

# Focus Ireland Submission to the Review of Rebuilding Ireland

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## Introduction

Focus Ireland welcomes the Government decision to review Rebuilding Ireland and the opportunity to contribute to that review. Although Rebuilding Ireland is little over a year old, some elements of the situation are moving so quickly, and others so slowly, that a review is timely.

In our response to Rebuilding Ireland at the time of its launch, Focus Ireland highlighted a number of strengths in the plan. These included:

- It is the first Irish strategy which integrates housing & homelessness
- It represents a strong Government-wide political commitment
- It includes a strong governance structure, including a Cabinet Sub-committee chaired by the Taoiseach
- A substantial budget is allocated
- There are many specific positive commitments in the document

However, we also identified a number of specific weaknesses, which we argued should be addressed during the roll out

- The strategy lacked a clear vision and objectives – particularly in relation to families. While there are a large number of specific targets, this was the first Irish Government document in a generation which shrank away from a declaration that homelessness is a problem that can be ended.
- The social housing targets continued to have an over-reliance on private developers (through the lease or purchase of privately built units, Part V etc)

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- The plan relied exclusively on incentives to encourage private companies and individuals to take the necessary actions, without any consideration of penalties or costs for those who did not
- The plan relied on unreliable data (e.g. vacancies, completions, voids) both for its analysis and monitoring
- It did not fully recognise the scale of the challenge or the complex, barrier-littered systems which need to be overcome to deliver any results.

A strategic plan on the scale of Rebuilding Ireland needs to be undertaken from two different perspectives. It needs to look at what has been achieved and what has not, where are the gaps, barriers and opportunities. But it also needs to step back from that level of detail and ask whether the overall strategic approach matches what we now know about the task.

When viewed as a list of ‘action points’, Rebuilding Ireland can be seen as a successful document. Many of its specific commitments have been met, and this can be seen in the regular progress reports. But this is paradoxical because, by every measurement available to us, the situation has become worse.

The reasons behind the overall failure become clearer when we look at the more strategic level. Rebuilding Ireland cannot be seen as a stand-alone document; it is clearly built upon and a continuation of plans that have been in place at least since 2014. All these documents placed an over-reliance on financial incentives to private individuals and companies to encourage the building of more homes. The reasons for this are complex. It may stem from Governmental unwillingness to accept that housing is a fundamental part of our infrastructure, necessary for a functioning society and economy; the government would not, for instance, leave road and bridge construction solely to the private market. It can also be explained as a result of the incapacity of the state to raise capital during and after the economic collapse. Whatever the reason for this approach, the evidence is now overwhelming that it has not worked. If the Government is serious about this problem being solved it must take a much more direct role in delivering the solution.

There has also been a persistent failure to grasp the seriousness of the problem we face. Perhaps the best example of this is the treatment of the ESRI analysis that we require 25,000 housing units just to respond to growing demographic demand<sup>1</sup>. There is broad consensus that the housing and homelessness crisis has its roots in an overall shortfall in the number of housing units available. Rebuilding Ireland does not envisage reaching an output of 25,000 for several years, but the gradual approach towards that figure was nevertheless treated as progress. Any sober assessment of this situation would recognize that the underlying problem is going to get worse for every year until we reach an output of 25,000 and only slowly start to get better after that. Instead, the plan appeared to predict that the patient would remain seriously sick for several years but that the symptoms would start to clear up within 12 months.

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<sup>1</sup> ESRI (2015) Quarterly Economic Commentary, Winter 2015. This has now been increased to an estimated need of 25,000 to 35,000 new units.

As a result the measures taken have been insufficient to the scale of the task, have come too late and fallen short of what is desperately needed. The Review of Rebuilding Ireland needs to deliver a realistic assessment of the scale of problem we face and roll out a set of policies capable of dealing with it. This needs to be followed by a clear implementation plan.

This submission draws on Focus Ireland's experience as the largest single provider of supports to homeless households across the country and our engagement in international analysis of homeless policies to bring forward a range of specific proposals which we believe would contribute to a stronger and more effective Rebuilding Ireland 2.0.

## Key Recommendations

- The revised Strategy should set out a clear vision that homelessness can be ended within a specific timeframe. Consensus should be established among all political parties and voluntary organisations to set a realistic timeframe.
- There should be a specific 'sub-strategy' to respond to the particular dynamics and complexity of Family homelessness. Development and delivery of this should take a collaborative, inclusive and problem-solving approach.
- An intermediary target of ensuring that no family need remain in homeless accommodation for more than six months should be set, and case management systems put in place to move towards this goal.
- The Department of Housing and the Department of Children and Youth Affairs should issue a Circular to Local Authorities, setting out how they should respond to family homelessness, putting the interest of the child at the heart of their practice, and ending the practice of asking homeless families to 'self-accommodate'.
- Tenants of buy-to-let landlords should be given greater security, and resources provided to effectively enforce the tenancy security measures already in place.
- The Department of Housing and Local Authorities should take an active role in the building of new social housing on a large scale, including use of Rapid Build technologies.
- A higher proportion of social housing allocations should go to homeless households (between 30% and 50%).
- There should be a new 'empty home tax', with exemptions where the property is temporarily empty for good reason. Where ownership cannot be identified or properties have been left empty for excessive periods, they should be subject to compulsory purchase.
- A date for a referendum on the Right to Housing should be set.
- A 'Research and Data' Co-ordination Group should be established to develop common agreement on how progress is to be measured and published.

## Pillar 1: Address Homelessness

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The key targets in Pillar 1 are to provide early solutions to address the 'unacceptable level' of families in emergency accommodation, enhance supports to keep people in their existing homes, deliver supports to those experiencing homelessness, support exits from homelessness and minimise rough sleeping. Focus Ireland believes these are the correct areas of concern and should be retained.

All solutions to our homelessness crisis require effective co-operation across Government departments, but family homelessness presents particular challenges in this regard. It is for this reason that we propose an Implementation Team for this sub-strategy, comprising representatives from the relevant Departments and Agencies (Department of Housing, Planning and Local Government, Department of Education and Skills, Department of Children and Youth), Government agencies (DRHE, Tusla) and relevant voluntary organisations (Focus Ireland and the Children's Rights Alliance). The purpose of this group would not be to prepare a report or to hear reports of progress, but rather to engage all relevant bodies in a collective process of collaborative problem solving.

Our review submission in relation to this Pillar will focus on strengthening the strategic approach and content on our areas of particular expertise: family homelessness, youth homelessness, and Housing First for adults.

### Family Homelessness

In our initial response to Rebuilding Ireland in July 2016, Focus Ireland welcomed the recognition that “Families with children presenting as homeless require a response that is separate and distinct from presentations by adult individuals and couples” (p 34). We argued that this recognition needed further elaboration to create an effective ‘sub-strategy on family homelessness’ to set out what this ‘separate and distinct’ response might look like. Unfortunately, no such development of policy occurred. Under pressure from the relentless rise in family homelessness, policy followed the traditional, failed approach taken to single person’s homelessness – commissioning of new forms of emergency accommodation.

If families are to be accommodated for long periods in emergency accommodation, it is clearly preferable that the emergency accommodation is of the highest possible standard. The new Family Homeless Hubs represent a significant improvement in physical conditions for families allocated to them. However, international experience shows that an over reliance on emergency accommodation as a response to homelessness results in larger numbers of families remaining homeless for longer periods. Recent independent research raises similar fears about how Family Homeless Hubs, despite the best intentions, inevitably 'institutionalise' families.<sup>23</sup> The absence of a strategic framework and clear

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<sup>2</sup> Hearne and Murphy, *Investing in the Right to a Home* (2017)

<sup>3</sup> Share, M. & Hennessy, M. (2017). Food Access and Nutritional Health among Families in Emergency Homeless Accommodation: Abridged report. Dublin: Focus Ireland.

objectives for responding to family homelessness give a distinct impression that there is an overreliance on emergency accommodation as a response.

The proposed 'Sub-Strategy on Families' would follow the key themes set out in Pillar 1 – prevention, avoidance of rough sleeping, supports to those experiencing homelessness and improved exits – drawing out the 'separate and distinct' challenge that it presents. The central objective would be to reduce the number of families experiencing homelessness, reduce the impact of homelessness on children and ensure that families do not remain homeless for more than 6 months.

## Supporting families to move out of homelessness

### *Timeframe for ending family homelessness*

The revised Rebuilding Ireland strategy should set out a five year framework for eliminating mass family homelessness.

It should also set a key objective of ensuring that no family should remain homeless for more than six months. This is necessary because requiring families to remain in emergency accommodation for long periods of time is simply wrong. We also know that this can cause lasting damage to the life changes of the children involved. International and Irish research has demonstrated significant rates of intergenerational homelessness.<sup>4</sup>

A robust framework of monitoring, practice and resource allocation needs to be put in place to make this objective meaningful. It will be hard to achieve and should be presented in this light, in the context of the problem solving collaboration which informs this submission.

