland was facilitated by the approach adopted by NAMA and IBRC and incentivised both through existing tax exemption mechanisms and new tax measures introduced specifically for this purpose – for instance, in 2013, an exemption from corporation taxation was introduced for Real Estate Investment Trusts (REITs).⁴¹

In addition, Budget 2012 and Budget 2013 provided for an exemption from Capital Gains Tax for properties bought between 7 December 2011 and the end of December 2014 and held for at least seven years. This was an obvious additional attraction for multinational ‘vulture funds’ seeking to purchase distressed loans.

In a telling example of how financialised housing interests may seek to shape policy, both Irish and multinational firms put pressure on the Government in late 2014 to dilute the rent regulation proposals being proposed by the then Minister for the Environment, Community and Local Government.⁴²

A Government housing policy statement in 2011 at least showed awareness of the undesirability of commodifying housing: it declared that the policy approach being proposed ‘will neither force nor entice people through fiscal or other stimuli to treat housing as a commodity and a means of wealth creation’.⁴³ In reality, of course, this declaration had no real influence on policy.

Rebuilding Ireland, however, does not even seem to recognise the potential harm arising from the commodification and financialisation of housing:

instead, many of the policy approaches and measures proposed will inevitably continue and accelerate that process.

These include:

- the failure to make a commitment to provide local authority and voluntary sector housing on a scale sufficient to meet the need for social housing;
- the continuation and expansion of a privatised response to social housing need, through the extended use of rent subsidisation in the private rented sector (despite the rising cost of rents and the insecurity of the sector);
- the reliance on acquisitions and leasing from the private market to supply a significant share of the proposed increase in social housing;
- the proposals to deploy funding mechanisms involving various forms of private finance for the construction of new social housing, instead of funding this directly from public capital expenditure;
- the proposal that the use of private finance for the construction of new housing by voluntary housing bodies will be ‘intensified’;
- the expansion of the private rented sector without the far-reaching reforms necessary to make this an affordable and secure long-term housing option;
- the selling-off at below market prices of public land for housing development, on the basis that such development will include social housing – but, in fact, this will constitute only 30 per cent of the new provision;
- the failure to put forward proposals for an effective response to the hoarding of development land and of vacant sites in urban areas, which impedes the much-needed increase in the supply of housing.
- the unquestioning attitude towards the role of institutional investors, including global entities, in Irish housing and the apparent determination that Ireland will continue to be seen as an attractive destination for international investors in housing.

In summary, the approach proposed in *Rebuilding Ireland* suggests there is little prospect that ‘the march towards financialisation of housing’⁴⁴ (to employ a phrase used by the UN Special Rapporteur on housing) will soon falter, let alone halt, in Ireland.

Table 1: Tenure Structure of Irish Housing, Selected Years, 1971 to 2016 (%)

	1971	1981	1991	2002	2006	2011	2016
Owner-Occupied	68.8	74.4	79.3	77.4	74.7	69.7	67.6
Private Rented	13.3	10.1	8.0	11.0	9.9	18.5	18.2
Social Rented	15.5	12.5	9.7	6.9	10.7	8.7	9.4
Other	2.4	3.0	3.0	4.6	4.7	3.0	4.7
Free of Rent	2.4	2.6	2.1	1.7	1.5	1.5	1.6
Not Stated	-	0.4	0.9	2.9	3.2	1.5	3.1

Source: Central Statistics Office, *Census of Population*, various years (www.cso.ie/population)

Continuing the ‘Realignment’ of the Tenure Structure of Irish Housing

One of the most significant outcomes of the overall approach proposed by *Rebuilding Ireland* is likely to be the consolidation and even acceleration of the ‘realignment’ of the tenure structure of Irish housing which has been occurring for more than two decades.

As Table 1 shows, changes in tenure have resulted in a marked decline in the share of housing that is owner-occupied: this fell from a peak of almost 80 per cent in 1991 to 69.7 per cent in 2011 and then to 67.6 per cent in 2016. The rate of home-ownership in Ireland is now lower than in 1971. In urban areas, owner-occupation was down to 59.2 per cent in 2016.⁴⁵ At the same time, there has been a significant reduction in the percentage of households living in social housing – from 15.5 per cent in 1971 to 9.4 per cent in 2016.

The decline in relative terms of these two tenures has meant an increase in the share of housing that is private rented: whereas this sector represented just 8.0 per cent of all tenures in 1991, by 2016 it had risen to 18.2 per cent.

While the Action Plan acknowledges the decline in home-ownership, it downplays the extent of this, declaring that Ireland ‘still has one of the highest rates of owner-occupation in the OECD’.⁴⁶ It overlooks a much more obvious point of comparison – the rate of home-ownership in the EU. Had this alternative comparison been used, it would have shown that the ownership rate in Ireland (at 67.6 per cent) is now *below* the EU average (69.4 per cent), with this country’s fall in ownership since 2007 being significantly greater in percentage terms than that of any other EU

Member State except the UK.⁴⁷ In fact, only five of the current 28 EU Member States have a home-ownership rate that is lower than Ireland’s, the UK being one of these.⁴⁸

A Change for the Better?

In keeping with the Action Plan’s ‘policy-free narrative’ concerning Irish housing development, the document provides no analysis as to how the reshaping of the tenure structure of Irish housing came about or what might be its implications for households and society in general.

The overall tenor of *Rebuilding Ireland* is one which implies approval for the changes that have occurred in the tenure structure. Thus, in the *Strategy for the Rental Sector* the falling rate of home-ownership is described as the country moving ‘towards international norms’⁴⁹ (without specifying which norms are being invoked), and the assumption is made that the rate will continue to decline.⁵⁰

Likewise, the policy of meeting social housing need through the use of rent supplementation in the private rental sector is presented as a positive development. The Action Plan claims that this policy has delivered ‘a better mix between private and social housing, rather than the reliance on large mono-tenure public housing projects which characterised housing investment in the 1960s and 1970s, many of which have since had to be regenerated in more recent years’.⁵¹

This ignores the obvious point that it is possible to directly provide social housing without developing ‘large mono-tenure’ housing schemes, and that there are many different ways of achieving the highly desirable objective of greater social

integration in housing provision. It also ignores the serious disadvantages of using the private rental sector to meet social housing requirements – in the first instance for the households concerned; then for the State, in terms of the commitment to ongoing and growing expenditure, without ever acquiring a public asset in return; and then in terms of the distributional implications of the transfer of significant amounts of public money to private sector landlords (over the seventeen-year period 2000 to 2016, almost €6.1 billion was spent on Rent Supplement alone⁵²).

Alongside the Plan's benign view of the decline in both home-ownership and directly-provided social housing is a favourable perception of the growth that has occurred in the private rented sector. The document generally represents the increase in the number of households living in this tenure, including on a long-term basis, as if it were their preferred option, rather than, as is the case for many people, a situation imposed by insurmountable barriers to home-ownership or the unavailability of social housing.

The private rental sector is described in the *Strategy for the Rental Sector* as 'a key building block for a modern economy'⁵³ and the argument is made that the sector is an appropriate option for 'a mobile labour market',⁵⁴ without any analysis of what share of the labour market is characterised by a high degree of physical mobility, and without reference to the reality that once households have children the feasibility of moving location greatly diminishes.

Rebuilding Ireland even describes having a larger private rental sector as insulation against 'the macro-economic risks of an over-reliance on home ownership' – with it, apparently, helping to prevent booms in this sector.⁵⁵ There is no acknowledgment that a sovereign state with the will to do so should have mechanisms available to it to curb unsustainable rises in houses prices. Neither is it acknowledged that unsustainable booms might also occur in the buy-to-let sector.

Furthermore, it is argued that the expansion of the private rental sector is critical to this country developing 'a truly affordable, stable and sustainable housing sector'.⁵⁶ Under *Rebuilding Ireland*, the potential of no other tenure type – be it of home-ownership, co-operative housing, local authority, voluntary housing provision, or any new form of public housing – to meet Ireland's growing housing needs, and to ensure the desired

'affordable, stable and sustainable' housing system, is accorded this level of significance.

Yet despite all the arguments uncritically presented in favour of increasing the role of the private rented sector, the Action Plan still finds it necessary to declare that a 'key housing challenge' for Ireland is that of 'changing attitudes such that the advantages of rental as a form of tenure are more widely recognised'.⁵⁷ Similarly, the *Strategy for the Rental Sector* refers to the necessity of 'changing cultures'.⁵⁸ It has to be asked: if the advantages of the private rental sector are as evident as *Rebuilding Ireland* repeatedly asserts, why is there need to engage in such deliberate reshaping of public opinion?



May Day March, Dublin, 2017

© DSpeirs

Perhaps the answer is simply that in the face of some of the realities of the sector – increasing rents, which have now reached record levels, the still-limited security of tenure for private renters, and the poor standards of accommodation found in many parts of the sector – it is indeed considered necessary to contrive to somehow change perceptions, if only by repeating the same message in the hope that it will eventually be accepted, however little it may accord with reality.

Implications of the Change in Tenure Structure

Rebuilding Ireland does not explore the far-reaching consequences of the threefold change represented by a continued fall in the rate of home-ownership, a reduced role, in relative terms, for social housing provided directly by local authorities and voluntary bodies, and an increased reliance on the private rented sector.

These changes in tenure will, in the first place, have important implications in terms of housing security for an increasing number of households.

Many of those destined to live for a prolonged period in the private rented sector will do so against a background of continuing insecurity, given the absence of any firm proposals that would provide for lengthy leases or ensure rent affordability in the long-term – since the reality is that whatever other provisions for security of tenure may be put in place a tenant's right to remain in their rented accommodation will, in the end, come down to their ability to pay the rent that can be legally demanded.

Meanwhile, the reliance on the private sector to meet social housing need will leave growing numbers of low-income households without the prospect of any long-term security in their housing situation – and indeed, in many instances, with very little security in the short-term.

A key feature of the 'modern economy', not acknowledged in *Rebuilding Ireland*, is that large numbers of workers, particularly in the younger age-groups, now experience precarious and low-paid employment, as a result of, for example, the casualisation of previously secure employment sectors, the emergence of bogus self-employment, the lack of options other than part-time and poorly-paid work.⁵⁹ It may well be asked: in what ways is an expensive and largely insecure private rented sector an appropriate housing response for such workers? Is it right that those who are the victims of precarious employment should also be forced to endure precarious housing conditions?

Rebuilding Ireland promised support for the development of 'an affordable rental programme' to help meet the housing needs of middle income groups and the later *Strategy for the Rental Sector* refers to a commitment to develop a 'cost rental' model. However, there is no indication that what is envisaged is provision of 'affordable rental' on such a scale that it would offer a real alternative for the large numbers of households now in the private rented sector who have to spend a disproportionate share of their income on rent and who have no long-term security.

Older people

The Action Plan refers to the housing challenges arising from an increase in the proportion of older people in the population, and notes that it is Government policy 'to support older people to live with dignity and independence in their own homes and communities for as long as possible'.⁶⁰ It notes also the 'specific housing requirements' of older people, such as 'being in proximity to their family

and social networks and the need for access to public and other essential services'.⁶¹

However, the statement of such laudable principles is not accompanied by any acknowledgment, let alone discussion, of the potential consequences for people in older age of a decline in home-ownership and a fall in directly-provided social housing, with a resulting increased reliance on the private rented sector. It is as if the specific section on housing for older people was written without taking account of the implications of the tenure structure that will inevitably follow from the core proposals in *Rebuilding Ireland*.

The Plan does not, for example, look at the question of how those living on considerably reduced incomes in retirement are to meet the cost of renting in the private sector⁶² – or advert to the deepening sense of anxiety and dread about their housing situation which private sector renters are likely to experience as they become older. A retirement income that may be one-third or even one-quarter of that received while in employment will simply not be sufficient to meet the cost of renting in the private sector. And a lifetime of expensive private renting is likely to leave very little scope to build up substantial savings or pension funds for use as rent in old age. Indeed, the envisaged future of increased long-term private sector renting needs to be viewed against the background of the reality of low rates of occupational pension cover among private sector workers.⁶³

It might be noted that the 2016 assessment of social housing need showed that the number of households where the main applicant was over 60 years of age rose from 4,765 in 2013 to 6,594 in 2016 (an increase of 38 per cent).⁶⁴ Given that *Rebuilding Ireland* proposes a more limited role, in relative terms, for social housing directly provided by local authorities and voluntary bodies, will these sectors be in a position to provide for retired people who will be forced to leave their private rented housing because it is no longer affordable? Or will the only option for such people be to re-locate to cheaper private sector accommodation and rely on schemes such as HAP, whose attendant insecurity is likely to bear all the more severely on people at a stage in life when they may face many other difficulties, such as the loss of a partner, illness or disability?

Neither does the Action Plan consider that a policy of increased reliance on the private rented sector

may have important implications for meeting the costs of long-term home or residential care for older people. What might be the future of a scheme, such as Fair Deal, where part of the value of an older person's home can be taken into account in the arrangements to meet the costs of nursing home care?

Intergenerational and social equity

The change in the tenure structure of Irish housing already occurring, and likely to be accelerated by the Action Plan's proposals, has both inter-generational and social class implications, but these are not considered in the document.

