

Submission to Department of Housing, Planning, and Local Government on Access to Emergency Accommodation during Covid-19 pandemic

Focus Ireland is keenly aware that our public services and local authorities are under enormous pressure in responding to the current crisis and are operating well in the vast majority of cases. It is thanks to the collective efforts of everyone in the statutory and non-statutory parts of the homeless sector that, to date, the homeless population has not seen a greater impact from Covid-19. As we start the long process of emerging out of lockdown on 18 May, there is an opportunity to build on the work already achieved and look to future needs.

In making this submission, our aim is to provide some feedback to the DHPLG from the experience of Focus Ireland's frontline advice and information service, as well as the Housing Law Clinic we operate with A&L Goodbody and Mercy Law Resource Centre.

Over the past few weeks, we have received numerous reports from our services across the country of people seeking emergency accommodation in very vulnerable circumstances who were refused accommodation by local authorities and instead directed to source accommodation with friends/family. A variety of different reasons were given for the refusals, suggesting a lack of clarity about policy priorities.

In these situations, particularly where frontline services are less visible, operating remotely, or with reduced staff numbers, these people become acutely vulnerable. While we understand that local authorities are attempting to operate in very difficult situations, it is vital that emergency supports remain in place and are accessible to people who need them.

While the moratorium on evictions has led to a very welcome reduction in the number of people presenting to homeless services on foot of notices of termination, more precarious living arrangements have come under increased pressure. The moratorium does not apply to licence arrangements or to people sofa surfing or living with family who are cocooning or in overcrowded settings. Where such arrangements break down, the circumstances are often the most complex and the people affected are often the most vulnerable.

The Government roadmap for emerging out of lockdown does not directly address any particular grouping, such as the homeless population, but it is our expectation that emergency measures will be in place for the foreseeable future. Access to emergency accommodation must be maintained in a manner which ensures the safety of people living in hotels and B&Bs, while also guaranteeing that people who need to access urgent accommodation are able to do so.

Refusals of access to Emergency Accommodation

Since the beginning of the lockdown, the Advice and Information service of Focus Ireland, along with our partners in the Housing Law Clinic, A&L Goodbody and the Mercy Law Resource Centre, have assisted clients experiencing difficulties accessing emergency accommodation.

On a number of occasions, clients presenting to Focus Ireland services have been told that the reason they cannot access emergency accommodation is as a public health safety measure due to Covid-19. It would appear that in such cases front-line staff are being left to make such 'public health' decisions on their own

judgement and without a wider context. While such decisions may protect homeless services themselves, they may represent a much wider public health risk.

In Focus Ireland's experience, people in this situation are moving through a network of family and friends, which means that they're moving to a different household each night.

When refusing access to emergency accommodation, clients are told to find somewhere else to stay. There is no assessment of the suitability of alternative accommodation from a public health or any other perspective.

In the case of families, this is creating chaotic presentations where a family may not have any alternative but to present at a Garda Station where they will again make contact with the Family Support Team. Some families presenting are being granted accommodation via the Family Support Team, usually when they are already registered on housing lists and verified that they have nowhere else to go. This verification process may involve a parent contacting the local authority or the involvement of a social worker etc. For more vulnerable clients, this may not be possible, particularly when in need of urgent accommodation.

Where possible, people are staying with friends or family. For people in this situation, this often involves moving between a network of different households for short periods of time. In itself, this movement may create a public health risk; it is certainly creating anxiety of exposure to the virus for people in this situation, as well as the family/friends with whom they're staying. In circumstances where the HSE has reported clusters of infection in private homes and with community transmission of the virus continuing, people moving between homes should be limited where possible. At a minimum, where a person is directed away from emergency accommodation, follow up communication should take place to ensure that they have, in fact, found an alternative place to stay.

Focus Ireland is asking that the Department of Housing communicate guidance that no one in need of emergency accommodation should be declined accommodation on 'public health' grounds, without a risk assessment of the public health risk of alternative arrangements they will need to make. Where a household is told to find alternative accommodation with family or friends, **a risk assessment and/or follow-up communication should take place to ensure that people are not put at risk** due to Covid-19, family circumstances, domestic violence or any other reason.

Complex cases

The pressures associated with lockdown have exacerbated many existing risks, such as domestic violence, with many services noting an increase in incidents of domestic violence. In complex cases of family breakdown where domestic violence may be a factor, it is vital that people are not directed to return to a dangerous situation. The risk of domestic violence is not always readily identifiable and the utmost care must be taken by frontline local authority staff members that they are not placing a person in danger. A small number of our clients have reported to us that they felt they had no alternative but to remain in a situation of domestic violence having spoken to their local authority. It is particularly important that this is addressed in circumstances where capacity in domestic violence refuges around the country is severely limited at present.