In particular it must be made clear, as recommended in the recent independent report on food access for homeless families<sup>5</sup>, that the implementation of this objective should not result in pressure on families to accept unsuitable housing offers.

The achievement of this objective depends to a very large extent on the availability of additional affordable housing, proposals in relation to this are set out under Pillar 2.

### *Monitoring and incremental case management*

In the first place policy makers and service providers must have reliable up-to-date information to determine how many families have been residing in emergency accommodation for how long. Regular reports should be prepared and published setting out the duration of stay in emergency accommodation.

Any honest appraisal of the current situation must recognise that some families will have to remain in emergency accommodation beyond the 6 month timeframe. However, we believe that this situation

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<sup>4</sup> Flatau 2013, Ravenhill 2008, Mayock & Sheridan, 2012

<sup>5</sup> Share, M. & Hennessy, M. (2017). Food Access and Nutritional Health among Families in Emergency Homeless Accommodation: Abridged report. Dublin: Focus Ireland (Recommendation 10)

must trigger additional support and an examination of why the family have not been supported to successfully exit homelessness. The reasons for the lack of move-on should be highlighted and a plan to overcome these should be developed as a collaborative process between the case manager and the family. This would also allow services to evaluate whether specific child support services are now needed given the length of time children have been residing in emergency accommodation.

Case management conferences should be convened involving all relevant parties, to address the particular issues presenting for families that have been homeless for longer periods. Anonymised summaries of the actions taken on foot of these meetings should be presented to the Implementation group.

### *Private rental sector options*

Given the lack of social and affordable housing, the HAP scheme, and Homeless HAP in particular, has been critical in moving households out of homelessness and into tenancies.

However, it is now well established that families who have spent significant periods of time in emergency accommodation can be reluctant to move their families back into the private rental sector. This reluctance arises from two concerns – first, that their experience proves that the private rented sector does not provide security for their family, and second that they will lose their place in the social housing queue which it may have taken many years to establish.<sup>6</sup>

The valid concern about security can be significantly alleviated by the proposals we set out under the section on prevention below. Further action is needed to extend the time commitment from HAP landlords to match the security available under the residential tenancies legislation.

The valid concerns about enforced loss of a place on the social housing list have been overcome by some local authorities, which have amended their procedures in relation to waiting lists. In these cases, households taking up HAP are moved to the transfer list, as required by legislation, but the transfer list and main waiting list are integrated such a way that they do not lose priority for any social housing unit that becomes available. Those on the ‘transfer list’ however are not included in the headline figure for social housing need, so that households in receipt of HAP do not artificially inflate the ‘housing needs’ data.

Focus Ireland recommends that this approach be adopted nationwide, so that (in conjunction with the proposed changes in tenure security), the key evidence based reservations about HAP will be largely eliminated.

### *Social housing allocations for families exiting homelessness*

Evidence shows that the Ministerial Directive to prioritise homeless families in the provision of social housing was one of the most effective measures introduced to tackle the crisis, with significantly increased exits during a period when private rental was largely unavailable (due to Rent Supplement

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<sup>6</sup> Hearne and Murphy, Investing in the Right to a Home (2017)

policy at the time). The abolition of the Directive led to no reduction in the number of families presenting as homeless, as its opponents had predicted. If the approach had been continued in parallel with the introduction of HAP and Homeless HAP, we would be facing a much less severe problem today.

The decision not to continue with the Directive is a major victory for myth-based policy and a defeat for evidence-based approaches to social problems. It is a clear example of where ‘political commitment’ to tackling this problem faltered in the face of other interests.

A key element of the Directive was that it only related to families that were already homeless at the time of its introduction, so it provided no incentive whatsoever to families in difficult housing situations to ‘opt for’ homelessness.

Any effective Sub-strategy to tackle family homelessness should reintroduce the Directive to local authorities to ensure that a high proportion of available social housing is allocated to those who are already long-term homeless and other specified vulnerable groups (ie. Careleavers, people with disabilities and those eligible for the Housing First programme). The political resistance of some within the councils to the Directive, and the failure to publish any information of patterns of allocation since it was removed, indicate that a fair distribution of housing allocations to homeless households requires a clear national direction.

### *Use of rapid built housing as long-term homes*

Focus Ireland has always welcomed the construction of high quality ‘rapid build housing’ but was critical of the proposed use of this as temporary emergency accommodation. We welcome the shift of policy to the use of rapid built housing as permanent tenancies. This change in policy, however, moves the debate on to the question of how sustainable communities are developed in these estates.

While we strongly advocate for families experiencing homelessness to be prioritised in the allocation of social housing, we believe this need to be delivered alongside policies to create balanced and sustainable communities with a range of demographic profiles. We are concerned that to ‘block allocate’ rapid build estates to families coming from emergency accommodation will create stigma and not be conducive to creating sustainable, vibrant communities. To ensure that the rapid build housing that does come in stream has the maximum impact on homelessness we propose that:

- The majority of units in rapid build developments should be allocated to homeless families with local connections and coming, as much as possible, from different emergency accommodations
- A proportion of the housing units in rapid build developments be allocated to families on the local housing transfer list.
- That the units vacated by transfer are prioritised for re-let and allocated to homeless families.
- That in addition to SLI tenancy supports, there should be investment in community development worker support for at least the first 12 months after allocation.

A similar approach should be taken when a number of traditional build social housing properties come on stream together in a given area. Local authorities should have the opportunity to be strategic in their allocations, creating a social mix which will contribute to a sustainable community.

## Prevention of family homelessness

All effective strategies to tackle homelessness need to be built on the foundation of strong programmes to prevent people from becoming homeless by keeping them in their existing home or to rapidly rehouse them where that is not possible.

The majority of families had their last stable home in the private rented sector.<sup>7</sup> While the underlying causes of the housing and homeless crisis are complex, the proximate cause of the crisis lies in problems at the bottom end of the private rented market primarily in Dublin, with similar problems emerging in other urban centres.

In the first phase of the crisis, families reported difficulties in making rent payments, arising from rapidly rising rents and, for some families, the failure to increase housing supports (Rent Supplement) in line with market conditions.

More recently, families have increasingly reported landlords terminating tenancies in order to sell buy-to-let properties with vacant possession, or to move family members into the property. Of families that became homeless in June 2016, 36% reported that their last stable accommodation broke down for this reason.<sup>8</sup>

Most families attempt to avoid entering homeless services by arranging to stay with family or friends. In some cases these arrangements, or a series of such arrangements, can extend over many months before pressures result in the family presenting to homeless services. Such families frequently only report the immediate cause of their homelessness to the local authority (e.g. 'family dispute'), leading to underestimation of the number of families who at one time held secure tenancies in the private rented sector.

It is important to re-emphasise that although the causes of the homeless crisis are predominantly structural, families continue to become homeless due to social factors such as domestic violence or family breakdown.<sup>9</sup> Around a quarter of families becoming homeless are 'new family formations' where the family are moving out of their own parental home.

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<sup>7</sup> See Focus Ireland Insights into Family Homelessness, available at: <https://www.focusireland.ie/resource-hub/publications-and-partnerships/research/>

<sup>8</sup> Focus Ireland Insights into Family Homelessness, available at: <https://www.focusireland.ie/wp-content/uploads/2016/04/Insights-into-Family-Homelessness-No-5-Survey-of-the-families-that-became-homeless-during-June-2016-FINAL-1.pdf>

<sup>9</sup> Data from March 2016 Family Insight study, available at: <https://www.focusireland.ie/wp-content/uploads/2016/04/Insight-into-Family-Homelessness-No-4-2016-Telephone-Survey-of-Families-that-Became-Homeless-during-March-2016.pdf>



It is also worth noting that, while there continues to be a very high number of residential mortgages in long-term arrears, and a growing number of house repossessions, to date very few former home owners have entered homeless services for families. This should not, however, lead to complacency as these families continue to be at high risk of losing their homes.

There are a number of broad policy changes which could help prevent families becoming homeless, and there are also a number of specific changes of practice which would assist this goal.

### *Protecting tenants security in sales of buy-to-let properties*

The single most significant reduction in households becoming homeless would be to reduce the numbers losing their homes due to buy-to-let landlords exiting the market.

We continue to advocate for restrictions on the ability of landlords to sell their property with vacant possession. In our most recent telephone survey, conducted with families who became homeless in September 2016, 33% cited their landlord selling as the reason they had to leave their last stable accommodation.<sup>10</sup>

There is no evidence of any effort to police the administrative requirements on landlords who wish to sell-up, which were introduced by the last Government. Focus Ireland recommends that where any household presents to a local authority as homeless, citing 'landlord selling up' as the reason, the local authority should investigate the landlord involved to ensure that all the legislative and regulatory requirements have been complied with. Where they have not been followed, the local authority should initiate proceedings against the landlord. This procedure would not affect the rights of the presenting household.