Analysis carried out by the National Economic and Social Council (NESC) of census data over the period 1991 to 2011 revealed that during these two decades the percentage of heads of households in the age category 25–34 who were owner-occupiers declined significantly (falling from 68.4 per cent in 1991 to just over 40 per cent in 2011). There was a smaller but still notable fall in ownership in the 35–44 age group (from 82.2 per cent in 1991 to 68 per cent in 2011).⁶⁵ The 2016 Census shows a continuation of this downward trend: the ownership rate for households in the 25–34 age group was down to 30 per cent in 2016 (less than half the rate in 1991) and for the 35–44 age group it was down to 61 per cent.⁶⁶ With the decline in home-ownership for these groups has come an increase in the proportion renting in the private sector.⁶⁷

Particularly noteworthy is the growing difference in ownership rates between households headed by a person in the 35–44 age category and those headed by a person aged 65 or over. In 1991, ownership rates were almost the same for the two groups (82.1 and 82.2 per cent respectively). By 2002, there was a drop in the ownership rate of the younger group, but not of the older.⁶⁸ Each census since then has shown a continued widening of the gap between the two groups, with the 2016 census revealing a 25 percentage point difference: the ownership rate for the 35–44 age group was by then 61 per cent, as against 86.5 per cent for the '65 and over' category. If present trends were to continue then clearly we are looking towards a future where from among 'each successive cohort of young people'⁶⁹ fewer and fewer will be able to own a home.

A key feature of the decline in home-ownership is the social class nature of this. Again, this question is not adverted to in *Rebuilding Ireland*. At the peak of owner-occupancy in Ireland, while there were

variations in the rate of ownership between socio-economic groups, there was still quite a high rate of ownership among skilled manual, semi-skilled and unskilled workers (a major factor contributing to this being the various schemes over the years to enable local authority tenants switch to owning rather than renting their homes). As the rate of ownership for the country as a whole declined, this began to change. The analysis by NESC showed that, within the overall reduction that occurred between 1991 and 2011 in the proportion of households in the 35–44 age group which were owner-occupiers, the percentage decline was more severe for those in the classes termed 'skilled' (down 13.5 per cent); 'semi-skilled' (down 13.3 per cent); 'unskilled' (down 15.9 per cent) and 'all other gainfully occupied' (down 20 per cent).⁷⁰

The change in the tenure structure of Irish housing ... has both inter-generational and social class implications

The 2016 Census revealed a drop of 47,000 in the number of households with mortgages as compared to 2011,⁷¹ and it is reasonable to assume that the social class differential in ownership trends identified by NESC for the period 1991 to 2011 will have persisted between 2011 and 2016. Should this trend continue the implication is clear: in the future, only the upper-middle and high income groups, and those who can rely on inheritance or assistance from family, will be able to aspire to home-ownership.

The change in tenure structure will have important consequences in terms of wealth distribution. Data on wealth-holding in Ireland show, firstly, that there is gross inequality in the distribution of wealth (in 2013, the richest 10 per cent owned 53.8 per cent of wealth, and the top one per cent owned 14.8 per cent), and, secondly, that for households outside the richest groups it is the family home which constitutes most, if not nearly all, of any wealth they own.⁷²

A fall in home-ownership means, in effect, that the housing system will serve to consolidate and increase inequality in wealth distribution. At one extreme, a growing number of households will have little wealth – or none at all, and at the other

extreme, among the wealthiest groups, ownership of housing other than their own dwelling-place will increasingly represent a source of wealth⁷³ (and probably of income).

Conclusion

Far from being the policy-free phenomenon implied by *Rebuilding Ireland*, the transformation of the housing system in Ireland over the past quarter of a century starkly reflects particular policy choices made by successive governments. These choices have meant that Irish housing in this period has been shaped far more by international trends towards the commodification and financialisation of housing (and, by implication, neo-liberalism) than by a concern to give effect to the right to housing, even though Ireland has committed to implementing this right through its ratification of international human rights treaties.

At issue here is not some academic debate about a preferred model of housing development but the question: what has been the result of such policies? It is clear that in a variety of ways, the result has been to plunge an increasing number of households into a situation where their housing is unaffordable, or insecure, or grossly inadequate – and in many instances all three.

For a great number of individuals and families in Ireland, housing has become a source of financial hardship, of constant worry, stress and fear for the future. Those most severely affected are, of course, people who are homeless, but many others are experiencing the impact of the crisis, including those who are in danger of losing their home because of mortgage default; those paying such a high proportion of their income on rent that they cannot afford other essentials; those forced into involuntarily sharing a home with friends or family and who endure the associated overcrowding and inconvenience; those living in grossly inadequate conditions but compelled to wait years on social housing waiting lists.

Housing has always been characterised by inequality, but during the first seven decades of the existence of the Irish State significant progress was made towards widening access to good quality housing in both urban and rural areas, and in reducing inequalities within the housing system. In more recent times, however, housing has become the locus of some of the deepest inequality evident in Irish society. This is apparent not just within the housing system itself (in terms of housing

conditions, affordability and security) but in the ways the housing system is serving to redistribute income and wealth in a regressive manner.

While *Rebuilding Ireland* sets out a range of specific measures in response to aspects of the current housing crisis, it fails to address questions that are of fundamental importance if Ireland is to develop the ‘affordable, stable and sustainable’ housing system of which it speaks. This is evident in the fact that the Plan ignores the issue of the right to housing and fails to recognise and respond to the threat posed by the global phenomenon of financialisation of housing.

*Housing has become the locus
of some of the deepest inequality
evident in Irish society*

Essentially, the Plan reflects a determination to continue the market-dominated approaches to housing which have prevailed in Ireland for over a quarter of a century with such harmful outcomes for both individuals and the common good.

The claim that ‘the market’ will resolve Ireland’s housing problems has been the standard argument for far too long. There is little evidence to support this contention. In 2006, for example, over 88,200 houses were built all over Ireland by the private sector but in many areas where they were built they were simply not required. This ‘market failure’ and miscalculation, influenced by ‘light touch’ regulation, contributed to the crash in 2007 and the consequent suffering for so many since then.

In recent years, the market has again consistently failed to respond. In 2016, despite high demand (it has been estimated that long-run demand for housing in Ireland is in the region of 30,000 to 35,000 new units per annum⁷⁴), desperate need and escalating house prices, output of new housing in the private sector was significantly below this level. (Precisely how far below is unclear. Department of Housing, Planning and Local Government figures indicate that 14,354 homes were built by the private sector in 2016;⁷⁵ the Economic and Social Research Institute suggests that the number is just over 12,000;⁷⁶ Davy Research has suggested that the figure is ‘closer to 7,500’.⁷⁷) In any case, it is clear that the regular exhortation to ‘increase supply’ has

been ineffective. When markets fail in this way, governments must play a far more active role in both the construction of homes and ensuring that house prices and rents are affordable.

Policy Recommendations

The starting point for any new housing strategy must be recognition that there needs to be a radical departure from a market-dominated approach. In particular, this would require a new housing strategy to:

- **Be based on the premise that housing is a basic necessity and a human right.** Housing policies should be framed with the explicit objective of implementing the commitment undertaken by Ireland, in its ratification of international treaties, to ensure the right to adequate housing to every person in the State ‘without discrimination of any kind’.⁷⁸ In relation to this, and of particular relevance to the current situation in Ireland, it should be noted that ‘discrimination’ is considered to encompass exclusion from adequate housing because of economic or social disadvantage.⁷⁹
- **Explicitly recognise the problem of commodification and financialisation of housing.** As the UN Special Rapporteur on the right to housing has pointed out, processes of commodification and financialisation of housing pose a significant threat to the realisation of the right to housing and the achievement of Target 11.1 of the Sustainable Development Goals (‘ensure access for all to adequate, safe and affordable housing’ by 2030). A new strategy should propose policies that will counter these processes, ensuring that the focus is clearly on providing affordable, appropriate and secure accommodation that meets real housing needs.

In this context, it is important to remember that the international human rights framework imposes an obligation to respect human rights not just on statutory agencies of all kinds but on private sector bodies, including business enterprises, ‘regardless of their size, sector, operational context, ownership [or] structure’.⁸⁰ This means that businesses which are involved in financing, providing, or managing housing are required to respect and help fulfil the right to housing. State Parties, which have an overarching responsibility to ensure the implementation of human rights, have a duty to protect the right to housing from being harmed by the third parties, including business interests.

- **Take full account of the redistributive implications of ‘housing policy’.** Housing policy needs to be understood as including *all* government measures affecting housing, regardless of which department or agency is responsible for implementing them.⁸¹ It is essential that policy in this broad sense is progressive in terms of ensuring housing access, quality and affordability, *and* in terms of its impact on disposable income and the distribution of wealth.

Some of the policy positions that flow from these three propositions are outlined below. While policies in relation to different sectors of the housing system are considered separately, all sectors are in reality closely interlinked so that both the successes and the deficiencies of the approaches adopted in any one sector will have important implications for other parts of the system.

We suggest that policy in relation to housing should:

Adopt the principle that ‘social housing need’ will be met primarily through ‘social housing’: It needs to become an established principle of policy that social housing need will be met primarily through social housing – that is, housing provided directly by local authorities, approved housing bodies, co-operatives or some new not-for-profit entity.

There is a role for the subsidisation of rents in the private rental sector as a means of meeting short-term social housing need: that is why Rent Supplement was introduced in the first place. However, the policy of relying, to an ever-increasing extent, on rent supplementation schemes as a mechanism for meeting long-term social housing need – and the associated attempt to re-define ‘social housing’ so that it is considered as including this form of housing support – should now be reversed.

This approach has left growing numbers of low-income households in a situation of deep insecurity, as sharp rises in both demand and rent levels in the private sector mean they are vulnerable to being squeezed out. It has been a major contributory factor to the escalation in the number of families becoming homeless since 2013, and the rise also in the number of lone-person households becoming homeless. It has also contributed to the upward pressure on rents in the sector. In addition to the costs of this policy for individuals and families,

there is the on-going financial cost to the State without a single unit being added to the stock of publicly-owned housing.

Provide for a greatly increased output of social housing: A marked increase in the construction of social housing by local authorities and voluntary associations should be seen as a key element in increasing the supply of housing in Ireland into the future. Apart from tackling the lengthening waiting list for social housing, this would provide competition to the private rental sector and thus reduce escalating rents. In order to ensure adequate social housing construction, however, the sale of state land to private developers should be terminated. At the same time, the acquisition of private housing at market prices by local authorities should cease. This would have the effect of reducing house prices: currently, local authorities are in competition for private housing with other purchasers, thus pushing up prices, but not adding any additional housing units.

Develop a publicly-provided 'cost rental' model of housing: As a further key contributor to supply, there should be developed, as a matter of urgency, a publicly-provided cost rental model of housing in Ireland. This new type of provision within the Irish housing system was promised in the May 2016 Programme for Government,⁸² and is currently under consideration by an expert group.⁸³ Cost rental housing – which operates in a number of European countries – would, as the name suggests, be self-financing with the rental income covering the costs. However, rent would be well below current market rates. Such a sector could help promote social integration by providing housing in the same location for households of different sizes and composition and in different income categories.

It is essential that this new form of provision be supplied on a scale sufficient to address the needs of the large number of households currently in the private rented sector who have no choice but to pay a disproportionate share of their income on rent. If supplied on a significant scale, this new sector could become a competitor with the private rental system, thereby mediating rents. It could also help dampen down house prices since households would have the option of postponing purchase for a time, or indefinitely. Cost rental housing has been proposed by a number of bodies, including the 2016 Committee on Housing and Homelessness, NESJ, Social Justice Ireland, and the Irish Congress of Trade Unions.⁸⁴ Its potential in an Irish context has

been examined in detail by the Nevin Economic Research Institute (NERI).⁸⁵

If the new cost rental model is to be affordable and successful it is essential that it should be publicly provided: the suggestion, in the original *Rebuilding Ireland* document, that an 'affordable rental' model would be provided by the private sector would mean, in effect, the State signing up to channelling additional public resources towards the providers and owners of private rental properties.

Reduce the price of housing: Ownership of one's own home is always likely to remain an aspiration for many people in Ireland and this is a legitimate aspiration. However, during the mis-named 'Celtic Tiger' period house prices increased exponentially, and were significantly out of line with key indicators such as the Consumer Price Index, average earnings and the cost of construction. In recent years, prices have been increasing once more and again they are out of line with these indicators, suggesting that housing is over-priced and there is a danger that a new 'housing bubble' may be created.

A continuing rise in the price of housing is unsustainable. A key objective of policy has to be a reduction to affordable levels.

A marked increase in social housing provision and the introduction of a cost rental model on a significant scale would help to reduce house prices in the private sector. But private developers could and should play a central role in increasing supply and reducing prices. However, this is not happening. As noted earlier, output of private sector housing is far from meeting the level of demand. There is evidence to suggest that some developers are 'drip-feeding' small numbers of homes onto the market to maintain prices at their current unaffordable levels.⁸⁶

In the same way, the hoarding of land by some developers in the expectation of further price increases is adversely impacting on the supply and price of homes. It appears that land sold by the state agency, NAMA, to various vulture funds could have accommodated 50,000 homes, yet only 3,670 are completed or under construction. On lands formerly owned by NAMA, a large proportion of sites lie vacant – for example, 98.5 per cent in Cork, 87.4 per cent in Dublin and 87.3 per cent in Meath. Of 14,783 sites in Dublin, where the housing crisis is greatest, only 1,869 are under construction.⁸⁷

Particularly in light of the gravity of the housing situation, there is a clear need for measures to ensure that development land does not continue to be hoarded in anticipation of future additional gains. The introduction of a tax on such land is increasingly acknowledged as necessary but any tax needs to be pitched at a level that it will make a real difference to the decisions land-holders will make. Otherwise, they may decide to simply pay the tax and continue to leave the land undeveloped while prices go on rising. Furthermore, there needs to be provision for the rate of taxation to increase if land remains unused, and ultimately for the compulsory purchase of such land.

The vacant site levy (applicable to sites in urban areas) is due to come into force in January 2019, and will apply to properties on the Vacant Site Register in 2018. However, this levy will be charged at a low rate, and where there is a loan on the property this is reduced proportionately so that the levy could be down to 0.75 per cent – or even zero, if the loan is greater than the current market value of the site. The legislation in relation to the vacant site levy should be amended to provide for a far higher base rate, the removal of lower rates where there is a loan, and for the rate to increase if the site continues to remain vacant. Ultimately, sites which are left vacant without justification for a long time should be subject to compulsory purchase by the local authority.