The DHPLG issued well considered [Guidance for Housing Authorities on Domestic Violence and Emergency Accommodation](#) to local authorities a number of years ago. With the passage of time, some front-line staff are no longer familiar with these and Focus Ireland is asking the DHPLG to reissue these to local authorities at this time.

We are also asking that Local Authorities be asked to conduct a basic risk assessment with follow-up communication if necessary, to ensure that a person who has sought emergency accommodation and is directed to find alternative accommodation themselves, is not placed at risk of domestic violence.

Communication with frontline services

Given the challenges in the current circumstances, we would ask that increased resources and priority are given to constructive communication between frontline services, with a view to identifying workable solutions for all parties involved.

Focus Ireland recommends the adoption of a gaps and blocks system within local authorities to identify and address gaps and blocks between different services. Using this tool, where a gap or block is identified by a service such as our own, it can be raised with an appointed decisionmaker within the local authority, who can raise it internally or with their equivalent in another public service, including the HSE/DEASP etc. This will ensure better dialogue and a focus on appropriate solutions for all parties involved.

Cases arising 31 March – 30 April 2020

The cases described below are for illustrative purposes and to demonstrate the impact Covid-19 is having on access to emergency accommodation, as well as associated difficulties arising on the ground. Several of these cases has been resolved by working with the local authority involved; however, it is our view that behind each case, there is an underlying policy or communications gap that needs to be resolved at a higher level to prevent the recurrence of similar incidents where support might not be available to resolve the issue successfully.

South Dublin County Council

Family A: 2 adults (mother is currently pregnant) and 4 children (including a 4 month old). The family had been accessing emergency accommodation until recently. They were struggling in hotels and had opted to stay in a caravan which was temporarily made available to them. They have since been requested to return the caravan.

Family B: 1 adult and 3 children. They had been staying with family; however, the relationship broke down and they were asked to leave. The mother was directed by the local authority to stay with alternative family or friends; however, nobody was in a position to let her stay and she was left with nowhere to stay for the night.

Both family A and B had sourced available hotel accommodation but were told that the council was no financing self-accommodated during the Covid-19 crisis. Family A borrowed a caravan and were able to pass the night there. Family B travelled to Dundalk to stay with a family member for a single night.

The issues were resolved the following day, after discussion with council officials.

Meath County Council

Family C (2 adults and 1 new-born baby) were refused emergency accommodation by Meath County Council. The mother had her baby in the Rotunda hospital and a social worker in the Rotunda contacted DCC regarding accommodation for the family. DCC gave emergency accommodation to the mother and baby, but for a maximum of one-two weeks at which point she must apply to Meath County Council again. However, Meath CC have already rejected her application. The father of the family was not provided with emergency accommodation at all.

Wexford

Adult C, who is the subject of a social housing suspension, was sofa surfing with friends for a number of months. Due to fears around Covid-19, she was asked to leave her accommodation and applied to the local authority for accommodation. She was refused on the ground, which we believe to be erroneous, that the local authority may use discretion under section 2 of the Housing Act 1998 to refuse emergency accommodation. This case is being challenged through solicitors but, in the meantime, she has been sleeping in her car or occasionally with a family member.

Carlow

Family D: 1 adult and 2 children. They were staying with a partner in social housing (though not named on the lease) was locked out of that accommodation and was refused re-entry. Requested emergency accommodation from the council but was refused. He has self-financed private B&B accommodation for two days but is not able to continue to sustain this financial cost. This case is still live and has not yet been resolved.

Adult E was rough-sleeping in a car due to covid-19 for over 8 weeks. When he approached the local authority, he was not offered any emergency accommodation and was repeatedly told that he was on a waiting list for a bed.

Adult F was sleeping in a tent. Focus Ireland repeatedly raised his case with the Council but he was not offered a bed. The Council's explanation is that effect of moving hostel accommodation to single occupancy with no additional beds has resulted in capacity being severely reduced for people seeking to enter into emergency accommodation who are now being turned away.

Sligo

Adult G with complex needs was discharged from hospital for non-Covid 19 reasons. He was initially informed that accommodation wasn't available as shelters are full in Sligo. This situation has now been resolved as the local authority made a bed available, but the risk remains that such tight capacity issues in emergency accommodation will leave people in a very vulnerable position during this public health crisis.

Dublin City Council

Adult H was having difficulty adding her partner to her application for social housing with **DCC**. DCC then agreed to add the partner to her housing application and to recognise the Adult H and her partner as a couple. However DCC have now said that due to COVID-19 restrictions they cannot share emergency accommodation together.

ENDS.