The other Government step to limit the ability of institutional landlords to sell with vacant possession, the Planning and Development (Housing) and Residential Tenancies Act 2016 restricted the right of institutional landlords to sell 10 or more properties with vacant possession. However the overwhelming number of families losing their homes appear to be tenants of landlords with one or two properties – and so are unprotected by this change.

We believe that the Residential Tenancies Act should be amended to give extra protection to tenants of buy-to-let landlords. By narrowing the protection to landlords who borrowed specifically to invest in property to rent out we believe that the legislation would not be unconstitutional, would have limited unintended negative impacts and would address the sector of the market where the problem seems to lie.<sup>11</sup>

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<sup>10</sup> Of 43 families. Report available at: <https://www.focusireland.ie/wp-content/uploads/2016/04/Insights-into-Family-Homelessness-No-7-Survey-of-the-families-that-became-homeless-during-September-2016-FINAL.pdf>

<sup>11</sup> Draft amendment available at: <https://www.focusireland.ie/wp-content/uploads/2016/04/Draft-Amendment-29th-November-2016-Focus-Ireland-campaign.pdf>

We note media coverage of proposals to introduce tax incentives to induce landlords who are selling up to sell to other landlords. We do not believe that such a 'tax incentive' driven approach would be effective in this already complex and pressured area.

### *Broader prevention issues in the private rented sector*

Over the last number of years the Government has introduced a range of measures to protect tenants in private rented accommodation. While many of these changes are welcome, they all have one thing in common: there are very limited penalties for landlords who ignore them and there is no effective mechanism to police them or enforce them. Any enforcement appears to depend upon the affected household which, given the stress and vulnerability they are experiencing as they become homeless, are unlikely to take action.

We welcome the Government commitment to introduce limited rent regulation, but believe that this will need to be carefully monitored to ensure it is having the intended consequences. Focus Ireland made a detailed submission to the review of recent rent predictability measures, which highlighted evidence that the 4% limit on rental increases between tenancies appears to be widely ignored.

More generally, Focus Ireland is concerned that families whose home is a private rented property are at a distinct disadvantage concerning mortgage arrears. Owner-occupiers who fall into mortgage arrears are at least partly protected by the Code of Conduct on Mortgage Arrears. However, this only applies to property which constitutes a primary dwelling. When owners of buy-to-let properties fall into rental arrears, no such code applies, even though the property constitutes a home for its tenants. Focus Ireland believes that a Code of Conduct on Buy-to-Let Mortgage Arrears should be introduced which requires banks and lending institutions to support landlords to manage their arrears and keep tenants in their homes.

### *Targeted prevention and information campaigns*

Rebuilding Ireland commits to a national awareness campaign to prevent homelessness, and we welcome the growth of the Threshold Tenancy Protection Service and a more flexible approach from the Department of Social Protection. While these general programmes are important, we believe that there is an important role for more targetted campaigns to engage households at risk of homelessness early.

An example of such a programme is the Focus Ireland targeted prevention campaign in Dublin 15 which ran in the summer of 2016.<sup>12</sup> With the support of the local social protection office, we directly targeted families who were in receipt of rent supplement. The pilot successfully reached families at risk of homelessness; 75% of those who contacted us had not contacted State-supported prevention schemes prior to this. The D15 pilot used a number of communication channels including the targeted letter, advertisements in high-traffic locations and engagement with community networks. However, the vast majority of households contacted the service on foot of the letter directly sent to them.

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<sup>12</sup> Results of a Pilot Project to prevent family homelessness in Dublin 15, available at: <https://www.focusireland.ie/wp-content/uploads/2016/04/D15-Homeless-Prevention-Campaign-Report-Final-2017.pdf>

We believe that the success of this targeted pilot means it should be replicated in other areas. We would be happy to discuss our findings with the Department in order to inform and facilitate this roll-out.

### *Structural systems to prevent homelessness*

Government funding for homeless services has increased substantially over the last number of years. However, a very large proportion of this money goes to pay for emergency responses, increasingly in the private, for-profit sector. €39 million was spent by the State on emergency accommodation alone in 2016.<sup>13</sup> Organisations struggle to provide accessible, quality prevention services with the trained staff necessary to actually make a difference.

Irish legislation, strictly interpreted, does not permit expenditure of Section 10 funding before a person actually becomes homeless. In 2014, the leading homeless organisations, working together as 'MakeRoom', proposed legislative changes to give a statutory role for local authorities in designing and funding homeless prevention programmes. This recommendation remains relevant.

More recent legislative changes in other jurisdictions should be considered, such as the 2014 Welsh legislation to introduce a statutory 'right to prevention' for households who are threatened with homelessness,<sup>14</sup> and more recent similar legislation in England.

The funding required in the first year of new prevention services in Wales was the equivalent of €6.4 million.<sup>15</sup> A similar level of funding, backed by changes in policy and practice could substantially reduce the number of households becoming homeless.

### *Rapid rehousing*

While prevention services are more effective the earlier the intervention occurs, there will always be a role for more urgent preventative action. Rapid rehousing is one such option, and is necessary when other attempts to save a tenancy have been exhausted. Finding alternative accommodation at this point prevents families from having to enter emergency accommodation.

The availability of Homeless HAP to families that are at imminent risk of becoming homeless is very welcome, and was an important factor in the success of the D15 campaign referred to above. However more needs to be done to ensure that all families at risk of homelessness are aware of their options and who to contact to secure rapid rehousing. The large number of families becoming homeless every month is empirical proof that more needs to be done in this regard.

Despite the efforts of the local authorities to change historic systems, families becoming homeless continue to report that when they presented to their local authority when their tenancy was at risk they

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<sup>13</sup> Source: Dublin Region Homeless Executive

<sup>14</sup> Section 66, Housing (Wales) Act 2014

<sup>15</sup> Shelter Policy Blog: <http://blog.shelter.org.uk/2017/01/preventing-homelessness-costs/>

were told to ‘come back when you are homeless.’ Families must be encouraged to present to their local authority as soon as they become concerned about their tenancy, and staff need to be trained to give appropriate assistance and link them with into preventative services in the area.

Focus Ireland, from its own resources, as part of its ‘Insights into Family Homelessness’ series, carries out a detailed interview with all families that become homeless during one month each quarter. This report provides rapid feedback on how the prevention services are experienced by the people who need them most. The Department of Housing, local authorities and Focus Ireland could work more closely together to use this instrument to upgrade and fine-tune front-line prevention services.

### *Family Mediation*

In 2016, Focus Ireland proposed a pilot scheme, which would operate as an alternative to emergency accommodation and support families to return to the homes of their wider family, where appropriate. The proposed pilot would allow families to avoid the dislocation and trauma associated with emergency accommodation, while permanent housing was being sought.

In introducing the scheme, we advised that a number of supports/assurances would be vital: the family maintaining their place on the housing list, continued case management, and family mediation. The latter was deemed particularly important given that a number of these accommodation arrangements ended as a result of family breakdown.

In recent months, the DRHE has introduced a similar scheme to support families who have been living with wider family to return to previous living situations. We welcome this development, but believe that to have long-term success such a programme should include access to a more substantive mediation service and on-going evaluation. Furthermore, because the families availing of this scheme will, rightly, not feature in the monthly homeless figures of those living in emergency accommodation, the total number placed on the local authority ‘homeless priority list’ through this scheme should be reported on a monthly basis.

### Supporting families while they are homeless

While Focus Ireland believes strongly in strategic efforts to prevent and sustain exits from homelessness, we also recognise the effects that periods in emergency accommodation can have on families and children. It should be a clear objective of the family homelessness sub-strategy to reduce the impact of the experience of homelessness on children.

All solutions to our homelessness crisis require effective co-operation across Government departments, but this area presents particular challenges in this regard. It is for this reason that we propose an Implementation Team for this sub-strategy as noted above.

The following are supports which we believe are necessary in order to protect and support families while they are experiencing homelessness.

## *End the practice of self-accommodation for homeless families*

Where a family presents to the Dublin local authorities and is assessed as homeless under the legislation, it has become the practice in many cases for the family to be asked to find their own emergency accommodation, which will then be paid for by the local authority. This practice is known as 'self-accommodation'.

We estimate that around 250 families are currently made responsible for finding their own emergency accommodation each night in Dublin. While most of these families are capable of doing so, many families are under so much stress that they are unable to do so. Given the scarcity of such accommodation, it is not unusual for families to be unable to source accommodation themselves. Families and Focus Ireland staff spend an enormous amount of time each day contacting commercial hotels in an attempt to source accommodation. Even after a hotel is sourced, the process for securing the LA funding is complex.