Policies which increase demand, such as the ‘Help to Buy’ scheme are most unwise. They do little to increase supply but they do increase house prices – the opposite to what is required.

There are grounds for concern also regarding the operation of the Local Infrastructure Housing Activation Fund (LIHAF). *Rebuilding Ireland* announced this new €200 million Fund as a means of removing ‘critical infrastructural blockages’, thus facilitating housing construction. But the Plan also presented the Fund as a mechanism which ‘will result in significant capacity for substantial and affordable housing yield’.⁸⁸ The claim that the Fund would facilitate affordable housing provision was repeated in subsequent statements in relation to *Rebuilding Ireland*.

In March 2017, allocations from the Fund (which had now grown to €226 million) were made in respect of 34 infrastructure projects across 15 local authorities. It has emerged that these include grants for developments in the Dublin area where

the expected market price of the housing provided will be well over €300,000. Furthermore, there is an absence of clarity as to whether, or how much, ‘affordable’ housing will be provided in developments which have been allocated funding. It would seem that the promise that the Fund would enable a significant additional supply of affordable housing has come to be redefined so that it now means providing housing that is a little more affordable than it would otherwise have been – but is still far beyond the reach of people on even above-average incomes.⁸⁹ If this is the case, then it might be asked if the Fund is, in effect, mainly a subsidy to developers?

Improve the private rental sector but be realistic about the extent to which it can meet the need for adequate, affordable and secure housing:

The decision, announced in *Rebuilding Ireland: Strategy for the Rental Sector*, to allow an increase in rent of no more than 4 per cent per annum for three years in areas designated as ‘rent pressure zones’ is a move in the right direction. However, an increase in line with the Consumer Price Index would have been more appropriate. Furthermore, in view of the level of rent increases now occurring throughout the country there is need for a nationwide application of such rent regulation.

Improving security of tenure and addressing the standards of accommodation prevailing in parts of the private rental sector are key issues.

In regard to tenancy security, legislative changes of recent years have resulted in some additional protections for tenants but overall the sector is still characterised by a high level of insecurity, especially given the context of a scarcity of properties for rent and a high level of demand. In particular, tenancies may be ended by landlords on the grounds that they require the property for themselves or a family member, or because they intend to undertake renovations, or plan to sell the property. In its Pre-Budget Submission 2018, Threshold highlighted the problem of tenancy insecurity, stating: ‘So far in 2017, tenancy terminations have been the biggest issue recorded by our frontline services’. The organisation called for significant changes in legislation so as to provide greater security of tenure, including the introduction of indefinite tenancies.⁹⁰

New regulations governing standards in the private rental sector, which came into force in July 2017, are welcome. However, given the evidence of

widespread breaches of the previous regulations⁹¹ it is essential that rigorous inspection and enforcement measures are put in place to ensure that these standards are actually met, and that the commitment in the *Strategy for the Rental Sector* to allocate additional resources for inspection and compliance be implemented.⁹²

In any case, we need to be realistic about the extent to which the private rented sector in Ireland can meet the need for housing that is affordable and secure in the long-term. Private rented does, of course, have an important role to play in housing provision, particularly in meeting shorter-term needs, but too often discussion about the sector seems to be based on an assumption that, with a few additional reforms in terms of rent regulation, standards of accommodation, and security of tenure, Ireland could soon have a version of some supposed European ideal model of private rented housing.

This ignores the specific historical factors which have shaped the development of housing systems in different European countries. It also ignores the particular structure of much of the private rented sector in Ireland, with large numbers of landlords owning one, or just a few, properties; for them, lengthy leases (of a type that, say, families with young children would need for long-term security of tenure), could pose real difficulties.

Furthermore, and crucially, it does not take account of the reality that large-scale, institutional, private rented housing is now a key part of the financialisation of housing, even in countries which have had a long-established subsidised and protected rental sector.⁹³ In Dublin, a number of institutional multinational landlords acquired considerable numbers of apartments during the downturn and now charge rents far beyond the means of most families and individuals. In financialised private rental, the focus of investors on maximising returns will inevitably pose a threat to affordability of rents and security of tenure; furthermore, there may be significant difficulties in holding 'distant investor-landlords socially, legally and politically accountable at the local level'.⁹⁴

Envisage a greater role for co-operatives in the provision of housing: The potential of co-operative groups to provide housing, both for purchase and for rent, needs to be fully explored as Ireland strives to meet the urgent need for an increased supply of housing, and seeks to develop a cost rental model

of housing – a sector in which co-operatives could play an important role.⁹⁵

Co-operatives offer the possibility of providing housing at a significantly lower price than through the private market; for example, in recent times, a co-operative in north Dublin was able, with the assistance of the local authority, to build homes at well under €200,000.⁹⁶ Furthermore, co-operatives can enable individuals and families become involved in the development and management of their own housing, as well as fostering community spirit.

Ensure adequate provision for groups with particular housing needs: The deficiencies in current housing policy have resulted in serious inadequacies in provision for groups who have particular housing needs, including people with a disability and households in the Travelling Community.

A significant number of people who have a disability are resident in congregated settings, or living in the care of their parents or siblings, because of a lack of suitable housing options, with appropriate support services where required, to enable independent living. In the 2016 assessment of social housing needs, 5,700 households were on the waiting list on the basis of the disability of a household member (an increase of 46 per cent from 2013).⁹⁷ The 2011 Census showed that 12.3 per cent of Traveller households were living in temporary accommodation and 29 per cent were in the private rented sector (which is most unlikely to supply accommodation suited to the cultural needs of Travellers).⁹⁸

Housing policy needs to ensure sufficient levels of appropriate social housing provided by local authorities and Approved Housing Bodies, as well as the availability of adequate grants for the adaptation of homes, in order to meet the requirements of people with disabilities. Such housing provision must be complemented, where required, by care and support services, with adequate levels of staffing. In relation to Traveller accommodation, there is a need to restore capital funding which was drastically reduced during the recession. There is need also to put in place more effective measures to ensure that local authorities actually meet the targets set out in their own Traveller Accommodation Programmes, including adequate provision of Traveller-specific accommodation, and that they spend the monies

allocated to them for Traveller accommodation, rather than returning it to the Exchequer, as has too often occurred in the past.

Provide for additional measures to prevent households becoming homeless: Official policy in Ireland rightly has at its core the principle of a ‘housing-led’ response to the needs of people who are homeless. Implementation of this policy is, of course, dependent on the availability of housing. Ultimately, therefore, resolving the present homelessness crisis requires that the deep-seated problems of supply, affordability and security within the housing system as a whole be addressed.

There are at present a number of initiatives in operation to assist individuals and families move out of homelessness. Despite the fact that these are having an impact, the overall number of people in emergency accommodation is increasing, reflecting a continued flow into homelessness. There is clearly a need for additional homelessness-prevention measures, including further efforts to ensure the Mortgage-to-Rent scheme reaches as many households as possible, and the introduction of legislation to prevent economic evictions by banks and landlords when it is evident this will lead to households becoming homeless.

Notes

1. *A Programme for a Partnership Government*, May 2016, p. 19 (http://www.merrionstreet.ie/merrionstreet/en/imagelibrary/programme_for_partnership_government.pdf).
2. *Construction 2020: A Strategy for a Renewed Construction Sector*, Dublin: Stationery Office, 2014; Department of Environment, Community and Local Government, *Social Housing Strategy 2020: Support, Supply and Reform*, Dublin, November 2014.
3. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, Dublin, July 2016, p. 9.
4. *Rebuilding Ireland: Strategy for the Rental Sector*, Dublin, December 2016.
5. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 9; p. 51.
6. *Ibid.*, p. 8; pp. 43–47.
7. *Ibid.*, p. 60.
8. *Ibid.*, p. 61.
9. *Rebuilding Ireland: Strategy for the Rental Sector*, p. 10.
10. Department of Housing, Planning, Community and Local Government, *Homelessness Statistics July 2016* (http://www.housing.gov.ie/sites/default/files/publications/files/homeless_report_-_july_2016.pdf); Department of Housing, Planning and Local Government, *Homelessness Statistics August 2017* (http://www.housing.gov.ie/sites/default/files/publications/files/homeless_report_-_august_2017.pdf).
11. *Dáil Éireann Debate*, Vol. 953, No. 4, Wednesday, 14 June 2017.
12. ‘Minister Murphy at the Irish Council for Social Housing AGM, 3rd July 2017 – Speaking Notes’ (<http://rebuildingireland.ie/news/minister-murphy-at-the-irish-council-for-social-housing-agm/>).
13. For example, the Convention on the Elimination of All Forms of Discrimination Against Women (adopted by the United Nations General Assembly in 1979); the Convention on the Rights of the Child (adopted 1989); the Convention on the Rights of Persons with Disabilities (adopted 2006).
14. P.J. Drudy and Michael Punch, *Out of Reach: Inequalities in the Irish Housing System*, Dublin: tasc at New Ireland, 2005, pp. 9–10.
15. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 8; p. 21; p. 22; p. 33; p. 34; p. 43.
16. *Ibid.*, p. 20.
17. *Ibid.*
18. *Ibid.*, p. 8; p. 19.
19. *A Programme for a Partnership Government*, p. 20.
20. See United Nations, Office of the High Commissioner for Human Rights, *Covenant on Economic, Social and Cultural Rights, General Comment 4: The right to adequate housing (Article 11.1)*, par. 12. See also: Office of the United Nations High Commissioner for Human Rights and UN Habitat, *The Right to Adequate Housing: Fact Sheet No. 21*, Geneva: UNHCR, 2014.
21. These include: *A Plan for Social Housing* (1991); *Action Plan on Housing* (2000); *Homelessness – An Integrated Strategy* (2000); *Housing Policy Framework: Building Sustainable Communities* (2005); *Delivering Homes, Sustaining Communities: Statement on Housing Policy* (2007); *The Way Home: A Strategy to Address Adult Homelessness in Ireland 2008–2013* (2008); *Housing Policy Statement* (June 2011); *National Housing Strategy for People with a Disability 2011–2016* (2011); *Homelessness Policy Statement* (2013); *Social Housing Strategy 2020: Support, Supply and Reform* (2014).
22. *Our Children – Their Lives: National Children’s Strategy*, Dublin: Stationery Office, 2000.
23. *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020*, Dublin: Stationery Office, 2014, p. 104.
24. *Covenant on Economic, Social and Cultural Rights, General Comment 4: The right to adequate housing (Article 11.1)*, *op. cit.*, par. 7.
25. *The Right to Adequate Housing: Fact Sheet No. 21*, *op. cit.*, p. 8.
26. Ann Blyberg and Helena Hofbauer, *Article 2 & Governments’ Budgets*, Handbook developed by Article 2 Project, published 2014 (<http://www.internationalbudget.org/publications/ESCRArticle2/>).
27. Department of Foreign Affairs and Trade, ‘Sustainable Development Goals: Ireland’s Special Role’ (<https://www.irishaid.ie/what-we-do/post-2015-negotiations/>).
28. United Nations General Assembly, Human Rights Council, Thirty-First Session, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* [Report on Homelessness], 30 December 2015, A/HR/C/31/54, n. 91 (a), p. 21.
29. United Nations General Assembly, Human Rights Council, Thirty-Fourth Session, 27 February–24 March 2017, *Report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* [‘The Financialisation of Housing’], 18 January 2017, A/HRC/34/5/.
30. UN Office of the High Commissioner for Human Rights, ‘Statement of the Press Conference by the Special Rapporteur on the right to adequate housing, Leilani Farha’, 2 March 2017 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21265&LangID=E>). See also: *Report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* [‘The Financialisation of Housing’], 18 January 2017, A/HRC/34/5/. The Report (par. 3) points out: ‘The value of global real estate is about US\$ 217 trillion, nearly 60 per cent of the value of all global assets, with residential real estate comprising 75 per cent of the total.’

