

building homes, improving lives.

Submission to the Housing Commission public consultation on a referendum on housing

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Submission by email to:

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Introduction

Respond, an Approved Housing Body and service provider, has been working all around Ireland for 40 years. Our vision is that every family and individual in Ireland will have high-quality housing as part of a vibrant and caring community. We have two guiding principles; a human right to housing and; social justice underpin our approach to delivering this vision. In terms a human right to housing Respond believes that every human being is equal in rights and dignity and has the right to a secure, affordable home which meets their needs throughout their lifetime. Respond strives to ensure that the services we provide are inclusive, empowering and value the human rights of the people we work with and support. Housing and decent accommodation, in the areas where people want to live, are central to improving people's lives and enhancing the health and well-being of society.

14,144 tenants live in 6,443 homes across the 26 counties that we either own or manage; of these, there are 5,536 Respond social housing tenancies. Respond also provide a range of services for families and individuals within our communities. This includes emergency accommodation with 24/7 support for families who are homeless in six Family Homeless Services, three Day Care Services for Older People, 17 Early Childhood Care and Education, Family Support and Refugee Resettlement services. Our aim is to provide person centred services to support people to achieve their goals and reach their full potential.

Approved Housing Bodies are not-for-profit organisations that have a social purpose to provide for people's housing needs by working in close co-operation with the Government, local authorities and relevant agencies. In particular, Approved Housing Bodies work in partnership with local authorities to support the provision of housing and, in many cases, additional supports. They provide affordable rented housing for people who cannot afford to buy or rent their own homes.

Respond is also a member of [Home for Good](#) which is a broad coalition of organisations and individuals who believe that constitutional change is an essential underpinning to effectively tackle our housing and homelessness crisis.

We welcome the opportunity to contribute to this consultation and the opportunity to share our experiences and views on *'whether there should be a referendum on the introduction of a constitutional amendment regarding housing, and if so, what form such a constitutional amendment might take'*.

Investing in communities and pursuing social justice

Ireland is amid a housing crisis; population growth has far outstripped the supply of housing for several years and affordable housing is out of reach for many. Early predictions regarding the effects of the pandemic suggested that rising unemployment and the unpredictable nature of the pandemic on incomes would cause falling house prices. However, the opposite effect is now in evidence. Commentators have signalled that this 'double precarity' within the labour market and in housing options will mean that 'pre-existing inequalities will be intensified' and potentially new ones created¹. It is those on the lowest incomes, already at risk of poverty and finding it difficult to access suitable, secure, affordable housing that will be squeezed further.

A recent report by Barnardos (2022), analysing the cost of living crisis and its impact on children, found that the impact is felt most by households with low incomes:

¹ Byrne, M. (2021). The impact of Covid 19 on the private rental sector: emerging international evidence. Pubic Policy.ie. Accessible at: <https://publicpolicy.ie/perspectives/the-impact-of-covid-19-on-the-private-rental-sector-emerging-international-evidence/>

“Families surviving on the lowest incomes spend the greatest proportion of their finances on food, heat and electricity. They have minimal disposable income, and were already struggling to make ends meet prior to the rapid increase in cost of living, with little to no spare income or savings. As a result, they are more exposed to price increases and inflation.” (p2).²

There were 10,492 people experiencing homelessness in Ireland at the end of June 2022 of which 3,071 were children³. Social Justice Ireland, in their recent publication *Housing Costs and Poverty 2022 (2022)*⁴, found that the overall rate of poverty in Ireland increases from 11.6% to 19% when housing costs are counted. This means that 952,185 people, almost 1 in 5 of the population are living in poverty.

Access to quality, secure and affordable housing is a key foundation for families and individuals to thrive and to foster the growth of vibrant and diverse community. A proactive, consistent and focussed policy approach to housing, supported by major investment is required. This would ensure there is an adequate supply of social and affordable housing into the medium and longer term.

Underpinning rights to ensure access to quality, secure and affordable housing

The current housing crisis cannot be seen in isolation from other economic and social factors. At the heart of the housing crisis is also a crisis in affordability. It is essential therefore, that any future referendum on housing, addresses the need to ensure that all people in Ireland have access to quality, secure housing, that is affordable and therefore enhances people’s quality of lives.

According to Social Justice Ireland (2022), it is estimated that 210,363 children are at risk of poverty in the State. In 2020, of the 280,644 single parent households 140,322 were at risk of poverty after paying their housing costs⁵. There are over 3,000 children living in homelessness with more living in overcrowded and unsuitable accommodation⁶. In addition, research has shown that adults who first experience homelessness in childhood, are more likely to experience precarious housing in later life⁷.

The current high rate of inflation and the rise in the cost of living is putting a significant cost burden on households. The latest figures published by the Central Statistics Office (CSO) show the annual rate of price growth in the Irish economy was 9.1% in June 2022⁸. Electricity, gas and other fuels were up by 59.9% year on year. In addition, annual inflation for building and construction materials was running at 18.5% in June 2022⁹. This all contributes to property prices remaining high.