This practice represents an attempt to transfer the responsibility for securing accommodation from the statutory authorities to the family in crisis. It is justified as a cost containing measure by the local authorities, but in fact involves a transfer of the cost to other statutory and voluntary organisations and to vulnerable citizens at their most vulnerable moments. Due to the scarcity of hotel accommodation during busy times, this practice results, from time to time, in some families which have been assessed as homeless under the legislation not being provided with any emergency accommodation for the night, and having to sleep rough or make other potentially risky arrangements.

The Government's existing commitment to end the use of commercial hotels except in exceptional circumstances should be linked to a new commitment to end the practice of 'self accommodation' in all circumstances.

In even more extreme cases, families which present are not assessed as homeless for several days as they do not have all the available paperwork to hand. In these cases, the families are given permission to 'self-accommodate' towards the end of the day when they can demonstrate that they have no reasonable place to stay that night. Such arrangements are made on one-night-only basis, so the level of stress and risk for the family is very high. During times of low availability of hotels such families are often not accommodated until late at night. This process appears to be operated as a form of 'gatekeeping' to filter out families that have alternatives which are preferable to walking the street into the late evening.

Section 10(10) of the Housing Act 1988 specifies that a housing authority can exercise all their powers to assist individuals while they are trying to determine whether an individual is homeless. As such, we cannot understand why families in this situation are being refused an offer of emergency accommodation at the time of presentation.

Focus Ireland believes that the presence of one or more dependent children among the persons normally residing with the presenting adult must be a primary determinant in the decision-making process of the local authority. The presence of a minor should substantially alter the burden of proof required to decide whether a family have no alternative accommodation open to them. We also believe

that when a child is accepted as homeless with their family, the clause in the Housing Act 1988<sup>16</sup> which enables local authorities to provide assistance should become an obligation.

Front-line staff are caught in an invidious position of having to protect public funds against dubious claims but also ensure the protection of vulnerable children. For over two years, Focus Ireland has called on the Department of Housing to issue a circular clarifying obligations under Child Protection legislation and instructing local authorities that, where they assess a family as having no reasonable place to stay that night, they have an obligation to secure emergency accommodation for them. Funding to provide this support should be ring-fenced in the Section 10 funding provided.

The extent to which the review of Rebuilding Ireland responds to this night-by-night risk that is currently being placed children will be a key measure by which it will be judged.

### *Non-Irish Families*

Focus Ireland is also concerned specifically about the situation of non-Irish families which have no place to stay but are not deemed to 'homeless' by local authorities due to a particular interpretation of residency requirements. These families are providing emergency accommodation on a one-night-only 'humanitarian' basis. This means that they have to find new accommodation each and every day but only after they have shown that they have no accommodation. This often occurs late at night and involves enormous stress and significant risk for the children of the family.

At present Focus Ireland is working with 7 such families in Dublin, one of which has needed assistance to find new accommodation every night for over two years.

Focus Ireland note that in a recent investigation by the Office of the Ombudsman for Children it was stated: "When the DRHE met us, they confirmed that the habitual residence condition was not related to provision of emergency accommodation". Nevertheless this practice continues.

The Department of Housing should issue a circular to local authorities ending this practice.

### *Access to Childcare*

Focus Ireland welcomes the introduction of the Community Childcare Subvention Transitional (CCST) Scheme and has been pleased to partner with the Department of Children and Youth Affairs with regards its administration in Dublin. The scheme should be promptly rolled-out to all regions where it is appropriate and existing administrative issues should be examined to ensure that the highest possible uptake is achieved.

### *Education Supports*

International research has shown a strong correlation between homelessness and a withdrawal from education.<sup>17</sup> Given the recognised and well-documented importance of educational attainment in later

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<sup>16</sup> Section 10, available at: <http://www.irishstatutebook.ie/eli/1988/act/28/section/10/enacted/en/html>

<sup>17</sup> "Youth Homelessness in the UK" Joseph Rowntree Foundation, 2008

life, it is vital that children residing in emergency accommodation are supported to attend school regularly and perform to the best of their ability.

A period of family homelessness is profoundly disruptive to the education of children in the family. Problems range from practical issues such as the distance of travel and lack of space to do homework to psychological impacts such as stigma and depression. International evidence suggests that homelessness can significantly increase the risk of poor educational outcomes. Family homelessness is an extreme form of deprivation which creates a grave risk of translating into educational disadvantage.

Rebuilding Ireland aims to operate as an inter-Departmental action plan. A number of Departments and agencies are granted 'ownership' of particular action points. While the Department of Education and Skills owns a number of commitments, these relate mostly to student accommodation and the construction of same. There are no substantive commitments relating to educational supports for children and young people experiencing homelessness. This is a key policy priority area in other jurisdictions, including the US and Australia, but has been largely overlooked in Ireland. Focus Ireland has written to the Department of Education and the Minister a number of times seeking meetings to discuss the role DES has in supporting children in these situations, but to date we have had no response.

The primary policy instrument used by the Department of Education and Skills to tackle educational disadvantage is the DEIS system. However, it is estimated that 45% of children in emergency accommodation are attending non-DEIS-designated schools.<sup>18</sup> Levels of housing instability and homelessness are not used to assess whether a school should be designated as in need of additional support. The DEIS scheme was reviewed in early 2017 and again, despite the massive growth of family homelessness, it received no substantive mention. As a result, half of the children who are homeless are excluded from accessing DEIS supports like breakfast and after-school clubs and free school meals. They do not benefit from the help of HSCL or school completion officers.

It is essential that the Department of Education recognise that the family homelessness crisis is an educational crisis too, and responding to it cannot be left to other Departments. The Department of Education should be prompted to urgently develop a range of policies, training programmes and other supports for schools and teachers struggling with the challenge of a large number of children in families that are homeless.

### *Therapeutic Supports*

While the causes and solutions to family homelessness are primarily to be found in the housing market, the damage it causes may require assistance from mental health and well-being services – both for the parent(s) and children.

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<sup>18</sup> See Focus Ireland Insights into Family Homelessness: <https://www.focusireland.ie/wp-content/uploads/2016/04/Insights-into-Family-Homelessness-No-3-2016-Children-experiencing-Homelessness-and-DEIS-Schools.pdf>

The experience of Focus Ireland staff, supported by forthcoming research into move-ons from emergency accommodation, indicates that some parents in homeless families would benefit from therapeutic supports which are not currently available to them. Examples which emerge in the research indicate a role for relationship counselling for two parent families facing the stress of prolonged homelessness. Other parents identified psychological support for their children post homelessness as a key concern.

These additional supports may be available in mainstream services and the objective should be to link these families to those supports, but there is good reason to believe that both additional resources and specialist training will be required to make these services available in some cases.

### *Access to food, nutrition and family life*

Recently published independent research into the experiences of families that are homeless in accessing food and feeding their families includes a range of findings that have wide ranging implications for the provision of emergency accommodation, including Family Homeless Hubs<sup>19</sup>. The research highlights the need for clear and comprehensive regulations for homeless family accommodation which respect for family life, dignity and independence. A number of specific recommendations are made which need to be reflected in the review. The long-awaited national framework of quality standard for homeless accommodation was developed before the emergence of large scale family homelessness and cannot be expected to address the issues raised by the emergence of large scale institutional homeless accommodation or by this research.

The review of Rebuilding Ireland is a timely opportunity to set out the regulations and standards that need to apply to those providing emergency accommodation to homeless families, reflecting the complex challenges that arise in providing accommodations for children and adults in an institutional setting.

## Youth homelessness

In the year since Rebuilding Ireland was launched, youth homelessness has increased by 15%. In June 2017, there were 802 young people experiencing homelessness in the State. Information about these young people is very limited but it can be assumed that while many of these young people have care histories, others do not. We know from both national and international research that experiencing homelessness at a young age can have serious impacts on an individual's life course. Rebuilding Ireland contained only one reference to young homeless people. This was the welcome introduction of a CAS programme for care-leavers (1.7). Youth homelessness has a number of very specific characteristics which need to be recognised if we are not to set young vulnerable people on a lifelong patterns of insecure housing and homelessness.

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<sup>19</sup> Share, M. & Hennessy, M. (2017). Food Access and Nutritional Health among Families in Emergency Homeless Accommodation. Dublin: Focus Ireland



## *Specialist Youth Housing*

While the causes of homelessness are complex, access to housing is a key issue for many young people. A housing market which focuses competition on the private rented sector will negatively impact young people on lower incomes or lower social welfare payments. Young people require different housing options.