31. UN Office of the High Commissioner for Human Rights, 'Statement by the Special Rapporteur on the right to adequate housing, Leilani Farha, during the Interactive Dialogue at the Human Rights Council', 1 March 2017 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21264&LangID=E>).
32. UN Office of the High Commissioner for Human Rights, 'Statement of the Press Conference by the Special Rapporteur on the right to adequate housing, Leilani Farha', 2 March 2017.
33. UN Office of the High Commissioner for Human Rights, Press Release, 'Housing can't be reduced to a financial asset for the wealthy', says UN expert, Geneva, 1 March 2017 (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21253&LangID=E>).
34. David Madden and Peter Marcuse, *In Defense of Housing: The Politics of Crisis*, New York: Verso, 2016, p. 26.
35. *Ibid.*, p. 15.
36. 'Statement of the Press Conference by the Special Rapporteur on the right to adequate housing, Leilani Farha', 2 March 2017.
37. *Ibid.*
38. Statement of the Press Conference by the Special Rapporteur on the right to adequate housing, Leilani Farha', 2 March 2017; *Report of the Special Rapporteur on the right to adequate housing* ['The Financialisation of Housing'], 18 January 2017, A/HRC/34/5/. See also: Patrick Butler, 'Housing should be seen as a human right. Not a commodity', Interview with Leilani Farha, Special Rapporteur on the right to adequate housing, *The Guardian*, Wednesday, 1 March 2017.
39. P.J. Drudy and Michael Punch, *Out of Reach: Inequalities in the Irish Housing System*, op.cit., 2005, p. 41.
40. Michael Byrne, *From Puerto Rico to the Dublin Docklands: Vulture Funds and Debt in Ireland and the Global South*, Dublin: Debt and Development Coalition Ireland, 2016.
41. Rory Hearne, 'A Home or a Wealth Generator? Inequality, Financialisation and the Irish Housing Crisis', in James Wickham, *Cherishing All Equally 2017: Economic Inequality in Ireland*, Dublin: TASC, 2017, pp. 63–64; pp. 78–81.
42. *Ibid.*, p. 81.
43. Department of Environment, Community and Local Government, *Housing Policy Statement*, 16 June 2011 (<https://www.housingagency.ie/Regulation/Housing-Policy-Statement-2011.pdf>).
44. *Report of the Special Rapporteur on the right to adequate housing*, 18 January 2017, A/HRC/34/5/ ['The Financialisation of Housing'], par. 22.
45. Central Statistics Office, *Census 2016, Profile I: Housing in Ireland* (<http://www.cso.ie/en/csolatestnews/presspages/2017/census2016profile1-housinginireland/>). See also Central Statistics Office, Press Statement, 'Profile 1: Housing in Ireland', 20 April 2017 (<http://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile1-housinginireland/>).
46. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 70.
47. Eurostat, Housing Statistics, Tenure Status, 'Distribution of population by tenure status, type of household and income group, EU-SILC survey' (http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_lvho02&lang=en).
48. *Ibid.* The five EU Member States with the lowest rates of ownership are: Germany (51.9 per cent); Austria (55.0 per cent); Denmark (62.0 per cent); United Kingdom (63.4 per cent); France (64.1 per cent). For Austria, Denmark and the UK the figures given are for 2016; for France and Germany the figures are for 2015.
49. *Rebuilding Ireland, Strategy for the Rental Sector*, Dublin: December 2016, p. 5.
50. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 26.
51. *Ibid.*, p. 20.
52. Calculated from data in: *Statistical Information on Social Welfare Services 2006*, Dublin: Department of Social and Family Affairs, Table H6, p. 83; *Annual SWS Statistical Information Report 2015* (<https://www.welfare.ie/en/Pages/Annual-SWS-Statistical-Information-Report-2015.aspx>); Daniel O'Callaghan, *Analysis of Current Expenditure on Housing Supports*, Dublin: Department of Public Expenditure and Reform, July 2017, p. 48.
53. *Rebuilding Ireland: Strategy for the Rental Sector*, p. 5.
54. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 27; p. 69.
55. *Ibid.*, p. 69.
56. *Ibid.*
57. *Ibid.*, p. 27.
58. Minister's Foreword, *Strategy for the Rental Sector*, p. 2.
59. See James Wickham and Alicja Bobek, *Enforced Flexibility? Working in Ireland Today*, Dublin: TASC, 2016; James Wickham, 'Decent Work: Implications for Equality and Social Justice', *Working Notes*, Issue 79, December 2016.
60. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 54.
61. *Ibid.*
62. Census 2016 showed that between 2011 and 2016 the number of people aged 60 and over living in the private rented sector rose from 13,932 to 15,883, an increase of 14 per cent (Central Statistics Office, *Census 2016, Profile I: Housing in Ireland*, Interactive Table, E1016: Private Households in Permanent Housing Units 2011 to 2016 by Nature of Occupancy and Age Group of Reference Person (<http://www.cso.ie/px/pxeirestat/Statire/SelectVarVal/saveselections.asp>)).
63. Charlie Weston, 'Half of workers have no access to pension', *Irish Independent*, 26 April 2017; Conor Pope, 'Ignorance contributing to looming pension crisis, study shows', *The Irish Times*, 26 April 2017.
64. Housing Agency, *Summary of Social Housing Assessments 2016: Key Findings*, Dublin, December 2016, p. 11.
65. National Economic and Social Council, *Homeownership and Rental: What Road is Ireland On?*, Dublin: NESC, 2014, Report No. 140, pp. 12–13.
66. Central Statistics Office, *Census 2016, Profile I: Housing in Ireland*, Interactive Table, E1016: Private Households in Permanent Housing Units 2011 to 2016 by Nature of Occupancy and Age Group of Reference Person.
67. *Ibid.* In 2016, just over 50 per cent of households in the 25–34 age group, and 24.2 per cent in the 35–44 age group, were renting in the private sector. The corresponding figures in 2011 were 44.4 per cent and 19.4 per cent.
68. National Economic and Social Council, *Homeownership and Rental: What Road is Ireland On?*, Table 2.6, p. 14.
69. Paul Sanderson, 'Britain needs a bank of mum and dad for all to combat inequality', *The Guardian*, 1 June 2017.
70. National Economic and Social Council, *Homeownership and Rental: What Road is Ireland On?*, p. 14.
71. 'Significant drop in mortgaged households', in Central Statistics Office, *Census 2016, Profile I: Housing in Ireland* (<http://www.cso.ie/en/releasesandpublications/ep/p-cp1hii/cp1hii/tr/>).
72. See: Central Statistics Office, *Household Finance and Consumption Survey 2013*, Cork: Central Statistics Office, 2015 (<http://www.cso.ie/en/media/csoie/releasespublications/documents/socialconditions/2013/hfcs2013.pdf>). See also: Cormac Staunton, *The Distribution of Wealth in Ireland*, Dublin: TASC, 2015 (https://www.tasc.ie/download/pdf/the_distribution_of_wealth_in_ireland_final.pdf).
73. Rory Hearne, 'A Home or a Wealth Generator? Inequality, Financialisation and the Irish Housing Crisis', in James Wickham, *Cherishing All Equally 2017: Economic Inequality in Ireland*, op. cit., p. 88.
74. Kieran McQuinn, Daniel Foley, Conor O'Toole, *Quarterly Economic Commentary*, Summer 2017, Dublin: ESRI, p. 38.
75. The Department of Housing, Planning and Local Government uses new ESB electricity connections as a proxy for house completions. In 2017, there were 14,932

connections; when 578 connections in respect of social housing are excluded this gives a figure of 14,354 for new private dwellings. See: Department of Housing, Planning and Local Government, 'Construction Activity: ESB Connections by Month/Year' (<http://www.housing.gov.ie/housing/statistics/house-building-and-private-rented/construction-activity-esb-connections>).

76. Kieran McQuinn, Daniel Foley, Conor O'Toole, *Quarterly Economic Commentary*, p. 40. This paper gives a figure of 12,700 for total house completions in 2016. With the exclusion of new social housing units, this means that the number of new private dwellings would have been 12,122.
77. Davy Research, *Gauging Ireland's Housing Supply/Demand Imbalance*, Dublin: Davy, September 2017, p. 1.
78. Article 2.2, International Covenant on Economic, Social and Cultural Rights.
79. *The Right to Adequate Housing, Fact Sheet No.21, op. cit.*, p. 10.
80. Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, 21 March 2011, A/HRC/17/31, par. 14, p. 14.
81. National Economic and Social Council, *A Review of Housing Policy*, Dublin: National Economic and Social Council, December 1988 (NESC Report No. 87), p. 75.
82. *A Programme for a Partnership Government*, p. 23.
83. *Rebuilding Ireland: Strategy for the Rental Sector*, p.16.
84. *Report of the Committee on Housing and Homelessness*, June 2016, pp. 24–25; National Economic and Social Council, *Social Housing at the Crossroads: Possibilities for Investment, Provision and Cost Rental*, Dublin: National Economic and Social Development Office (NESC Report No. 138), 2014; Social Justice Ireland, Submission to the Oireachtas Housing and Homelessness Committee, 2016; Irish Congress of Trade Unions, *A Local Authority-led Emergency Response to the Housing Crisis*, Dublin: ICTU, 2017.
85. See Tom Healy and Paul Goldrick-Kelly, *Ireland's Housing Emergency: Time for a Game Changer*, Dublin, NERI, 2017 (NERI WP 2017/No 41).
86. See 'Matt Cooper on Housing', *Sunday Business Post*, 17 September, 2017, p. 13.
87. *Sunday Business Post*, 1 October 2017, p. 2.
88. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 60.
89. See: Joint Committee on Housing, Planning, Community and Local Government Debate, Thursday, 30 March 2017; 'Social and Affordable Housing', *Dail Éireann Debate*, Thursday, 6 April 2017; Laoise Neylon, 'Despite 200 million subsidy for developers, questions over affordable housing', *Dublin Inquirer*, Tuesday, 16 May 2017; 'Will a €226 million fund make housing more affordable?', *The Journal*, Sunday, 4 June 2017; Lois Kapila, 'Beyond Cherrywood, all Dún Laoghaire-Rathdown sites face affordability issues', *Dublin Inquirer*, Wednesday, 9 August 2017.
90. A 'flash survey' by Threshold over a two-week period in July 2017 showed that the organisation received 96 calls relating to the termination of a tenancy by a landlord; 39 of these were because the property was being sold; 18 because it was required by the landlord or his/her family; 12 because of proposed renovations (Threshold, *Pre-Budget Submission 2018*, June 2017, p.8). The Society of St Vincent de Paul also drew attention in its Pre-Budget Submission to issues of insecurity, affordability and poor standards of accommodation in the private rental sector (see Society of St. Vincent De Paul, *Bridging the Gap: Investing for a Equitable Future, Pre-Budget Submission 2018*, Dublin, SVP, June 2017).
91. In 2014, around 55 per cent of private rented dwellings which were inspected by local authorities were found to be non-compliant with the minimum legally-required standards (National Oversight and Audit Committee, *Rented Houses Inspections: A Review of Local Authority Performance of Private Rented Houses Regulations Functions*, Dublin: October 2016, p. 26). However, the overall situation in the sector is likely to be even more serious than this suggests, since 'less than 10% of registered tenancies are inspected each year, with rates in some local authority areas considerably lower' (*Rebuilding Ireland: Strategy for the Rental Sector*, p. 21).
92. *Rebuilding Ireland: Strategy for the Rental Sector*, p. 21.
93. See: Desiree Fields and Sabina Uffer, 'The Financialisation of Rental Housing: A Comparative Analysis of New York City and Berlin', *Urban Studies*, Vol. 53(7), 2016, pp. 1486–1502; Gertjan Wijburg and Manuel B. Aalbers 'The Alternative Financialization of the German Housing Market', *Housing Studies*, 32:7, 2017, pp. 968–989; Rodrigo Fernandez and Manuel B. Aalbers, 'Financialization and Housing: Between Globalisation and Varieties of Capitalism', *Competition and Change*, Vol. 20, Issue 2, 2016, pp. 71–88.
94. Desiree Fields and Sabina Uffer, *op. cit.*, p. 1489.
95. Co-operative Housing Ireland, *Review of Rebuilding Ireland: Co-operative Housing Ireland Submission*, August 2017 ([http://www.cooperativehousing.ie/_fileupload/CHI%20review%20of%20Rebuilding%20Ireland\(1\).pdf](http://www.cooperativehousing.ie/_fileupload/CHI%20review%20of%20Rebuilding%20Ireland(1).pdf)).
96. Olivia Kelly, 'Housing co-op sells Dublin houses for €140,000', *The Irish Times*, 8 July 2017.
97. Housing Agency, *Summary of Social Housing Assessments 2016: Key Findings*, Table 2.5: 'Main Need for Social Housing Support, 2013 and 2016', p. 15.
98. Central Statistics Office, *Census 2011, Profile 7: Religion, Ethnicity and Irish Travellers*, Dublin: Stationery Office, 2012, p. 36. Census 2016 results show that 3,718 households in the Travelling Community (12.2 per cent of the total) were living in temporary accommodation; data on the number of Traveller households in private rented sector has not yet been published.

Margaret Burns is Social Policy Officer with the Jesuit Centre for Faith and Justice.

Dr P.J. Drudy is Emeritus Professor of Economics, Trinity College Dublin and Co-Director of the Centre for Urban and Regional Studies, TCD.

Dr Rory Hearne is a Postdoctoral Researcher in the Maynooth University Social Sciences Institute and author of 'A Home or a Wealth Generator? Inequality, Financialisation and the Irish Housing Crisis' (TASC, 2017).

Peter McVerry SJ is a member of the Jesuit Centre for Faith and Justice team and a Director of the Peter McVerry Trust which provides a range of services to respond to homelessness.

Homelessness and Social Housing Policy

Peter McVerry SJ, Eoin Carroll and Margaret Burns

Homelessness

The Continuing Rise in Homelessness

The most disturbing aspect of the current housing crisis is, of course, the extent to which individuals and families are experiencing homelessness.

While homelessness has been rising since at least 2013 there has been a particularly marked increase since 2015. As indicated by Table 1 below, the total number of people living in emergency accommodation more than doubled in the period January 2015 to August 2017 (rising from 3,845 to 8,270). The number of families in such accommodation more than tripled (rising from 401 in January 2015 to 1,442 in August 2017), as did the number of children (increasing from 865 to 3,048). One person in three now living in emergency accommodation in Ireland is a child. There has also been a 32 per cent increase in the number of adults on their own in emergency accommodation (up from 2,441 in January 2015 to 3,235 in August 2017).¹

In addition to these official figures, there are many people who are in fact without a home but are not registered as such. These include individuals

and families who are ‘doubling up’ with family members or friends, and those who are ‘couch-surfing’. They also include those who have left their homes because of domestic violence and have gone into a women’s refuge but who may not be considered by local authorities as being ‘without a home’ and so may have no option but to continue living in the refuge beyond the period for which such accommodation is intended.²

Furthermore, the official figures on homelessness do not include individuals and families who have been granted refugee status, or some other form of protection, but cannot find accommodation and so remain in Direct Provision. At the end of December 2016, there were approximately 450 people in this situation.³

The great majority of families who are homeless are in the Dublin Region: 1,146 out of the overall total of 1,442 in August 2017. The August figure, in fact, represents a decrease of 32 on that for July. This decrease reflects increased exits by families out of homelessness – obviously a welcome development. However, even as this has been occurring the inflow of new families into homelessness continues. In

**Table 1: Individuals and Families in Emergency Accommodation
Selected Months 2015, 2016, 2017**

Month & Year	Adults on their Own	Adults in Family Units	Children in Family Units	Total Number of Persons in Emergency Accommodation	Number of Families in Emergency Accommodation
January 2015	2,441	539	865	3,845	401
August 2015	2,413	959	1,496	4,868	707
December 2015	2,564	1,061	1,616	5,241	775
January 2016	2,694	1,191	1,830	5,715	884
August 2016	2,910	1,338	2,363	6,611	1,151
December 2016	3,016	1,627	2,505	7,148	1,205
January 2017	3,179	1,581	2,407	7,167	1,172
August 2017	3,235	1,987	3,048	8,270	1,442

Source: Department of Housing, Planning and Local Government, ‘Homelessness Data’

each of the first six months of 2017, an average of 75 families became homeless in Dublin for the first time.⁴ In July, the number of families newly homeless rose to 99;⁵ in August the number was 102.⁶

While there is an understandable focus on the family homelessness crisis in the Dublin region, the significant increase in the incidence of such homelessness in other regions of the country often tends to be overlooked (for example, this issue was not considered in *Rebuilding Ireland*, the Government's Action Plan for Housing and Homelessness, published in July 2016).⁷ In the regions other than Dublin, the total number of families in emergency accommodation increased seven-fold between January 2015 and August 2017 (rising from 42 to 296) and the number of children involved rose nearly eight times (rising from 85 to 669).⁸ Whereas 10.5 per cent of families and 10 per cent of children in emergency accommodation in January 2015 were in regions outside Dublin, by August 2017 these figures had increased to 20.5 per cent and 22 per cent respectively.⁹

The parts of the country which in the past have not had a significant incidence of homelessness, and especially family homelessness, may have limited services available to respond to the needs of those now presenting as homeless. The situation in these areas certainly merits specific attention in national plans to address homelessness.

