



## Response to Consultation on Proposed Amendments to the Housing Act 1988

Travellers are significantly and disproportionately affected by homelessness, the full scale of the crisis cannot be counted without an ethnic identifier and homeless Travellers are mostly not enumerated within TAPs and are there for practically invisible in national data collection. However, according to recent statistics from 2019, 25% of homeless children living in accommodation outside of Dublin were Travellers in 2019, and 13% of all homeless adults were Travellers. The same census data reflects that homeless Travellers are slightly more likely to be female as women accounted for 56% of homeless Travellers.

As members of the National Homeless Action Committee, the three National Traveller organisations therefore welcome the opportunity to provide our observations on the proposed amendments of the Housing Act 1988.

### 1. Lisbon Declaration and the 'ending homelessness' context.

This legislative proposal represents the initial policy initiative and holds substantial significance since it is the first of its kind since the Government's commitment to the Lisbon Declaration. The Lisbon Declaration outlines the objective of eradicating homelessness by 2030, and this commitment has been integrated into Irish policy through the 'Housing For All' project.

The absence of any mention of this commitment and the apparent lack of effort in identifying strategies to advance that goal is disconcerting. Of greater concern is the conspicuous lack of discourse pertaining to the mechanisms by which the included recommendations will advance the objectives of the Government and the European Union in eradicating homelessness. Moreover, the amendments proposed fail to tackle the extremely narrow definition of homelessness outlined in the Act. This definition acknowledges persons as homeless only if they are currently in local authority funded emergency accommodation. With this limited scope, the current definition fails to include those, including Travellers, experiencing 'hidden homelessness', including Travellers living in already overcrowded conditions such as in caravans in relative's yards. Those residing in refuges due to DGBV, who lack access to emergency accommodation ought to be prioritised.

We feel that it is imperative to establish a comprehensive framework that enables the precise measurement of households facing accommodation exclusion. The three national Traveller organisations advise that the Amendments broaden this narrow definition of homelessness in line with the European Typology of Homelessness and Housing Exclusion (ETHOS) framework, which includes overcrowding under the 'homeless' description. This is a crucial step to ensure that the data more

accurately represents the actual accommodation needs of Travellers, and subsequently, to incorporate these findings into Traveller specific accommodation objectives.

## **2. Best Interests of the Child.**

The three national Traveller organisations welcome the proposal to include the 'Best Interests of the Child' in legislation and are of the firm belief that local authorities should prioritise this principle when making decisions on the provision of support to families.

- The three national Traveller organisations propose that the Act mirrors the 'Best Interests of the Child' in other legislation, namely with regards to disability and accommodation. Given that 20% of Travellers are disabled, and accessing accommodation is not intersectionality applied or catered for in accommodation provision, we recommend the Act refers to the United Nations Convention on Rights of Persons with Disabilities (UNCRPD).

## **3. Households rather than Individuals**

Typically, rights are established on an individual basis rather than on a household basis. Therefore, adopting a framework that emphasises 'households', for which there is no legal definition, may further obscure the means by which the individual rights of Travellers experiencing homelessness are to be fulfilled by the appropriate governing bodies. Being that Travellers already face disproportionate housing discrimination due to housing stock shortage of adequate size for some larger families, they are more likely to become, or remain homeless for longer. We advise against this proposal.

## **4. Pathway to Housing**

The document's most extensive proposition entails amending legislation to restrict local authorities from offering emergency shelter to households that they determine as ineligible for social housing entitlement. We strongly advise against proceeding with this proposal based on the following:

- The right to adequate accommodation is a human right recognised in international human rights law, Article 25 of the 1948 Universal Declaration of Human Rights and in article 11.1 of the 1966 International Covenant on Economic, Social and Cultural Rights. To take a stance that necessitates individuals experiencing extreme hardship to demonstrate a viable and tangible plan for escaping homelessness prior to gaining access would be morally objectionable and a betrayal of fundamental human rights principles.
- By its very nature, the emergency of homelessness necessitates a considerable amount of time to construct a 'housing pathway'. Consequently, in the context of transitioning out of homelessness, the 'pathways' are inherently fluid. The proposal to deny LA funded emergency accommodation to those deemed to be without a 'pathway to housing' will inevitably lead to a marked increase in rough sleeping.
- Frontline local authority personnel will be tasked with making decisions on intricate facets of European Union legislation, which may have very significant or even life-threatening ramifications. Housing authorities are not qualified to make these determinations and so we would seek clarification on whether a significant legal change, in the absence of adequate structures for implementation and systems for its execution, is being proposed.
- It seems that, despite the suggestion to incorporate a provision for the 'best interests of the child' the same criteria that rejected shelter applications for those without a housing pathway

would also be applied to families with children. Ministers have consistently affirmed that it is the intention of the government to ensure that no family with children remains without accommodation. However, the introduction of such legislation seems to contradict this commitment.

## **Conclusion**

The document presents a comprehensive overview of the issues present in the current accommodation system in general; nevertheless, it lacks a thorough analysis of the complete scope and underlying factors contributing to the challenges. It primarily focuses on the administrative obstacles encountered by local authorities, which are examined within a limited and immediate perspective. However, the analysis lacks the inclusion of corroborating evidence or the establishment of a broader conceptual framework. The recognition of local authorities' concerns is crucial, although it is the responsibility of the Department and Government to situate these concerns within a broader framework of strategy and vision.

It is recommended that that the government in comprehensive policy development seek input from NGOs and service providers specialising in homelessness, accommodation and disability. Additionally, it is advised that organisations providing direct assistance to migrants are involved in this process in order to develop viable positive solutions.