The Rebuilding Ireland commitment of Capital Assistance Scheme (CAS) funding to provide homes for vulnerable young people leaving care is welcome and has the potential to have a long-term impact. However the real potential will only be realised if investment in youth housing is sufficient and sustained.

While the level of commitment will need to run well beyond this government, Rebuilding Ireland should commit to ensuring that the €66 million of CAS allocation to Tulsa in 2017 is maintained in each of the remaining years of the Rebuilding Ireland plan.<sup>20</sup>

It's worth also noting that while we welcome the new CAS commitment, the scheme is a slow and bureaucratic one. While it should take a minimum of 6 months to bring housing on stream, it is rare for this to happen in practice and most housing acquired through the CAS scheme takes up to 1-year or longer before it is ready for occupation. The CAS scheme must be reformed to make it a more efficient method of acquiring social housing units.

Allocation of mainstream social housing in Ireland gives priority to the length of time a person has been 'on the housing list' and the number of dependents they have. Both these criteria militate against young adults, making it extremely difficult for even very vulnerable young people to access social housing tenancies. Contrary to the recommendations in the Ryan Report, many local authorities do not include care-leavers in their schemes for social housing allocations. The Department of Housing should remind local councillors of their responsibilities in this regard.

In addition, Focus Ireland believes that there is a very strong case to establish an Approved Housing Body specialising in providing homes for young people, including those at risk of homelessness.

There are a number of successful models in other jurisdictions, which provide a mixture of social and cost rental housing for a wide social range of young people. This reduces stigma and allows young people with higher support needs to live in mixed tenure communities with people of their own age. The Finnish Youth Housing Association, whose staff recently visited Ireland, is a particularly successful model, providing housing to young people aged between 18 and 29. A percentage of their housing stock is reserved for young people with higher support needs or who have experienced homelessness. However, all young people can access 'housing counselling' to support them to maintain their tenancies. This approach means that young people are living in mixed tenure communities, albeit with people their own age. The funding of a feasibility study for this approach would be a wise investment.

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<sup>20</sup> <https://www.kildarestreet.com/wrans/?id=2017-05-09a.509&s=capital+assistance+scheme#g511.r>

## *Ensure that Aftercare support is effective*

Over the course of the last number of years there has been steady legislative progress on the issue of aftercare and the provision of supports to prevent young people leaving the care system from experiencing homelessness. However, there remain certain groups of vulnerable care leavers who continue to face a very high risk of experiencing homelessness.

While there has been welcome, albeit slow, progress in the commencement of the Child Care amendment act 2015, there still remains major problems in availability of resources to meet the aftercare support needs of young people. One of the ways Tusla has sought to square the circle of working to meet the legislative commitment while living within budgetary constraints is to increase the number of young people which an aftercare worker is expected to support as part of their allocated caseload. Historically Focus Ireland aftercare services operate at a caseload of 15-20 but have recently been required to increase this to 22-25. In some aftercare services caseloads of over 30 are not uncommon. At this level of caseload the needs of a young person with complex needs cannot meaningfully be met, rendering the goal of 'allocating an aftercare worker to every careleaver who needs one' to little more than a tick-box exercise.

Focus Ireland's experience, backed by internationally recognised good-practice, indicates that the optimum caseload in respect of young people with support needs is between 15-20. Young people should be able to expect consistency of support regardless of the aftercare provider.

A silo approach to homelessness would see this as an issue for Tusla alone, however it is a crucial contribution to ending the high level of homelessness among young careleavers and needs to be incorporated into the revised plan.

Focus Ireland believes that funding should be provided to TUSLA to ensure that all care leavers have an appointed aftercare worker. These workers should operate a caseload of 1:20 in 2018, working progressively towards a reduction to 1:18 by 2020.

## *Family mediation to prevent youth homelessness*

The major study into youth homelessness in Ireland, 'Young People, Homelessness and Housing Exclusion'<sup>21</sup>, found that family conflict or arguments with carers were key factors in young people leaving home and becoming homeless. Where family breakdown is not the result of abuse or neglect, it is possible to resolve underlying issues and so support reconciliation. The research recommended that a family mediation service should be established to help prevent homelessness in such cases.

Focus Ireland launched its pilot Family Mediation service in June 2016, fully funded by private donations but with Tusla support in governance and referrals. The service has successfully supported young people to return to the family home and to improve their relationships with family and carers. The service receives referrals from the TUSLA Crisis Intervention Service and works with young people who are in emergency accommodation or who are at serious risk of homelessness. The service is currently staffed

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<sup>21</sup> Mayock, Parker, Murphy 'Young People, Homelessness and Housing Exclusion' (2014)

by a single mediator. This necessarily limits the number of young people that the service can work with, and the complexity of cases which the service can accept. A waiting list of referrals has already built up.

The value and effectiveness of this intervention is already evident and Focus Ireland is seeking for Department of Children and Youth Affairs to provide funding for a second mediator to work along-side the exiting privately funded mediator, to increase the number of families/children that can be supported, and so stem the flow of young people into homelessness.

Focus Ireland believes that a review of Rebuilding Ireland should include a commitment to provide €63,000 to fund a second family mediator and consider further investment in the development of this service intervention.

### *Housing First for Youth*

Focus Ireland is operating successful Housing First for Youth services in a number of regions, including Limerick, Cork and Dublin. The organisation recently conducted an external evaluation of our service in Limerick.<sup>22</sup> The study found clear evidence that the service had a transformative impact on the lives of the young people who were interviewed. In particular, three young people with particularly unstable housing histories felt that the service had saved their lives.

The above findings echo the experience of service providers in other jurisdictions. Housing First for Youth is a successful service intervention for young people experiencing or at serious risk of homelessness. While the youth service mirrors adult Housing First in many ways, the principles are amended to reflect the specific needs and wants of young people.

Our commitment to Housing First for Youth also stems from our belief that supporting young people into secure housing will prevent them experiencing long-term homelessness or periods rough-sleeping as adults. The majority of young people experiencing homelessness in the State are in Dublin. Focus Ireland is currently operating our HF4Y service in Dublin without State funding support. We believe that this service could benefit greatly from State involvement, both in terms of financial support and in terms of allocation rights. As noted above, young people experiencing homelessness are in a difficult position in terms of their allocation priority. Even Approved Housing Bodies which are attempting to provide specialist Housing First for Youth services are unable to freely allocate their stock to the young people who need it. Focus Ireland believes that the Department of Housing should consider the scaling up of current HF4Y provision, prioritising allocation rights as an immediate step. We would be happy to meet with the Minister to discuss our work in more detail.

## Housing First

Housing First is recognised as the most effective approach to ending chronic homelessness and rough-sleeping, and Ireland has established itself as one of the European leaders in delivering this programme

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<sup>22</sup> Limerick Youth Housing Evaluation Report, 2017, available at: <https://www.focusireland.ie/wp-content/uploads/2017/06/Limerick-Youth-Housing-Evaluation-2017-Full-Report.pdf>

at a substantial scale. The partnership of Focus Ireland and Peter McVerry Trust has completed the target set under its contract of delivering 100 Housing First tenancies in Dublin by October 2017 , and is now working to deliver the new Rebuilding Ireland target of 300 tenancies.

While the recognition and commitment to Housing First in Rebuilding Ireland was very welcome, it also demonstrates one of the weaknesses of that document. A new target of 300 tenancies was simply declared without any discussion with the statutory or voluntary services tasked with delivering the service concerning the challenges such a new target would present and how they could be overcome.

The increased target presents a welcome opportunity to provide Housing First support to long-term residents in emergency shelters, with appropriate levels of need. However, this dimension should be balanced with a continued commitment to Housing First as the primary response to chronic rough sleeping.

The primary challenge to delivering Housing First has been the difficulty in securing housing units from the private, local authority and AHB sectors. This involves not just the broad issue of total housing supply, but also detailed attention to how available units are allocated. Housing First must be seen, not as one specific programme among many, but as a systematic commitment to a particular approach to homelessness. This necessitates a clear commitment to continue and reliable funding from both the Department of Housing and the HSE to ensure the success of this important programme.

A number of Irish voluntary organisations committed to the principals of Housing First have initiated a 'Housing First Good Practice Platform', linked to the European Housing First Hub. This will aim to set standards for Housing First delivery and promote training and good practice. The Department of Housing should support this initiative and enter into discussions about how Housing First practice can be rolled out to a high standard across the country.

## Pillar 2: Accelerate Social Housing

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Pillar 2 aimed to increase the level and speed of delivery and social housing and other State-supported housing. While the targets established by Rebuilding Ireland were positive, progress towards these has been slow. Focus Ireland believes it is time to move away from policies that rely on financial incentives to private individuals and toward more action-orientated policies.