The continuing increase in the number of people who are homeless is occurring despite the fact that additional services have been put in place to assist people in danger of becoming homeless (for example, the Threshold Tenancy Protection Service) and to enable people to exit homelessness. The *Third Quarterly Progress Report* on the implementation of *Rebuilding Ireland* (issued in May 2017) pointed out that, during 2016, there had been 'just over 3,000 sustainable exits from homelessness into independent tenancies';¹⁰ the Department of Housing's *Homelessness Report August 2017* indicated that, in the first six months of the year, 1,260 tenancies had been created to enable people exit homelessness.¹¹

Clearly, while the various initiatives to prevent homelessness and assist people move out of homelessness are important responses, deep structural problems within the Irish housing system are continuing to generate homelessness at an alarming rate.

Emergency Accommodation for Families

As the crisis in family homelessness has deepened so has concern about the impact on families of living in emergency accommodation, especially for a prolonged period. People with experience of living in such accommodation, media reports, NGOs working in the area of homelessness, and research findings have all highlighted the severe difficulties associated with living in hotels and B&Bs. These include the lack of adequate space and privacy, the absence of cooking facilities and the barriers to ensuring adequate nutrition, the absence of appropriate spaces for children to play or study, the lengthy journeys many children have to make in order to remain in the school they had been attending – and the physical and emotional strain which these and other difficulties place on both parents and children.¹²

*Deep structural problems
within the Irish housing system
are continuing to generate
homelessness at an alarming
rate.*

Rebuilding Ireland recognised the unsuitability of hotels and B&Bs as a form of emergency accommodation for families. The Plan announced a number of additional supports and services to ameliorate some of the day-to-day difficulties facing families in this situation. Its key commitment, however, was 'to move the existing group of families out of these hotel arrangements as quickly as possible, and to limit the extent to which such accommodation has to be used for new presentations. Our aim is that by mid-2017, hotels will only be used for emergency accommodation in very limited circumstances.'¹³

In June 2017, the Minister for Housing, Eoghan Murphy TD, announced that while there had been significant progress in enabling families to move out of commercial hotels and B&Bs, and in helping families to avoid having to go into such accommodation, the target of minimal use of hotels and B&Bs could not be met by mid-summer 2017 – but that this would continue to be the objective of policy.¹⁴

The central issue here is not, however, a 'slippage' in the timeline for moving away from using these

forms of emergency accommodation but rather the fact that in the months following the publication of *Rebuilding Ireland* it became apparent that the means of meeting that goal now included the development of a new type of emergency accommodation – ‘family hubs’. This had not been signalled in *Rebuilding Ireland*; rather, that document clearly implied that the target would be met through a range of measures that would enable families to gain access to housing in the community.¹⁵

By the end of June 2017, an official statement indicated that fifteen family hubs had been or were being developed, with accommodation for around 600 families, at an estimated cost of €25 million. This provision, the Statement said, would be augmented by a further €10 million so as to accommodate at least another 200 families.¹⁶

On 8 September 2017, the Minister for Housing announced that, arising from the first phase of the review being undertaken of *Rebuilding Ireland*, and following a Housing Summit convened by the Minister and held on that day, extra measures to address homelessness would include the allocation of a further €10 million for family hubs.¹⁷ This presumably will mean provision for around 200 families and bring the total number of places in this form of accommodation to 1,000.

Family hubs, which are to be operated both by voluntary organisations and private providers and will include former commercial hotels which have been repurposed, are presented as offering increased living space and more appropriate accommodation than hotels and B&Bs, providing better facilities and greater stability, as well as access to support services. However, concerns have been expressed that there is no assurance there will be consistency in the standards of accommodation and availability of facilities and services across different centres.

Moreover, family hubs are ultimately institutional living arrangements, in which parents and children have to share living space with people who are strangers to them. Concerns have been expressed that the structures and regulations considered necessary for the operation of these centres, and for the assurance of child protection, will impact on normal interactions within and between families, and impinge on family privacy and autonomy and on the exercise of parental roles.¹⁸

Furthermore, the authors of a study on family

hubs have highlighted the danger that this newer form of emergency accommodation may become ‘an entrenched’ feature of Irish society’s response to family homelessness.¹⁹ They have argued that there should be a ‘sunset clause on the existence of family hubs as a policy option’, with all such centres closing by December 2019.²⁰

The Irish Human Rights and Equality Commission has stated that family hubs ‘are only appropriate for short-term emergency accommodation’. It has recommended that the legislation governing the provision of emergency accommodation (Section 10, Housing Act, 1988) be amended to place a limit on the length of time a family will spend in emergency accommodation of any kind, suggesting that this should be no more than three months.²¹ At present, it would appear that large numbers of families are spending far longer than this in emergency accommodation.²²

Rapid Build Housing

One of the reasons for the failure to meet the commitment to move families experiencing homelessness out of commercial hotels and B&Bs, and for the resort to new forms of emergency accommodation, has been the slow implementation of the plan to provide Rapid Build homes for families who are homeless in the Dublin area.

The Rapid Build programme was originally announced in October 2015 with the objective of providing 500 units; in *Rebuilding Ireland* the target was increased to 1,500 units, with 200 units to be completed by the end of 2016, a further 800 in 2017, and 500 in 2018.

However, by the end of 2016, only 22 rapid build homes had been completed and occupied. The *Third Quarterly Progress Report on Rebuilding Ireland* stated that 350 units ‘were advancing through various stages of delivery, including construction’, but indicated that just 175 would be completed by the end of 2017.²³ This suggests that two years after the Rapid Build programme was first announced the total number of completions will be just under 200.

Emergency Accommodation for Individuals

Rebuilding Ireland included a commitment to ensuring that ‘there are sufficient emergency beds available in our urban centres for homeless individuals’.²⁴ During winter 2016, over 200 additional beds were made available in Dublin. For a time, this extra provision seemed to make a real difference in terms of people being able to access

emergency accommodation, but then, as the flow into homelessness continued unabated, the number of people forced to sleep on the street began to grow once more. The Dublin Region Homeless Executive 'Rough Sleeping Count' carried out on 4 April 2017 showed 161 people recorded as sleeping rough in the Region – a figure that was more than 50 per cent higher than the number recorded in April 2016 (102) and in April 2015 (105).²⁵

In the Press Statement issued on 8 September 2017, following that day's Housing Summit, the Minister for Housing announced that an additional 200 emergency beds for individuals would be provided in Dublin by the end of December 2017, with 100 of these being available by the end of October.²⁶

An issue which is all too seldom discussed, and which was not mentioned in *Rebuilding Ireland*, is the *quality* of emergency accommodation. Very often such provision is dormitory-type accommodation where bullying, intimidation, drug misuse and violence are frequent occurrences. Young people just out of care may be sharing accommodation with people who have committed criminal offences; people who have never touched a drug may be sharing with active drug users who are injecting heroin or smoking crack cocaine during the night in front of them; people who have completed a drug treatment programme, and are now in recovery, may be sharing a room with drug dealers who threaten them if they refuse to buy drugs from them; people who were sexually abused as children are forced to sleep in a room full of strangers.

Until there is a focus on significant improvements in the quality and security of the emergency accommodation provided, many people will continue to sleep rough, as they feel safer by doing so. Unfortunately, this rough-sleeping group includes the most vulnerable among those who are without a home.

A positive development is that a 'National Quality Standards Framework' for homeless services is being prepared by the Dublin Region Homeless Executive; the stated aim was that this would be rolled out during 2017. The Irish Human Rights and Equality Commission has said that, once the Framework is implemented, 'homeless services should be subject to regular inspection by an independent inspection body'.²⁷

Just as the time a family has to spend in emergency

accommodation should be limited to a defined period (as the Human Rights Commission recommends), so also there should be a limit to the length of time an individual has to avail of emergency accommodation before long-term housing is provided.

Housing First Programme

In line with the official commitment to a 'housing-led' approach to addressing homelessness, as set out in the *Homelessness Policy Statement* of 2013,²⁸ the Housing First programme in Dublin aims to enable people who have been homeless for a long time, and who may have multiple needs, to obtain permanent secure accommodation, with the assistance of a support team to help them address their needs. The support team may include a social worker, addiction worker, psychiatrist, mental health professional, a nurse and other appropriate professionals. It is therefore a very expensive programme. While the tenancy does not require the person who had been homeless to address the personal issues affecting their lives, the support is there if wanted. The conditions of the tenancy under Housing First are the same as those for any other tenant and include paying their rent and refraining from anti-social behaviour. This programme has been extremely successful in enabling people, even those who have been a long time without a home, to move out of homelessness.

Rebuilding Ireland proposed the trebling of the target for the provision of tenancies under the Housing First programme in Dublin, from 100 units to 300 units in 2017. However, reaching that target in 2017 is a challenging task: the Progress Report on *Rebuilding Ireland* published in May indicated that in the first quarter of the year just 62 such tenancies had been put in place.²⁹ The essential requirement of a Housing First programme is, of course, access to housing. In current circumstances, a major difficulty is the extent to which the programme must rely on securing tenancies in the private rental sector, where units in the relevant price range are extremely difficult to find.

The Press Statement of the Minister for Housing on 8 September 2017 included the announcement that: 'Local Authorities will coordinate with Housing Bodies to build more one-bed homes for individuals and those under Housing First programmes.'³⁰ This is obviously a welcome development; however, no indication was given as to how many additional new units of this type are envisaged. The Press Statement also included a commitment to extend

Housing First to the other main urban areas, with a target of 100 places to be provided.

Young People

While *Rebuilding Ireland* notes the vulnerability of young people leaving care to becoming homeless, it does not address more generally the particular issues facing young people who are homeless, or are in danger of becoming so. Other official policy statements, for example, The National Policy Framework for Children and Young People,³¹ acknowledge the specific difficulties facing this group, the challenges of responding appropriately, and the need for a distinct approach. The Irish Coalition to End Youth Homelessness recommends that a separate sub-strategy within *Rebuilding Ireland* should be developed for young people in the 18–25 age category who are homeless.³²

Social Housing

A Failure of Policy

Ultimately, the homelessness crisis reflects the failure of Ireland's social housing policy over the past quarter century to ensure an adequate supply of appropriate and secure accommodation for the various types of households who may need social housing.

A broader indicator of the failings of that policy is the marked rise in the number of households waiting for social housing. Between 1996 and 2008 – the period in which Ireland was experiencing its fastest ever rate of economic growth – that number more than doubled, rising from 27,427 to 56,249 (see Table 2).

The 2016 assessments of social housing need revealed that there were 91,600 households on social housing waiting lists (an increase of 63 per cent on the 2008 figure); these households were

comprised of 210,000 people, including 84,000 children.³³

The waiting list figure for 2016 was only 1,728 (or 1.9 per cent) greater than that for 2013. Understandably, questions have been raised about this, given the growing problem of housing availability and affordability, and the marked rise in homelessness since 2013. One factor influencing the 2016 statistics on waiting lists is that, although some households receiving Rent Supplement are included, those receiving HAP (Housing Assistance Payment) are not.

In 2016, over 54,300 households (59 per cent of the total) had been on the waiting list for longer than three years and 19,383 (21 per cent) had been on the list for more than seven years. These figures indicate a significant increase in the length of time people are waiting for social housing, *even since 2013*: in that year, 45 per cent had been waiting more than three years, and 8.9 per cent seven years or longer.³⁴ In 2005, less than a quarter of households had been waiting more than three years for social housing.³⁵

Core Features of Policy

Social housing policy in Ireland over the past quarter century has been characterised by two distinct but closely interrelated features – a low level of provision of new social housing units relative to need, and an increasing reliance on the supplementation of rents in the private rental sector as a way of responding to social housing need.

Social housing provision

From 1973 to 1986, on average, 6,400 houses were built each year by local authorities (the total number for this period was 90,000).³⁶ Construction of such housing then fell sharply, and even as house building in Ireland increased significantly from 1994 onwards, social housing provision grew only slowly and did not show substantial increases until around 2002.³⁷ From then until 2008 there was significant additional provision by local authorities and voluntary housing bodies, both through 'new build' and the purchase of housing from the private market,³⁸ though this was still not sufficient to meet social housing requirements – as the rise in the number of households on waiting lists indicates.