These combined effects are pushing more people into deprivation, exclusion and poverty. Families and children on the lowest incomes, and specifically lone parent families, are disproportionately affected.

² Barnados (2022) Cost of Living Crisis. Accessible at: <https://www.barnados.ie/media/15531/cost-of-living-crisis-impact-on-children-2022-full-report-26.pdf>

³ Homeless Report April 2022 (2022). Department of Housing, Local Government and Heritage. Accessible at: <https://www.gov.ie/en/publication/5344b-homeless-report-june-2022/>

⁴ Social Justice Ireland (2022) Housing Costs and Poverty 2022. Accessible at: <https://www.socialjustice.ie/system/files/file-uploads/2022-05/2022-05-30-housing-costs-and-poverty-2022-final.pdf>

⁵ Social Justice Ireland Housing and Poverty 2022 (2022). Accessible at: https://www.socialjustice.ie/system/files/file-uploads/2022-01/housing-and-poverty-final_1.pdf

⁶ Barnados. Housing and Accommodation. Accessible at: <https://www.barnados.ie/policy/the-issues/housing>

⁷ Social Justice Ireland (2021) Precarious Housing – The Long-Term Impact of Child and Youth Homelessness. Accessible at: <https://www.socialjustice.ie/content/policy-issues/precarious-housing-long-term-impact-child-and-youth-homelessness>

⁸ Central Statistics Office (2022) Consumer Price Index - June 2022. Accessible at: <https://www.cso.ie/en/releasesandpublications/er/cpi/consumerpriceindexjune2022/>

⁹ Central Statistics Office (2022) Wholesale Price Index- June 2022. Accessible at: <https://www.cso.ie/en/releasesandpublications/er/wpi/wholesalepriceindexjune2022/>

A constitutional right to housing

The principles and values laid out in the Constitution of Ireland, Bunreacht na hÉireann, guarantees certain rights to Irish citizens and therefore, it is imperative that the Constitution is balanced and sets the foundations to create a just and equal society in Ireland.

The Irish State has signed and ratified several International human rights treaties that acknowledge a right to housing to some degree. The most significant of these treaties is the International Covenant on Economic, Social and Cultural Rights (ICESCR) where Article 11.1¹⁰ states:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. “

Currently, the Constitution makes provision for the protection of private property rights which are protected under articles 40.3 and 43. However, there is no equivalent right to housing. This means that the State plays the role of protecting private property rights and the development of legal regulations and government policies start from the perspective of preserving these private property rights.. Whilst these private property rights can be restricted in the interests of ‘the common good’, the starting point for analysis remains the private interest, with the common good only relevant insofar as it justifies the State in limiting this right to private property.

In practice policy makers have regularly cited this constitutional protection for private property as the reason progressive action cannot be taken to address the housing crisis. An ‘Oireachtas Research Paper’ published in September 2019¹¹ indicates that on twelve separate occasions over recent years, legislation proposed in the Dáil has not progressed due to the spectre of Article 43 being raised as a barrier.

Introducing a right to housing within the Constitution would thus level out the States responsibilities in this regard and create a foundation for State legislation and government policies to seek to protect private property rights on an equal footing with a right to accessing quality, secure affordable housing.

A right to housing is not intended to guarantee everyone a house per se, but provides for generalised access to housing to an appropriate standard. This is not the same as a right to a house. It is expected that a right to housing would operate similarly to the right to education included in Article 42.4 of the Constitution, which has been a significant impetus for action to improve access to education, but has never guaranteed parents the right to a school of their choosing that is in the location of their choosing.

Conclusion

In summary, our response to this public consultation which asks ‘*whether there should be a referendum on the introduction of a constitutional amendment regarding housing, and if so, what form such a constitutional amendment might take*’, we conclude:

¹⁰ Simon Community of Ireland (2018). Making the Case for the Right to housing in Ireland. Accessible at: [://galwaysimon.ie/wp-content/uploads/2020/10/Making-the-Case-for-A-Right-to-Housing-in-Ireland-1.pdf](http://galwaysimon.ie/wp-content/uploads/2020/10/Making-the-Case-for-A-Right-to-Housing-in-Ireland-1.pdf)

¹¹ Keyes F (2019), “Briefing Paper: Property Rights and Housing Legislation”, Oireachtas Library and Research Service, Accessible at: https://colettekelleher.ie/wp-content/uploads/2020/01/Enquiry-2019_715-Property-rights-and-housing-legislation.pdf

- Yes, there should be a referendum on the introduction of a constitutional amendment regarding housing.
- The amendment should be based on introducing a 'right to housing', that is balanced against the private property rights currently protected under the Constitution.
- Any amendment should underpin that the right to housing is based on the values and belief that all people in Ireland should have the right to access quality, secure and affordable housing.