### *Increased capital budget for social housing provision*

Many of the problems with our disastrous housing system have their roots in the influence that financial institutions have exercised over housing markets from the 1980s<sup>23</sup>, when reduced public investment saw the decline in the size of our public housing stock. Today public housing stock accounts for only about 10% of all housing. Many commentators feel that this should be increased significantly, even doubled<sup>24</sup>. There are a number of mechanisms which could be used to achieve this, including a significant investment in direct-build public housing or leveraging the capacity of Approved Housing Bodies (AHB) to deliver affordable rental accommodation.

Rebuilding Ireland has a number of targets for the provision of housing and in particular social housing, however the target for 'newly built' social housing amounts to only about 15% of the target of 134,000 'new social housing solutions'. Furthermore, it was never clear in the strategy what proportion of these units would be built by private developers (Part V) and how many by the local authorities/AHBs. In any event, the amount of new build social housing has been scandalously inadequate – with only 40 being completed in Dublin in 2016. While a larger number of new build social houses are now 'in the pipe-line' the numbers, particularly in the main population centres, remain totally inadequate to the scale of the crisis. The problem is even more severe when the number of social housing units being taken out of use for long-term redevelopment is taken into account.

Focus Ireland welcomed the current review of Rebuilding Ireland and the focus on whether there is a need for 'a greater quantum of social housing build'. However, before we set new targets we must give some consideration to why the existing targets set out in Rebuilding Ireland have not been met.

The core problem is that, during a period of extreme market failure in the housing sector, social housing strategy has relied on market activity to deliver social housing. To some extent this issue has become embroiled in ideological debates. However, given the scale of the problem and the fact that the private sector is only in the early stages of recovery, there is an overriding case for a much accelerated role for statutory authorities in constructing housing to address this market failure.

Even though there have been repeated Ministerial announcements of capital being provided for new social housing, much of the promised €5.35 billion only becomes available towards the end of the 6 year

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<sup>23</sup> Norris, M (2016) Property, Family and the Irish Welfare State. Basingstoke: Palgrave Macmillan

<sup>24</sup> <https://www.irishtimes.com/opinion/opinion-ireland-needs-a-clear-national-housing-plan-1.2590168>

strategy. In practice, those local authorities which have prepared ambitious delivery programmes experience a number of delays and limitations, many of them related to access to funding.

Focus Ireland supports the views set out by the Housing Finance Agency (HFA) in its submission to the Oireachtas Committee on Housing and Homeless<sup>25</sup>. The HFA argued for a more ambitious and clearly defined role for local authorities in building social housing and that the HFA should become the primary source of funding for local authority building. Over a year has passed since this submission was made, and given the failure to deliver adequate levels of social housing through other means, it remains as relevant today.

We believe that the Government needs to use the current consensus about the importance of building housing to make a number of forthcoming choices much clearer to the electorate.

One of these issues relates to the question of how investment in housing impacts on the level of recorded national debt. While successive Governments have insisted that the ‘money is there’ for local authorities and AHB’s to invest in housing, the current mechanisms available make this a complex, cumbersome and slow process. To a large extent, this complexity is due to the Government policy of ensuring all such investment is ‘off the Government books’. The dominance of this policy objective is contributing to the very slow start in the construction of public housing.

Focus Ireland fully recognizes that this proposal for HFA lending to deliver local authority-build social housing would have implications for the level of general government debt and choices about tax. We are conscious of the fiscal rules and the constraints that are on the government and how these must be managed by the Departments of Finance and Public Expenditure and Reform. However we also have also noted comments made before Oireachtas Committees by Frans Timmermans<sup>26</sup>, First Vice President of the European Commission, and Andrew McDowell<sup>27</sup>, vice president of the European Investment Bank where they evidenced areas where there was flexibility in the area of housing. Mr. Timmermans noted that the Growth and Stability pack constraints had ‘popped up in a number of member states’ and acknowledged that the issue of housing needed to be reviewed in that context and Mr. McDowell stated that “there is widespread recognition across Europe that there needs to be more investment in infrastructure in particular.” The State must accept that affordable housing constitutes fundamental infrastructure and the current rate of provision amounts to an infrastructural deficit.

This is essentially a political decision about priorities, and both Budget 2018 and the review of Rebuilding Ireland represent key opportunities to set those priorities. Focus Ireland believes that the Government should sanction a €1.3 billion borrowing capacity for the Housing Finance Agency to be

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<sup>25</sup><http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/CHH2016052400002?opendocument#KKK00100>

<sup>26</sup><http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/committeetakes/FDJ2017022100002#A00300>

<sup>27</sup><http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/CBO2017062900002?opendocument>

loaned to Local Authorities in order to deliver 13,500 newly built homes over the period of Rebuilding Ireland.

### *Rapid build housing*

While Focus Ireland raised initial concerns about the length of time families would be accommodated in rapid build homes, we have always been supportive of rapid-build as a construction method in the delivery of long-term, sustainable homes. However, we have been disappointed at the scale and speed of delivery to date and this programme now suffers from severe public credibility issues which need to be faced up to.

The current capital programme includes a target of 650 rapid-delivery units by the end of Q4 2017, with a further 500 to be delivered in 2018. However, only 22 homes have been delivered to date. One of the key elements the rapid-build scheme is an expedited planning and construction process. Dublin City Council's Head of Housing has stated that issues with delivery are due to delays in the procurement process.<sup>28</sup> While Focus Ireland fully understands that the State is governed by EU procurement directives, the Department should consider whether there are technical or logistical issues which could be eradicated in an effort to provide a significant proportion of new social housing using modern construction methods.

Important issues concerning the allocation of these units and the building of sustainable communities in them were addressed under Pillar 1.

### *Challenging Stigma and community resistance*

Despite widespread public concern about the housing and homelessness crisis, there has been a marked increase in the number of local protests concerning social housing and homeless service developments. Local residents have protested the sites of planned accommodation in a number of locations. While organisers may claim such measures do not signify ill-will towards prospective tenants, we are concerned that such protests contribute to an atmosphere of stigma and prejudice.

Measures to tackle this stigma are needed to ensure that households moving into long-term housing are entering a cohesive and supportive community. Cluid Housing recently published important research which highlighted some of the actions which can be taken to change perceptions<sup>29</sup>.

Rights-based approaches to homelessness policy can help to combat stigma. This is because individuals experiencing homelessness are portrayed as rights holders with specific entitlements which should theoretically apply to all people.<sup>30</sup> People are afforded rights by virtue of their personhood, rather than their situation. People are not provided with accommodation by a benevolent State, but because they are entitled to such protection as participants in society.

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<sup>28</sup> Irish Times, "Government's Rapid-Build Schedule in realms of fantasy", 1<sup>st</sup> August 2017

<sup>29</sup> Anna Carnegie, Michael Byrne and Michelle Norris (2017) Changing Perceptions: Stigma and social housing in Ireland, Cluid Housing <http://www.cluid.ie/wp-content/uploads/2017/03/Changing-Perceptions-Summary.pdf>

<sup>30</sup> Beth Watts, "Rights, Needs and Stigma: A Comparison of Homelessness Policy in Scotland and Ireland" (2013) European Journal of Homelessness

Local resistance to social housing development is not only socially damaging in itself but can substantially slow down delivery of social housing. Focus Ireland believes that a review of Rebuilding Ireland should include an action to bring together the relevant organisations to develop a collective response to stigma and local resistance to social housing developments.

### *Operation of Part 5 rules in 'build to let' developments*

There has been a notable increase in the number of developments being built in the Dublin region that are 'build to rent'. A new generation of large-sale landlords can play an important role in addressing the housing crisis by providing these homes on long-term leases to local authorities and approved housing bodies. However, it is clear that most of these new developments are being pitched at the higher end of the rental market, meaning that, such developers are making no contribution to the broad social objectives of social mix required by developers of owner occupier apartments.

To this end we believe that a new 'Part 5' for large scale rental should be considered. This would involve a designated long-term lease with the relevant local authority, at affordable rent levels.



## Pillar 4: Improve the Rental Sector

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Pillar 4 aimed to address the obstacles to greater private rented sector delivery and to improve the supply of units of affordable rents.

The proximate cause of the homeless crisis is to be found in the private rented sector, so it is of crucial importance that measures in this sector are effective. As noted above, the majority of families entering homelessness had their last stable accommodation in the private rented sector.<sup>31</sup> This means that the rental sector is a distinct pathway into homelessness and improved security is required. Many of the actions in the subsequent Rental Strategy lacked the necessary focus and relied on vague commitments such as 'engagement with banks and landlords' and 'examining' the potential for increased legislative protection. The Private Rental Strategy published towards the end of 2016 resolved few of the important issues and essentially set up a number of new deliberative processes with no clear timescales. While the legitimate interests of landlords need to be taken into account, the reviewed strategy needs to reflect an understanding that private rented properties are people's homes and require similar levels of security as provided in other in the socially rented and owner-occupier sectors.