With the recession came sharp decreases in budget allocations for social housing; the consequences of this took some time to become apparent but by 2010 total completions and acquisitions by local

Table 2: Social Housing Waiting Lists

Year	Households on Social Housing Waiting Lists
1996	27,427
2005	42,946
2008	56,249
2011	98,318
2013	89,872
2016	91,600

Sources: *Summary of Social Housing Assessments 2013*, Table A1.1: Net Household Need 1993–2013; *Summary of Social Housing Assessments 2016: Key Findings*

authorities and voluntary bodies had fallen to 2,931 (from 7,588 in 2008 – a decline of 61 per cent). By 2012, there had been a further decline to 1,391 (around one-fifth of the provision in 2008). In 2015, only 645 new social housing units were provided, with local authorities supplying just 75.³⁹ In other words, by 2015, output of social housing had fallen to less than one-tenth of what it had been in 2008. It has been calculated that if, over the seven-year period 2010 to 2016, new social housing construction had continued at its 2009 level then an additional 31,136 social housing units would have been provided.⁴⁰

Rent supplementation

There are now four schemes through which rents of low-income households living in the private rental sector may be subsidised: Rent Supplement, introduced in 1997, under the Supplementary Welfare Allowance scheme, and originally intended to provide short-term housing support for people not in work; Rental Accommodation Scheme (RAS), introduced in 2004 and envisaged as providing more long-term support and available even where a householder is working; Social Housing Current Expenditure Programme (SHCEP), introduced in 2009, under which local authorities and voluntary housing bodies may enter a leasing arrangement with a private landlord with the tenant paying a rent related to their income; and HAP, introduced in 2014 and intended to be, ultimately, a replacement for Rent Supplement for households which have a long-term need for social housing.⁴¹

By 2016, these four schemes were providing rent subsidisation for almost 93,000 households – that is, for 30 per cent of all households in the private rental sector in Ireland. Expenditure on the various schemes has grown significantly, reflecting both the increased number of households being supported and rising rents. During the six-year period, 2011 to 2016, over €3.2 billion was spent on the four schemes; the allocation for 2017 is €624 million.⁴²

Rebuilding Ireland Proposals

New social housing provision

The headline target announced in *Rebuilding Ireland* was the commitment to provide an additional 47,000 units of social housing – that is, housing to be supplied by local authorities and voluntary bodies – during the period up to 2021.⁴³

The breakdown for this provision was as follows: 10,000 units to be acquired from purchases from

the private market; 11,000 to be leased from the private market; 26,000 to be ‘newly built’ by local authorities and voluntary bodies.

It is immediately obvious that the proposed approach would mean a marked level of dependence on construction by the private sector so as to reach the envisaged number of acquisitions and leases (i.e., 21,000 units).

However, the target of 26,000 for ‘new build’ is also significantly reliant on private sector construction, since 4,690 units are to be acquired by local authorities and voluntary housing bodies under Part V of the Planning and Development Act. Furthermore, the 26,000 target includes 3,460 units of existing but vacant local authority housing. This would mean that under the Plan total new provision by local authorities and voluntary bodies would amount to just 17,890 units – 38 per cent of the overall target of 47,000.⁴⁴



May Day March, Dublin, 2017

© DSpeirs

However, on 8 September 2017, an adjustment to the earlier approach was announced. In the Statement issued following the Housing Summit, the Minister for Housing stated that resources would now be ‘redirected away from acquisitions’ towards new building by local authorities and voluntary housing bodies. This would mean, he said, that there would be an increase of around 800 in the target for newly-built social housing for 2018.⁴⁵ This, then, is a change in the manner in which the target for new provision in 2018 is to be met – but not a commitment to increase the overall supply.

Social housing and the private rental sector

In *Rebuilding Ireland*, ‘social housing’ is defined as not just provision by local authorities and voluntary bodies but as including housing that is privately

owned and privately rented but where the State is meeting the major share of the rental costs. In this, the Action Plan is, of course, merely continuing the process, which has been going on for well over a decade, of ‘redefining’ social housing to include provision from the private rental sector. This is explicit in the title of one of the graphs in the Plan: ‘Spectrum of social housing provision forecast, 2016–2021’ and in a note to that graph which states: ‘This *new social housing stock* includes units and tenancies delivered through the HAP and RAS schemes on an annual basis’ (emphasis added).⁴⁶

However, the Action Plan contains no discussion of the rationale for defining social housing in this way; neither does it include any exploration of the consequences of this approach for those who have to rely on social housing, particularly in terms of long-term security, or the implications of an open-ended commitment to spending public money on rents in privately-owned property rather than directly providing social housing.

HAP

Rebuilding Ireland proposes that between 2016 and 2021 a total of 83,760 tenancies under HAP will be created – a number significantly greater than the planned increase of 47,000 in the supply of social housing by local authorities and voluntary housing organisations. The Plan does not, however, state how many of these are to be *new* state-subsidised tenancies: the target figure includes existing long-term Rent Supplement tenancies to be transferred over to HAP, and no figure for these is provided. However, the *Social Housing Strategy* published in November 2014 indicated that there were at that time 50,000 long-term recipients of Rent Supplement.⁴⁷

As already noted, HAP has the important benefit, as compared to Rent Supplement, of being available to those who are in employment. However, *Rebuilding Ireland* claims several further advantages for the scheme. It states, for example, that HAP tenants have access to ‘good quality housing in communities of their choice’.⁴⁸ In reality, the choice of location for households availing of HAP is strictly defined by the maximum rent limits which apply under the scheme. Snapshot surveys carried out by the Simon Communities in Ireland of available properties for rent in eleven locations on three consecutive days in November 2016, March 2017 and August 2017 highlight the gap between the market rents being demanded and the limits imposed under HAP (and Rent Supplement). On the

chosen dates in November 2016, just 17 per cent of the total properties advertised for these areas were within the HAP rent limits; in March 2017, only 12 per cent were within the limits; in August 2017, the situation had deteriorated still further so that just 9 per cent were within the limits.⁴⁹

Rebuilding Ireland also claims that: ‘HAP continues to offer to many families stable and supported social housing’.⁵⁰ HAP tenancies are no more ‘stable’ than other tenancies in the private rental sector; the reality is that the sector in Ireland does not offer long-term tenancies and any tenancy is liable to end if the landlord can show that they need to use the property for a family member, intend to sell it, or want it vacated in order to carry out substantial repairs.

Voluntary housing organisations have highlighted the vulnerability of people depending on HAP to losing their tenancy and becoming homeless, including instances of people who had exited emergency accommodation into a HAP-supported tenancy, only to find themselves not too long afterwards once more facing the possibility of homelessness.⁵¹

As for the claim that tenancies are ‘supported’ – apart from the subsidisation of rents, there are no other supports for HAP tenants: they must find their own accommodation and the scheme does not provide assistance with deposits. In contrast, under the Rental Accommodation Scheme, the local authority undertakes responsibility for finding suitable accommodation and enters a leasing agreement with the landlord.

One of the most serious issues concerning HAP, which was raised even before the payment came into effect, is that households availing of the scheme are removed from the social housing waiting list as they are deemed to have their housing needs met. They are, however, entitled to be included in the ‘transfer’ list. What precisely this means in practice, and in different local authority areas, seems to be unclear. The issue should be addressed by allowing all HAP tenants who so wish to remain in the housing waiting list.

Empty Properties

With the deepening of the housing crisis, there has been increasing discussion of the role which vacant houses and other empty properties might potentially play in addressing unmet housing need.

The 2016 Census showed that despite a fall of 42,421 in the number of residential units that were vacant, as compared to the 2011 Census returns, there were still 140,120 houses and 43,192 apartments vacant in April 2016, giving a total of 183,312 (excluding holiday homes). The vacancy rate in 2016 was 9.1 per cent (in 2011, it was 11.5 per cent). This is markedly out of line with the level of vacancies that might be expected to arise from a normal turnover in ownership or use, or because of refurbishment being undertaken.⁵² The *Second Quarterly Progress Report on Rebuilding Ireland* notes, for example, that the vacancy rate in the Netherlands is 2.5 per cent.⁵³

While some rural counties have particularly high vacancy rates, unused housing is also prevalent in urban areas. The five city areas of Dublin, Cork, Limerick, Galway and Waterford, together with their suburbs, have a cumulative total of 42,421 vacant housing units (23 per cent of the national total).⁵⁴ These are, of course, the areas where housing demand, including assessed need for social housing, is at its highest.

Obviously, not all vacant houses are capable of being returned to use in the foreseeable future – for example, many are located in areas where there is low housing demand – and not all vacant properties of other kinds are suitable for conversion into housing. However, it is clear that the redesign, refurbishment and re-use of vacant properties could play an important role in meeting housing need – both in the private sector, where the availability of such properties for purchase or rent could help relieve pressure within the sector, and in the social housing sector.

As *Rebuilding Ireland* points out, utilising empty buildings not only reduces the need for the additional infrastructure which is required in the case of new housing development, thus saving both money and time, but it can address the aesthetic and social problems, and ultimately the blighting of neighbourhoods, which arise when buildings are allowed to remain empty, especially in large numbers.

In addition, bringing vacant properties back into use rather than building new housing may have important environmental advantages, in terms, for example, of enabling utilisation of existing public transport networks. Furthermore, the refurbishment of buildings may result in a lower lifecycle carbon output than might be the case with new building.⁵⁵

Such environmental considerations are particularly important given the need for Ireland to significantly lower its greenhouse gas emissions in order to meet its national and international climate and energy obligations.

Rebuilding Ireland Proposals

Rebuilding Ireland put forward a number of proposals to enable empty houses be brought back into use, and also in relation to how other empty buildings previously used for commercial purposes might be converted into residential units.

In terms of meeting social housing need, the Action Plan announced two new programmes to enable empty housing units be used for this purpose.

The first was the ‘Housing Agency Vacant Housing Purchase Initiative’, under which the Housing Agency was to be allocated a ‘rolling fund’ of €70 million to buy portfolios of empty housing units from financial institutions which it would then sell on to local authorities and voluntary housing bodies, with the income from these sales being used by the Agency to acquire the next tranche of properties.⁵⁶ In total, 1,600 properties are to be acquired in this way by the end of 2020. The Progress Report on Rebuilding Ireland for the first quarter of 2017 stated that: ‘To date the Housing Agency has had bids accepted on 330 dwellings and over 130 contracts have been closed’.⁵⁷

The second scheme was the ‘Repair and Leasing Initiative’, under which the owner of a vacant home could receive funding to bring it up to the required housing standards; the house would then be leased, for a minimum of 10 and a maximum of 20 years, to a local authority or a voluntary housing body for use in meeting social housing need. A target of 800 leases under the scheme was set for 2016, and it was envisaged that, in all, 3,500 properties would be leased up to 2021, with an allocation of €140 million over the period.⁵⁸

However, by summer 2017 it had become evident that there was a very low level of response to this scheme, especially in large urban areas where the need for social housing is greatest. It has been suggested that, in these areas, both demand for rented properties and rental yields are so high that owners who are willing to rent would not need the funding being offered in order to undertake repairs, nor would they be interested in entering a leasing agreement with a local authority or social housing body when they could potentially receive a much

higher rental return by letting the property on the private market.⁵⁹

Subsequent to the publication of *Rebuilding Ireland* another programme was announced – the ‘Buy and Renew’ scheme which is to enable local authorities to purchase vacant privately-owned properties, remediate them and use them for social housing. In terms of funding, €25 million was allocated to this scheme in 2017 and €50 million in 2018.

Notably absent from the proposals in *Rebuilding Ireland* was any reference to possible sanctions in cases where owners leave houses vacant over a prolonged period. Yet the role which such measures could play has been frequently alluded to in public discussion of the issue of empty homes in the last number of years. For example, in 2016, the Housing Agency suggested that penalties should be considered in the case of long-term vacancies in areas where there is high demand for housing.⁶⁰ The Dáil Special Committee on Housing and Homelessness in its Report in June 2016 recommended that a specific tax on vacant homes be introduced.⁶¹ Furthermore, the Committee made the general recommendation that: ‘The Government should explore how the use of compulsory purchase orders might increase housing supply.’⁶²

More recently, it appears that the Government is now prepared to consider the question of the taxation of empty properties. This is welcome. Measures proposed should cover not only empty homes but properties that were previously used for commercial purposes. Furthermore, it would be important that taxation rates would increase if the properties concerned continued to remain vacant and, after a certain period, empty properties should become liable to being compulsorily purchased.

Conclusion

With the issuing of the *Homelessness Policy Statement* in February 2013 Ireland made an official commitment to adopting a ‘housing-led’ response to homelessness. This approach, the Statement said, ‘is about accessing permanent housing as the primary response to all forms of homelessness’.

In other words, a housing-led response recognises that although additional support services may be required by some people exiting homelessness, the key requirement is always adequate, affordable and secure accommodation. One of the consequences of a housing-led policy is that the need for emergency accommodation is greatly reduced and such

accommodation is used for a limited period only, before people are enabled to move into a home.

Yet even as a ‘housing-led’ approach was being adopted as Ireland’s official response to homelessness, the mainstream housing policies being pursued were increasingly making this approach unrealisable – and were, in fact, serving to generate rising levels of homelessness. Nearly five years after the publication of the *Homelessness Policy Statement*, Ireland now has its highest-ever level of recorded homelessness, with twice as many people in emergency accommodation in August 2017 as had been at the beginning of 2015. Provision of such emergency accommodation, far from being phased out, has had to be significantly increased, particularly in response to the three-fold rise in family homelessness which has occurred since January 2015.

At the core of housing policy in Ireland over the past twenty years has been an increasing reliance on rent supplementation in the private rental sector to meet social housing need and the associated unwillingness to ensure that local authorities and voluntary housing bodies have the remit and the funding to supply new housing on a scale sufficient to meet most social housing requirements. In addition to being the key factor in the growth of homelessness, this policy has resulted in a more than three-fold rise since 1996 in the number of households on local authority waiting lists and in increasingly lengthy waiting times for social housing.

Rebuilding Ireland, the Government’s official housing strategy up to 2021, adheres to that approach to meeting social housing requirements. Although it promises that 47,000 additional social housing units will be provided by local authorities and voluntary bodies in that period, it also envisages a continued and indeed increased reliance on the private rental sector to provide for social housing need. By implication, the Plan accepts that the high level of public expenditure on rent supplementation which this entails will not just continue but increase even beyond its current level of more than half a billion euro per annum.

It is clear that a very different policy approach is urgently required. There is need for a commitment to the principle that long-term social housing need will be met through local authority, voluntary sector, and co-operative provision. It may be argued that even if a decision is made now to depart from

the approach that has characterised the past two decades it will take many years to provide the large-scale supply of social housing that is needed. This may be true. But if that decision is *not* taken, then the time for achieving a better, more secure and affordable system for meeting social housing needs will become ‘never’.

Notes

1. See: Department of Housing, Planning and Local Government, ‘Homeless Persons January 2015’ (<http://www.housing.gov.ie/housing/homelessness/other/homeless-persons-december-2015>) and Department of Housing, Planning and Local Government, *Homelessness Report August 2017* (http://www.housing.gov.ie/sites/default/files/publications/files/homeless_report_-_august_2017.pdf).
2. SAFE Ireland, *No Place to Call Home: Domestic Violence and Homelessness, The State We Are In*, Dublin: SAFE Ireland, 2016; see also: *The State We Are In, 2016: Towards a Safe Ireland for Women and Children*, Dublin: SAFE Ireland, 2016, pp. 14–16.
3. ‘Direct Provision Statements, *Dáil Éireann Debate*, Vol. 945, No. 1, Thursday, 30 March 2017.
4. Focus Ireland, ‘New Government homeless figures for June show that the situation is ‘worse than ever before under every single category, and getting worse’, Press Statement, 4 August 2017 (www.focusireland.ie/press/new-government-homeless-figures-june-show-situation-worse-ever-every-single-category-getting-worse-2/).
5. Focus Ireland, ‘New Focus Ireland Figures Show Number of Families Becoming Newly Homeless in Dublin Every Month Hits an 18 Month High’, Press Statement, 1 September 2017 (<https://www.focusireland.ie/press/8403-2/>).
6. Department of Housing, Planning and Local Government, ‘Statement by Minister Murphy on August Homeless Figures’, 29 September 2017 (<http://www.housing.gov.ie/housing/homelessness/august-homeless-figures-published>).
7. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, Dublin, July 2016 (http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf).
8. Department of Housing, Planning and Local Government, ‘Homeless Persons January 2015’; Department of Housing, Planning and Local Government, *Homelessness Report August 2017*.
9. *Ibid.*
10. *Rebuilding Ireland, Action Plan for Housing and Homelessness: Third Quarterly Progress Report*, May 2017, p. 12.
11. Department of Housing, Planning and Local Government, *Homelessness Report August 2017*.
12. See, for example, Kathy Walsh and Brian Harvey, *Family Experiences of Pathways into Homelessness: The Families’ Perspective*, Dublin: The Housing Agency, 2015, pp. 26–32; Peter McVerry SJ, ‘Homelessness’, *Working Notes*, Issue 76, May 2015, p. 4.
13. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 34.
14. Department of Housing, Planning and Local Government, ‘Minister Murphy publishes the May National Homeless Figures and outlines the ongoing solutions and plans to address homelessness’, Press Statement, 30 June 2017 (<http://www.housing.gov.ie/housing/homelessness/minister-murphy-publishes-may-national-homeless-figures-and-outlines-ongoing>).
15. The measures which were outlined in *Rebuilding Ireland* included general social housing allocations, the use of the enhanced HAP (Housing Assistance Payment) scheme, provision of Rapid Build housing, and the acquisition of empty housing units by the Housing Agency for onward sale to local authorities and approved housing bodies (see: *Rebuilding Ireland: Action Plan for Housing and Homelessness*, pp. 34–35).
16. ‘Minister Murphy publishes the May National Homeless Figures and outlines the ongoing solutions and plans to address homelessness’, Press Statement, 30 June 2017.
17. Department of Housing, Planning and Local Government, ‘Statement by Minister Eoghan Murphy following Housing Summit’, Friday, 8 September 2017 (<http://www.housing.gov.ie/housing/homelessness/statement-minister-eoghan-murphy-following-housing-summit>).
18. Irish Human Rights and Equality Commission, *The Provision of Emergency Accommodation to Families Experiencing Homelessness*, Dublin, July 2017; Rory Hearne and Mary P. Murphy, *Investing in the Right to a Home: Housing, HAPs and Hubs*, Maynooth: Maynooth University Social Sciences Institute, 2017.
19. Rory Hearne and Mary P. Murphy, *op. cit.*, p. 26.
20. *Ibid.*, p. 31; p. 34.
21. Irish Human Rights and Equality Commission, *op. cit.*, p. 12.
22. The study by Rory Hearne and Mary P. Murphy, *Investing in the Right to a Home: Housing, HAPs and Hubs*, indicates that, of the 1,003 families in emergency accommodation in the Dublin Region in February 2017, almost 400 had been in such accommodation for longer than one year and 40 for longer than two years (p. 25).
23. *Rebuilding Ireland, Action Plan for Housing and Homelessness: Third Quarterly Progress Report*, May 2017, p. 14.
24. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 37.
25. Dublin Region Homeless Executive, *Dublin Region Spring Count on Rough Sleeping the Night of 4th April 2017* (<http://www.homelessdublin.ie/rough-sleeping-count>).
26. ‘Statement by Minister Eoghan Murphy following Housing Summit’, Friday, 8 September 2017.
27. Irish Human Rights and Equality Commission, *op. cit.*, p. 12.
28. Department of Environment, Community and Local Government, *Homelessness Policy Statement*, Dublin, February 2013.
29. *Rebuilding Ireland: Third Quarterly Progress Report*, p. 20.
30. ‘Statement by Minister Eoghan Murphy following Housing Summit’, Friday, 8 September 2017.
31. *Better Outcomes Brighter Futures: The National Policy Framework for Children and Young People 2014–2020*, Dublin: Stationery Office, 2014.
32. Irish Coalition to End Youth Homelessness, ‘What you can do’ (<https://www.endyouthhomelessness.ie/what-can-you-do/>).
33. Housing Agency, *Summary of Social Housing Assessments 2016: Key Findings*, Dublin, December 2016.
34. *Ibid.*, Table 2.8: Length of Time on Record of Qualified Households, 2013 and 2016, p. 18.
35. Michael Punch, *The Irish Housing System: Vision, Values, Reality*, Dublin: Jesuit Centre for Faith and Justice, 2009, p. 40.
36. John Blackwell, *A Review of Housing Policy*, Dublin: National Economic and Social Council (NESC Report No. 87), 1988, Table 8.1, p. 175.
37. Michael Punch, *op. cit.*, Figure 2, p. 5.
38. Department of Housing, Planning and Local Government, ‘Overview of Activity under Social Housing Provision Programme by Year’ (<http://www.housing.gov.ie/housing/social-housing/social-and-affordable/overall-social-housing-provision>).
39. *Ibid.*
40. Rory Hearne, ‘A Home or a Wealth Generator? Inequality, Financialisation and the Irish Housing Crisis’, in James Wickham, *Cherishing All Equally 2017: Economic*

- Inequality in Ireland*, Dublin: TASC, 2017, p. 82.
41. Daniel O'Callaghan, *Analysis of Current Expenditure on Housing Supports*, Dublin: Department of Public Expenditure and Reform, July 2017.
 42. Calculated from data in: Department of Social Protection, *Annual Statistical Information Report, 2015*; RAS Current Expenditure Programme 2011 to date (<http://www.housing.gov.ie/housing/social-housing/social-and-affordable/overall-social-housing-provision>) and Daniel O'Callaghan, *op. cit.*, p. 10.
 43. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, pp. 43–48.
 44. 'Social and Affordable Housing', *Dáil Éireann Debate*, Vol. 934, No. 1, Tuesday, 17 January 2017 [P.Q. 497].
 45. 'Statement by Minister Eoghan Murphy following Housing Summit', Friday, 8 September 2017.
 46. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, Graph 10, p. 46. The redefining of social housing is evident also in some of the other terminology used in the document, such as its references to 'a range of social housing outcomes' (p. 8); 'State-supported housing' (p. 13); 'social housing supports' (p. 43).
 47. Department of Environment, Community and Local Government, *Social Housing Strategy 2020: Support, Supply and Reform*, Dublin, November 2014, p. 45 (http://www.housing.gov.ie/sites/default/files/publications/files/social_strategy_document_20141126.pdf).
 48. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 48.
 49. Simon Community, *Locked Out of the Market VI: The Gap between Rent Supplement/HAP Limits and Market Rents, Snapshot Study*, January 2017; *Locked Out of the Market VII: Snapshot Study*, May 2017; *Locked Out of the Market VIII: Snapshot Study*, August 2017, Dublin: Simon Communities of Ireland, 2017 (<http://www.simon.ie/Publications/Research/>).
 50. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 48.
 51. Kitty Holland, 'Housing Assistance Payment risks homelessness – experts', *The Irish Times*, Friday, 28 April 2017; 'Are we just going to end up homeless every year?', *The Irish Times*, Friday, 28 April 2017. See also Rory Hearne and Mary P. Murphy, *Investing in the Right to a Home: Housing, HAPs and HUBs*, *op. cit.*, pp. 18–19.
 52. Housing Agency, *Tackling Empty Homes: Overview of Vacant Housing in Ireland and Possible Actions*, Dublin: Housing Agency, May 2016, p. 8.
 53. *Rebuilding Ireland, Action Plan for Housing and Homelessness, Second Quarterly Progress Report*, February 2017, p. 51.
 54. Central Statistics Office, *Census of Population 2016: Profile 1 – Housing in Ireland, Vacant Dwellings*, Interactive table: StatBank Link E1069, 'Permanent Housing Units by Occupancy Status and Vacancy Rates 2011 to 2016 by Aggregate Town Size, Census Year and Statistic' (<http://www.cso.ie/px/pxeirestat/Statire/SelectVarVal/Define.asp?maintable=E1069&PLanguage=0>).
 55. Verena Weiler, Hannes Harter, and Ursula Eicker, 'Life cycle assessment of buildings and city quarters comparing demolition and reconstruction with refurbishment', *Energy and Buildings*, Vol. 134, January 2017, pp. 319–28; Peter Eskilsson, *Renovate or Rebuild?* Gothenburg: University of Gothenburg, 2015 (http://bioenv.gu.se/digitalAssets/1534/1534981_peter-eskilsson.pdf); Empty Homes Agency, *New Tricks with Old Bricks: How Reusing Old Buildings Can Cut Carbon Emissions*, London: Empty Homes Agency, 2008; Anne Power, 'Does demolition or refurbishment of old and inefficient homes help to increase our environmental, social and economic viability?', *Energy Policy*, Vol. 36, 2008, pp. 4487–4501.
 56. *Rebuilding Ireland: Action Plan for Housing and Homelessness*, p. 50; p. 80.
 57. *Rebuilding Ireland, Action Plan for Housing and Homelessness, Third Quarterly Progress Report*, p. 15.
 58. *Ibid.*, p. 53.
 59. Valerie Flynn, 'Too few knocking on door of repair and leasing fund', *The Sunday Times*, 9 July 2017; Laoise Neylon, 'Owners of vacant homes turn down deals to use them', *Dublin Inquirer*, 2 August 2017; Olivia Kelly, 'Vacant property owners turn down €32m grant scheme', *The Irish Times*, 10 August 2017; Olivia Kelly, 'Virtually 'no interest' in State-funded housing refurb scheme', *The Irish Times*, 10 August 2017.
 60. Housing Agency, *Tackling Empty Homes: Overview of Vacant Housing in Ireland and Possible Actions*, Dublin: Housing Agency, May 2016, p. 8.
 61. Houses of the Oireachtas, *Report of the Committee on Housing and Homelessness*, Dublin, 17 June 2016, p. 47.
 62. *Ibid.*, p. 139.

Peter McVerry SJ is a member of the Jesuit Centre for Faith and Justice team and a Director of the Peter McVerry Trust which provides a range of services in response to homelessness.

Eoin Carroll is Deputy Director and Social Policy and Communications Co-ordinator with the Jesuit Centre for Faith and Justice.

Margaret Burns is Social Policy Officer with the Jesuit Centre for Faith and Justice.

A Constitutional Right to Housing: A Tale of Political Sidestepping

Jerome Connolly

Introduction

There is in the Sherlock Holmes canon a particular and often-quoted phrase which comes to mind when scrutinising the housing policies of successive Irish governments over the last two decades. The phrase refers to an incident concerning a dog guarding stables from which a racehorse had been stolen during the night. The curious aspect of this, Holmes remarked, was not that the dog barked but that it did *not* bark.

The repeated failure of Irish governments to actively address the question of a constitutional right to housing in this country is surely an instance of a dog that did not bark – but should have, loudly and insistently, in the face of the serious and multi-faceted housing crisis which this country has faced over many years and will continue to face for the foreseeable future.

It is not as if the question of inserting a right to housing into the Irish Constitution has been completely ignored in official reports or neglected in the work of academics and of a broad range of NGOs, including church groups; it has not.