### *Rent Supplement rates*

Ensuring that rent subsidies are available and reflect real market conditions is essential in addressing homelessness. The increase in Rent Supplement in July 2016 followed a long period during which Rent Supplement levels were held at levels well below real market rents. This policy was part of the austerity programme and informed by an ideological view of the private rented market. The inadequate level of rent supplement combined with the uncertainty created played a significant part in creating the high level of family homelessness we face today.

We need to learn from the positive impact of the July 2016 increase, and ensure that Rent Supplement levels are revised in a regular, predictable and transparent manner.

The RPZ cover most areas where rent inflation is leading to increased homelessness. In these areas, maximum rent increases were set at 4%, although, as discussed above, real rents are likely to rise faster than this. Rent supplement should be reviewed annually and benchmarked against market rent. Rent Supplement levels should be increased by at least 4% in RCZ areas.

### *Income disregards for rent supplement and transfer to Housing Assistance Payment (HAP)*

When a household is in receipt of rent supplement there is a disregard for the first €75 of earned incomes. In circumstances where a household transfers to the HAP all earned income is taken account of

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<sup>31</sup> See Focus Ireland Insights into Family Homelessness series, available at: <https://www.focusireland.ie/resource-hub/research/>

when calculating the differential rent. This can mean a loss of income for some households transferring from rent supplement to HAP of up to €11.25.

In some instances the extra flexibility that the HAP payment offers may outweigh the additional cost but some Department of Social Protection Rent Supplement offices are insisting that recipients transfer to HAP despite this loss of income.

However given the focus on activation that the Department of Social Protection is pursuing, the income loss involved in the move to a housing supplement that provides greater flexibility to increase working hours without putting accommodation at risk should be bridged.

The Department of Social Protection should work with the Department of Housing Community Planning and Local Government to ensure that all households that transfer from rent supplement to HAP are able to recoup any lost income.

### *Impact of Rent Pressure Zones*

Rent pressure zones were introduced in December 2016 with Dublin and Cork city immediately designated as such. A number of additional zones were designated in January 2017, as they met the criteria laid out in the Planning and Development (Housing) and Residential Tenancies Act 2016.

The Residential Tenancy Board recently released their Q1 2017 Rent Index.<sup>32</sup> This analysis involves the rent which new tenants pay for their property, rather than the asking price and is therefore a more reliable figure than Daft reports. The results from the Q1 rent index indicate that rents continue to trend upwards. Nationally, rents increased at a rate of 7.37% annually. However, rents in Dublin declined by 1.5% this quarter. This was the result of a fall in rents for Dublin apartments. Private rents for houses continue to rise but at a rate of 0.1%.

The Director of the RTB has stated that the findings from Q1 suggest that the rate of increase in private rents is moderating, though she also confirms that the market is still unstable and that it is too early to accurately determine if the moderation is a trend.<sup>33</sup>

No new local electoral areas met the criteria for rent pressure zone designation in Q1 2017.

In the Q1 2017 Daft report, which is based on asking prices, the organisation undertook a survey of some 4,000 renters. The report highlights important differences in rent paid by those in a tenancy and rent paid in order to secure a new tenancy. The report also highlights that tenancies in the private rental market are now held for a period of 3 years or more.

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<sup>32</sup> Available at: <http://www.rtb.ie/docs/default-source/default-document-library/rtb-rent-index-2017-q1-%283%29.pdf?sfvrsn=2>

<sup>33</sup> Latest data from RTB quarterly rent index, available at: <https://www.rtb.ie/media-research/news-centre/latest-news/2017/06/15/latest-data-from-rtb-quarterly-rent-index>

This combination of factors would suggest that if these properties are the mainstay of the properties that come onto the market in the coming months asking rents could fall as the 4% rule applicable to RPZ's will link asking rent to a rent lower than the previous quarter.

To illustrate consider an example taken from daft reports: Average Market asking rent in Dublin city centre in Q1 2015 was €1,419. If this reflects the rent level finally agreed at the time, it would have been frozen for 2 years (following rent control brought in under Alan Kelly). If that property is put back on the market 24 months later in Q1 2017 a rent of €1,532.52 (8% increase) is the highest that can be sought (or agreed). In contrast, average asking rents in Dublin City Centre in Q1 2017 are 10% higher at €1,690.

There are concerns that the moderation intended by RPZ designation will not occur due to the total lack of investment in the monitoring and policing of the rent predictability measures. At present there does not seem to be any likely consequence for any landlord who ignores that RPZ regulations at the time of a re-let. No explanation has been offered for the failure to put in place any form of enforcement system for these important measures, so it is assumed that the reasons related to cost. Given the cost to the state of homelessness arising from rising rents, the failure to invest in an inforcement system for RPZs is a false economy.

Foucs Ireland believes that funding should be provided to the Residential Tenancies Board to establish an independent monitoring system to ensure compliance with RPZ regulations (and other private rented sector regulation).

### *Funding to enforce RTA and Equal Status legislation*

There have been a number of recent legislative changes designed to protect tenants in the private rented sector. In particular, these include changes to the Residential Tenancies Act 2004 and the Equal Status Acts 2000 to 2015. However, there is no policing of these new measures, and there are fears that many landlords will ignore their requirements under the law.

The Equal Status Act was amended by the Equality (Miscellaneous Provisions) Act 2015. It is now an offence to discriminate against someone on the basis that they are in receipt of rent supplement, HAP, or any other social welfare payment. While there have been a few successful cases brought to the Workplace Relations Commission on this provision, these entirely depend upon the actions of individual citizens and, according to the reports of Focus Ireland customers, have had no impact on the attitudes of many landlords.

Similarly, while new measures were introduced to increase the protection of tenants when their landlord issues a Notice of Termination because of sale of the property or future use of the property by family, no system has been put in place to enforce these. Even where households present to Local Authorities as homeless, giving the landlords decision to sell as the reason for their homelessness, there is no system in place to check that due process has been followed. Focus Ireland believes that the Residential Tenancies Board should be funded to establish a system to support the detection and enforcement of new legislative measures.

## *Development of affordable rental models*

Ireland is severely lacking in affordable rental options<sup>34</sup>. Households reliant on income supports are forced to compete in the private rented sector, and are burdened with unsustainable rent levels as a result. Current housing options in Ireland are deeply polarised. Strict means-testing results in many low income households are stuck in the middle - shouldering significant rents, but unable to access the owner-occupier market. These 'intermediate households' may struggle to maintain their tenancies and are at risk of increased poverty and homelessness. The State needs to take a more forceful role in the provision of affordable housing; the private market cannot and will not deliver the housing the Irish state needs.

Rebuilding Ireland commits to the introduction of an affordable rental programme. The scheme was due to be finalised by Q3 2016 and has budgetary backing of €10 million. 'Key workers' in urban centres are due to be targeted first. Following the introduction of Rent Pressure Zones in 2017, the affordable rental model is now focused on 'kick-starting supply' in these zones.<sup>35</sup> Local authorities have been tasked with developing the models for these sites. However, the Rebuilding Ireland update announced a shift in government policy from cash subsidies to affordable rental to subsidies through provision of state land. This shift meant that the road forward for affordable rental is now through the most congested, slow and frustrating intersection in housing policy – the use of publicly owned land.

Approved Housing Bodies are well-placed to provide affordable rental accommodation. In jurisdictions with successful cost or affordable rental models, such housing is often provided by large-scale, professional organisations. A number of the larger AHBs could have the capacity to fulfil this role in Ireland. Many are keen to do so, but require an effective and settled policy framework and appropriate financial support in the early stages. Neither of these have been forthcoming despite years of deliberation and verbal support, and the recent shift in policy from cash subsidy to land subsidy needlessly closed off this avenue as a significant supply route for additional housing in the near future.

As set out above, there does seem to be an opportunity to secure at least part funding for initiatives that address infrastructural deficits from EU institutions. This opportunity should be grasped with a particular focus on the building of long-term affordable rental properties.

The government may also consider the Nevin Economic Research Institute (NERI) recommendations for the establishment of a commercial, publically-owned company operating on a cost-recovery model which would then undertake or commission the development of new cost-rental homes.<sup>36</sup> This company could supplement the work of Approved Housing Bodies, with additional funding being secured from commercial lenders or the Housing Finance Agency. Rental income could then be used to repay loans.