Committees, Committees

Constitution Review Group (1996)

In its Report, published in 1996, the Constitution Review Group considered the proposition that socio-economic rights should be constitutionally recognised and justiciable – that is, enforceable through the courts. The Review Group rejected this proposition after re-stating, in summary form, a number of standard objections to such rights.¹ Even at the time, these arguments of the Review Group were challenged in detail,² in what a member of the Group described subsequently as a ‘powerful’ critique.³

All-Party Oireachtas Committee on the Constitution (2004)

In light of the position taken by the Constitution Review Group, it is of significance that, eight years later, the All-Party Oireachtas Committee on the Constitution, in its report on private property rights in the Constitution, acknowledged that the question of according constitutional recognition to socio-

economic rights merited ‘extensive debate’.⁴ The Committee had been asked by the Taoiseach at the time, Bertie Ahern, to look at the issue of private property rights in the Constitution ‘and specifically the necessity for up-dating those provisions which pertain to planning controls and infrastructural development’.⁵

In its Report, the Committee, noting that it had received a number of submissions urging the recognition of socio-economic rights such as a right to housing and shelter in the Constitution, stated that it had come to the conclusion that this question ‘should be discussed in the round through an examination of all the socio-economic rights that have been proposed rather than the single one of shelter’.⁶ It therefore decided to ‘defer consideration of this to a later report’.⁷

No such report has ever appeared.

Convention on the Constitution (2014)

Within a few years of the publication of the Report of the All-Party Oireachtas Committee, this State entered the gravest recession of its history, affecting not least the housing situation of a large proportion of the population. It is therefore of considerable import that, in 2014, the Convention on the Constitution, which had been tasked by the then Coalition Government to consider eight issues for possible Constitutional amendment, chose, after addressing these, to consider on its own initiative the additional question of whether the Constitution should recognise social and economic rights, including housing.

After hearing submissions from people on both sides of the question the Convention members decided by a large majority that such rights did merit explicit recognition in the Constitution.⁸

Programme for Government (2016)

The Programme for a Partnership Government, agreed in May 2016, noted the Constitutional Convention’s recommendation regarding social and economic rights but signally declined to make a commitment to take action in response to this, other than to say the matter would be referred to yet

another committee. The Programme stated:

Due to the substantial questions raised on the balance of rights, proper governance and resources, we will refer this report to the new Oireachtas Committee on Housing for consideration.⁹

It is not at all obvious why the parties to the Programme, having at least agreed that the Constitutional Committee's recommendation ought to be given further consideration, should then have referred it to a committee concerned with just one of the socio-economic rights in question – *albeit* a critically important one.

If there was real intent on the part of the Government to proceed towards including social and economic rights in the Constitution then surely the Programme should have committed to establishing a new Oireachtas Committee on the Constitution charged with the task of examining the issue in depth and with a membership that would appropriately reflect this mandate.

It is hard to avoid the conclusion that there was little serious consideration of the issues involved before this commitment was written into the Programme for Government.

Special Committee on Housing and Homelessness (2016)

The narrative becomes somewhat more complicated at this point, when account is taken of yet another committee created around this time. In April 2016 – that is, before the Programme for Government was concluded – a Dáil 'Special Committee on Housing and Homelessness' was established and requested to present its final report by 17 June 2016.

The Special Committee's work was informed by both written and oral submissions, and several of these raised and discussed the issue of the right to housing.

In its Report, the Committee outlined in some detail the key points which had been made to it in the arguments presented for and against constitutional recognition of this right. Despite this, however, the Committee itself declined to take any position on the question, and instead referred to the commitment included in the Programme for Government that the matter would be taken up by the Oireachtas Committee on Housing.

And so the Committee's first recommendation in

this area was simply that:

... the Oireachtas Committee on Housing, Planning and Local Government ... should bring the deliberations in this regard to a conclusion as quickly as possible by bringing a recommendation on the matter to the Government.¹⁰

At one level, the Special Committee's position is understandable: it may have felt inhibited from taking a stance in light of the Programme for Government commitment that the matter would be referred to the Oireachtas Committee on Housing. But, at another level, it is disappointing that given the time and attention the Special Committee had devoted to the subject, and given the evidence it had received in written submissions and over several weeks of oral hearings concerning the alarming extent and impact of the housing crisis, it was not prepared to take any stance on the issue of the constitutional recognition of housing rights.

Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)

The Government's *Action Plan for Housing and Homelessness*, published in July 2016,¹¹ represents an even more striking failure to confront the issue of the right to housing. The Plan, which is intended to set the agenda for housing up to 2021, managed the difficult feat of not mentioning the right to housing at all, even in a glancing way.

Treaties, Treaties

The unwillingness on the part of successive governments to take decisive action towards establishing a constitutional right to housing has been all too evident also in the State's response to obligations arising from Ireland's ratification of international human rights treaties, in particular, the International Covenant on Economic, Social and Cultural Rights and the Revised Social Charter of the Council of Europe.

Covenant on Economic, Social and Cultural Rights

On three occasions since the late 1990s Ireland has submitted reports to the UN Committee on Economic, Social and Cultural Rights, the body responsible for monitoring implementation of the Covenant on Economic, Social and Cultural Rights, which Ireland ratified in December 1989.

In its observations and recommendations following examination of Ireland's record (in May 1999, May 2002 and June 2015), the UN Committee has

pointed out that all Covenant rights are, or ought to be, justiciable in the national legal order. On two occasions, it has strongly recommended that Ireland should incorporate social rights, such as housing, into the Irish Constitution. Thus, its *Concluding Observations* following the examination of Ireland's second report, in 2002, stated :

The Committee notes with regret that, despite its previous recommendation in 1999, no steps have been taken to incorporate or reflect the Covenant in domestic legislation ...

And it went on to say:

*Affirming that all economic, social and cultural rights are justiciable, the Committee ... strongly recommends that the State party incorporate economic, social and cultural rights in ... the Constitution, as well as in other domestic legislation.*¹²

The Government's response to this recommendation is outlined in Ireland's Third Report to the Committee, submitted in November 2013 and examined in June 2015; this states:

*The Government ensures that the State's obligations to implement the Covenant in Ireland are met through policies aimed at improving the enjoyment of economic, social and cultural rights, including by fighting persistent poverty and social exclusion.*¹³

The Third Report then notes that in Ireland some rights are protected in the Constitution (for example, the rights of the family) and others are protected 'by means of legislation, or via exercise of Executive power'. It goes on to state, without any supporting justification, that:

*The Government considers that this differentiated approach affords the best means of implementing Ireland's obligations under the Covenant.*¹⁴

In essence, the State's response to the UN Committee's position regarding domestic legal recognition of economic and social rights has been invariable, persistent and fails to engage with the thrust of the Committee's argument. Its approach has been merely to repeat the kind of arguments made in 1996 by the Constitution Review Group.

Stonewalling

The core of the official position can be simply stated: the fact that Ireland has a dualist system

of law justifies the State's persistent failure to respect the basic principle of international law that a State Party should modify its domestic system of law as appropriate to give domestic effect to the obligations it has undertaken in ratifying international treaties.¹⁵



May Day March, Dublin, 2017

© DSpeirs

Further, it is claimed that, because of the fundamental Irish constitutional principle of the separation of powers, not all rights are suitable for framing in a legislative fashion. For example, during the 2002 examination of Ireland's implementation of the Covenant on Economic, Social and Cultural Rights it was argued that rights such as housing 'did not lend themselves to being framed with the necessary legislative precision'.¹⁶ If they were not framed with such precision the judiciary would necessarily have to interpret them, which in the State's opinion would transfer power to an unelected and unaccountable judiciary. There is no legal right to housing in Ireland, it was claimed, because 'decisions in relation to the allocation of financial resources are a matter for Government, rather than the courts'.¹⁷

By persisting in this dogged stonewalling, the State shows itself culpably ignorant of the radically changed legal and analytical landscape in regard to rights adjudication since well before 1996, when the Constitution Review Group issued its Report. For example, a year before that Report appeared, the Swiss Federal Tribunal had recognised a right to the basic minimum conditions of life, encompassing the guarantee of all basic human needs, including housing (a right subsequently confirmed by incorporation in the revised Swiss Federal Constitution of 1999). And in 1996, in the

same year the Review Group reported, the new Constitution of the Republic of South Africa, drawn up after extensive public consultation, incorporated a justiciable right to access housing.

European Social Charter

In 1996, the Council of Europe adopted the Revised European Social Charter, as part of the process of incrementally replacing its original Social Charter of 1961. The Revised Charter entered into force in 1999 and was ratified by Ireland in 2000. However, in doing so, Ireland opted out of complying with Article 31, which deals with the right to access housing.¹⁸

Responsibility for monitoring the compliance of a State Party with obligations under the Social Charter lies with the European Committee on Social Rights. At a meeting in October 2005 between the Committee and Irish officials from several government departments to review the ‘non-accepted’ provisions of the Charter, Ireland’s position regarding Article 31 was summarised by the Committee as follows:

*Although Ireland has adopted wide-ranging housing programmes there is a reluctance to accept Article 31, as there is a perception that Article 31 would require the provision of an individual right to housing enforceable by the courts. It has difficulties with the right to housing per se.*¹⁹ (emphasis added).

It is important to note that despite opting out of Article 31, Ireland’s housing performance can still be scrutinised by the European Committee on Social Rights under no fewer than four other articles, including Article 16 (family protection) and Article 23 (right of the elderly to social protection), so that many aspects of the State’s housing policies and performance are still subject to formal scrutiny by the Committee.

This scrutiny is effected in the first instance through examination by the Committee of the reports which, as a State Party, Ireland is required to submit every two years. Secondly, Ireland is subject to scrutiny under the collective complaints procedure that is provided for in an additional Protocol to the Social Charter; Ireland voluntarily acceded to this Protocol in November 2000.

Under the Protocol, complaints can be made against a State Party to the Charter concerning alleged failure to respect any of the rights which that state

signed up to when ratifying. If deemed admissible, complaints are examined by the Committee on Social Rights which acts as a quasi-judicial body. The Committee’s interpretative methods and techniques are similar to those of the European Court of Human Rights, and the substantial body of case law and interpretation which it has built up has been referenced by the European Court on numerous occasions, a significant testimony to its status.

That the Committee already enjoys such an extensive range of scrutiny over Irish housing policy considerably weakens the State’s justification for continuing its opt-out of Article 31 of the Social Charter.

Housing and the Protection of Human Dignity

While there is not space in this article to elaborate on the specific legal and political arguments in favour of a justiciable constitutional right to housing, it may be worthwhile to set out some broad reasons why this right should be recognised.

All social rights such as housing situate the individual in a family and communal context, balancing economic freedom with values of community and social justice. Housing, furthermore, not only protects a fundamental human interest in itself, but is instrumental to the enjoyment of a range of other human rights, including health, education, employment, family life, privacy, and the rights to civic and political participation. Thus housing denial or deprivation impairs a much wider swathe of human wellbeing than might appear at first sight. Constitutional vindication of a right to adequate housing is therefore an essential complement to juridical protection of other rights such as the right to private property.

The insertion of a right to housing in the Constitution would signal clearly that assuring adequate housing for every person in the State is a central national moral and political objective, the attainment of which is essential if the basic dignity of every individual is to be respected.

A justiciable constitutional right to housing would ensure at least a minimum level of provision for which the legislature, executive and local authorities could be held accountable, similar to the existing constitutional provision which lays down that at least a minimum level of primary education

is to be provided. However, minimal provision is only the first part of fulfilling the obligations arising under the right to housing; the second part is the concomitant requirement of ‘progressive realisation’, as set out in various UN conventions on human rights, notably the Covenant on Economic, Social and Cultural Rights. Enshrining a duty of progressive realisation in the Constitution would oblige both legislators and the courts to understand the vindication of the right to housing ‘as an on-going task’.²⁰

A constitutional right to housing would be an important element in bringing about a situation where the State, regardless of which government is in power, could be held to account publicly in the courts for culpable failure to ensure that everyone in the State is housed in at least minimally decent conditions. It would oblige the legislature and executive to define statistically and/or in qualitative terms the extent and nature of housing needs to be addressed, to establish targets and timetables for housing provision, and to outline comprehensive and effective policies, with commensurate financial resources, to address existing deficiencies in housing and shelter within a reasonable time frame. This is what progressive implementation of a constitutional obligation means.

Constitutional recognition of the right to housing would enhance democratic stability and social cohesion in the State by promoting social justice and a sense of social solidarity within the community. It would make for better governance and administration in housing delivery, at both national and local government levels, by strengthening procedural safeguards, enforcement machinery, monitoring and accountability. It would give greater protection to families and individuals against undue market or institutional pressures (whether domestic or international) to privatise what is an essential social service.

Inserting a justiciable right to housing in the Constitution would *not*, as claimed by the Constitution Review Group, ‘leave the Oireachtas with no option but to discharge the cost, whatever it might be, as determined by the judiciary’.²¹ If that were the case, existing constitutional rights such as the right to access justice or the right to primary education, both of which are heavily resource intensive, should not merit constitutional protection. These rights do enjoy such protection and have not bankrupted the country.

Social rights can be, and already have been, successfully and prudently adjudicated by courts in various jurisdictions. Courts are fully cognisant of the budgetary constraints on governments, and of the effective limits to their juridical reach under the separation of powers. They also do not need to be told that unrealistic adjudications of, for example, a right to housing would erode their own credibility and political status.²²

The insertion of a right to housing in the Constitution would signal clearly that assuring adequate housing for every person in the State is a central national moral and political objective.

Conclusion

It will be apparent from the above brief review that the stance of successive governments of varying hues, and of government officials, is, by and large, firstly to avoid the issue of giving constitutional recognition to social and economic rights, in particular housing, and secondly, where it cannot be avoided, to simply repeat doggedly the same points, in almost the same language, outlined in the Report of the Constitution Review Group in 1996.

Truly, it would appear to be the case that, as the Council of Europe report put it, with no little restraint, ‘[Ireland] has difficulties with the right to housing per se’.

This has meant that over the past two decades opportunities have been repeatedly passed over to bring the question of a constitutional right to housing to the forefront of national consciousness and debate and to put in place a process towards establishing such a right.

A lack of commitment in this regard is again evident in the approach of the current administration.

As noted earlier, the May 2016 Programme for Government appeared to give a mandate to the Oireachtas Committee on Housing to consider the question of inserting economic and social rights in the Constitution. More than a year later,