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<sup>34</sup> Focus Ireland (2007) Rental Systems in Ireland The Case for Change, Editors: Simon Brooke and Dáithí Downey [www.bit.ly/FIcostrental](http://www.bit.ly/FIcostrental)

<sup>35</sup> Written Answer, 25 May 2017: <https://www.kildarestreet.com/wrans/?id=2017-05-25a.13&s=%22affordable+rental%22#g14.q>

<sup>36</sup> NERI Working Paper Series, *Ireland's Housing Emergency – time for a game changer*, 2017, available at: [https://www.neriinstitute.net/download/pdf/irelands\\_housing\\_emergency\\_time\\_for\\_a\\_game\\_changer.pdf](https://www.neriinstitute.net/download/pdf/irelands_housing_emergency_time_for_a_game_changer.pdf)

## Pillar 5: Utilise existing housing

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The key objective of Pillar 5 is to ensure that existing housing stock is used to its full potential. Focus Ireland proposed the early-publication of census data in relation to vacant housing and welcomes the developing debate in this issue. Recent research from Maynooth suggests that the CSO figure of 180,000 vacant homes overestimates the potential from this pillar, but it remains a source of housing that needs to be fully exploited. However, progress has been painfully slow, undermining the main attraction – that accessing housing that is already built should be quicker than building it. Urgent and focused action is now required on this pillar if it is not to lose all credibility as a source of housing.

### *Repair and lease scheme*

Focus Ireland welcomed the introduction of the Repair and Leasing Scheme when it was first announced in Rebuilding Ireland, and was the lead voluntary sector in the pilot phase in Waterford and Carlow. While the Scheme has a nationwide target of delivering 800 properties in 2017, there are serious concerns that this will not be met. The Minister for Housing has stated that a progress report on the first full quarter of the scheme's operation is being drafted but is unable to confirm how much of the allocated funding has been spent to date.<sup>37</sup> Local authorities have expressed concern at the pace of delivery and the lack of interest from property owners. Dublin City Council is due to provide 150 homes under the scheme, but as of July 2017 only 14 applications had been made.<sup>38</sup>

Focus Ireland's work in trying to make the scheme work indicate a number of problems are hindering success, with significant variations across the country. Dublin City Council allocated the South East of the city to Focus Ireland to deliver the scheme in Dublin. Our experience to date is that there are no interested landowners in the area, largely due to the fact that, given the high rents available, there are no properties which are vacant for want of a €40,000 loan. Kilkenny County Council members have made a similar point, stating that the criteria for accessing the scheme is too restrictive and that the €40,000 cap is insufficient for the properties in their area.<sup>39</sup>

In other areas, problems have arisen in securing builders to carry out the repair work under the requirements of the scheme. We are in the process of starting refurbishment work on a ten unit development under the scheme in Waterford.

While some changes in the scheme may make it more successful, and should be explored with the organisations which have been working to make the scheme work, some of the 'problems' identified (such as that builders have tax clearance certificates or that a ten year lease be agreed) cannot reasonably be changed. It should be noted that the legal and tendering processes involved in the

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<sup>37</sup> Priority Questions, 13 July 2017, available at: <https://www.kildarestreet.com/debates/?id=2017-07-13a.595&s=repair+and+lease#g596.q>

<sup>38</sup> The Times, "Too few knocking on door of repair and leasing fund", 9 July 2017

<sup>39</sup> Kilkenny People, "Calls for overhaul of Repair and Lease scheme due to poor uptake in Kilkenny, 27 July 2017

scheme mean that it is always going to be a relatively slow and labour intensive process. The lesson might be that an incentive based scheme is not appropriate to the particular challenges of bringing these units into use on a large scale.

### *Empty property tax*

The evidence now suggests that existing policies aimed at bringing vacant properties back into the market have relied too heavily on incentives, where incentives are not meaningful to the property owners. ‘Loss aversion’ is a well-studied area of behavioral economics which might be usefully applied to this problem. It suggests that individuals can be more motivated by avoiding losses than by acquiring profits. It follows that the promise of a lump sum and continued rental earnings will have less of an impact on the owners of empty premises than a tax directed at them. A number of European jurisdictions, including France and Spain, have introduced punitive policies in an effort to bring urgently needed housing into use.

Focus Ireland is aware that there can be valid and unavoidable reasons that a property is lying idle. These include properties being tied up in probate or properties left empty when residents move into residential care. Based on this, Focus Ireland believes that a tax should be introduced at meaningful level, with exemptions if the owner can show reasonable grounds for the property being empty. This tax could be based on potential rental income, as in other jurisdictions. Minister Murphy has estimated that of the vacant properties identified during Census 2016, around 25,000 are properties that would not be exempt from the above and are in areas of demand.<sup>40</sup> If these 25,000 properties were taxed 10% on the average rental income for the year (€11,844 euro) either €29 million would be collected for the exchequer or there would be a sudden upsurge of interest in renting out the property. Any money collected should be ring-fenced and re-invested into housing and infrastructural projects.

Where property owners cannot be identified or where the property has been left empty for a prolonged period in a high-demand area, local authorities should move quickly to issue compulsory purchase orders.

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<sup>40</sup> Priority Questions, 13 July 2017, available at: <https://www.kildarestreet.com/debates/?id=2017-07-13a.595&s=repair+and+lease#g596.q>

## Overarching themes

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In addition to the above specific points in relation to Rebuilding Ireland and its implementation, Focus Ireland also believes that there were important aims and actions which were overlooked in the initial plan. We have highlighted these below.

### *Ending Homelessness and the Right to a Home*

As noted above, Rebuilding Ireland was the first Irish strategy for a generation not to present homelessness as a solvable problem. The review must reestablish that objective. Setting a specific time frame for achieving that goal has proven to be a political liability in the past. We propose that an agreed timescale be established through a deliberative process involving all political parties and voluntary organisations.

Focus Ireland has long campaigned for the enumeration of a justiciable right to a home in Irish law. This recommendation was echoed by the Constitutional Convention in 2014. The Programme for Partnership Government made a commitment to refer the report of the Convention and their recommendation to progressively realise economic, social and cultural rights to the Oireachtas Committee on Housing. No substantive action has been taken on this commitment and Rebuilding Ireland makes no mention of a right to housing.

Focus Ireland believes that a referendum should be called, aiming to progressively realise a right to housing in our constitution.

### *Research and Data*

The housing and homelessness crisis is not only deepening it is also rapidly evolving. We need to gather and share up to date and reliable information in order to understand it and to effectively respond to it.

Rebuilding Ireland has suffered from problems about reliable data: from questions about the accuracy of building data to controversy about the timing of publication of homeless data. Such problems can have very negative impacts – making policy makers defensive and undermining the credibility of the strategy. The review of Rebuilding Ireland must recognise this major deficiency and respond to it with an inclusive, problem-solving approach.

Focus Ireland has committed its own resources to a substantial body of research carried out by independent researchers, concentrating on the area of family and youth homelessness. This research has identified a number of areas of concern which would merit further investigation, including

- The disproportionate number of lone parents experiencing homelessness.
- The experience of young parents in homeless services.
- The role of domestic violence in family homelessness.

- The length of time families are spending in homeless accommodation and whether particular family types are more vulnerable to longer stays.

Recent data from the Census on increases in overcrowding and older family members remaining at home indicate the extent of pent up demand for housing. This is crucial information both in terms of people who are at risk of homelessness (hidden homelessness) but also competition for housing as it becomes available. Countries such as Denmark and Finland have developed strategies that count hidden homelessness. This provides a much more comprehensive picture of the homeless situation in those countries and allows responses that take account of the true scale of the issue, and should be considered.

In planning our research programme we have repeatedly proposed that a 'Research Co-ordination' group be established by the Department of Housing or Housing Agency. The purpose of this group would be for all those organisations (voluntary and statutory) which have the capacity to commission research on these issues to share their plans and co-operate. This would eliminate duplication and ensure that research questions were as relevant to policy questions as is possible. This group could also be used to resolve other questions about data access and use. The current lack of co-ordination is wasteful of scarce resources and the review should establish the 'Research and Data Co-ordination Group' immediately.

Focus Ireland, along with other homeless service providers, uses the Pathway Accommodation and Support System (PASS) to manage customer services. While our staff input data to the system, we are often unable to run reports to analyse the data further. In particular, more detailed information about families experiencing homelessness would allow for more targeted policy responses. DRHE has undertaken some valuable work on this data but is constrained by lack of resources in the research it can carry out and publish. Greater access to anonymised PASS data, a shared research agenda and commitment to early publication of research would significantly improve our understanding of the homelessness problem and whether the solutions in place are working as intended.

Given the scale of public resources being allocated to address homelessness, the Department of Housing should have a specific ring-fenced budget to invest in research and evaluation of programmes to determine their effectiveness. We believe that 0.1% of the homeless budget should be allocated to this work.

A regular release date should be set for the publication of homeless data. We know that households who qualify as homeless under the ETHOS definition are excluded from the data because they are residing in direct provision or domestic violence refuges which are seen as the purview of other departments. The 'Research and Data Group' should be given the job of combining data from other departments to get a fuller picture of homelessness/extreme housing need.