**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

**Special Rapporteur for adequate housing**

**QUESTIONNAIRE**

**Submission of Ireland**

**May 2021**

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: Ireland

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: Dublin

4. State/Province: Ireland

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); Ireland

6. Contact e-mail (will remain confidential) in case we have questions:

**HOUSING DISCRIMINATION**

Accommodation in Ireland is provided irrespective of ethnicity, race, age, gender, sexual orientation, disability, family status, civil status, race, religion or belief, or membership of the Travelling Community.

There are a number of pieces of legislation and policies in place in Ireland to prevent discrimination in relation to the right to adequate housing:

The legislative basis for the provision of homeless accommodation in Ireland is the Housing Act 1988[[1]](#footnote-1).  Under the Act of 1988, it is a matter for each local authority to determine whether a person is regarded as homeless and Section 2 of the Act[[2]](#footnote-2) sets out the requirements in this regard.  When a household has been assessed as homeless, Section 10 of the Housing Act 1988[[3]](#footnote-3), states that a local authority may provide accommodation and related services to that household.

Any household assessed as homeless may be placed into temporary emergency accommodation and all local authorities have responsibility to provide emergency accommodation for individuals and households who become homeless in their functional area.

Emergency accommodation is provided to ensure that the needs of those who find themselves in a situation of homelessness can be responded to in as comprehensive a manner as possible. The ultimate aim is to ensure that individuals and families are supported to identify pathways out of homelessness as quickly as possible.

In respect of standards of the emergency accommodation provided, there is a National Quality Standards Framework (NQSF)[[4]](#footnote-4) for homeless services.  This framework is in place nationally for local authority and Non-Governmental Organisations (NGO) delivered services.  The Framework has been developed to ensure a consistent approach in how local authorities and service providers respond to the needs of those experiencing homelessness and to improve the quality of services provided.

The Framework aims to ensure that the rights and diversity of each service user are respected and promoted. A key feature of this includes ensuring that service users are treated with dignity and respect, their equality is promoted and the service respects their age, gender, sexual orientation, disability, family status, civil status, race, religion or belief, or as a member of the Travelling Community

Housing Assistance Payment (HAP) is a form of social housing support under the Housing (Miscellaneous Provisions) Act 2014[[5]](#footnote-5) and the scheme is operated by local authorities. Monthly payments are made directly to landlords on behalf of HAP recipients in respect of rent, subject to the conditions of the scheme. At the end of 2020, there were over 59,800 households in receipt of HAP with over 87,000 HAP tenancies having been set-up since the scheme commenced in 2014.

HAP provides fast, flexible housing support to all eligible households in the area of their choice. Individuals, who in the past were reluctant to avail of full time work as they would lose their Rent Supplement support, can now move to HAP and avail of full-time employment and retain their housing support, with an adjustment in their differential rent.

A landlord or an agent acting on behalf of a landlord is not legally obliged to enter into a tenancy agreement specifically with a Housing Assistance Payment (HAP) recipient. However, on 1 January 2016, the Equality (Miscellaneous Provisions) Act 2015[[6]](#footnote-6) introduced “housing assistance” as a new discriminatory ground. This means that discrimination in the provision of accommodation or related service and amenities against people in receipt of rent supplement, HAP or other social welfare payments is prohibited.

The Housing (Traveller Accommodation) Act 1998[[7]](#footnote-7) provides the legislative framework within which housing authorities meet the accommodation needs of Travellers. The Act represents a planned, integrated and comprehensive response to Traveller families in need of accommodation. The provisions of the Act provide for public input and consultation at all stages of the preparation and implementation of Traveller Accommodation Programmes.

The National Traveller Accommodation Consultative Committee (NTACC) was set up under the Housing (Traveller Accommodation) Act 1998. It was created to advise the Government in relation to, inter alia, the most appropriate measures for making improvements at a local level, through consultation with and the participation of Travellers in the provision and management of accommodation and general matters concerning the preparation, adequacy, implementation and co-operation of Traveller Accommodation Programmes.

**SPATIAL AND RESIDENTIAL SEGREGATION**

Housing services that are provided by the State are not spatially segregated on the grounds of ethnicity, race, age, gender, sexual orientation, disability, family status, civil status, race, religion or belief, or as a member of the Travelling Community under the Housing Act, 1988.

Any person that arrives at the frontiers of the state that indicates that they are seeking International Protection or appears to be in need of protection is allowed enter the state to make a claim for protection under Section 13 of the International Protection Act.[[8]](#footnote-8)

As applications are being processed, asylum seekers are entitled to direct provision, which includes:

* Somewhere to live.
* Meals.
* A weekly payment of €38.80 per adult and €29.80 per child.
* A medical card.

Accommodation is provided to asylum seekers as part of direct provision around the country. However, as stated in the Programme for Government[[9]](#footnote-9), the government is committed to ending the system of Direct Provision. It has pledged to replace it with a new International Protection Accommodation system, which will be centred on a not-for profit approach. As part of this process, the government published A White Paper[[10]](#footnote-10) to end Direct Provision and to establish a new International Protection Support Service on 26 February 2021. This White Paper outlines the proposed system of accommodation and supports that will be offered to applicants for International Protection (also known as asylum-seekers) and is the result of an extensive consultation process with civil society organisations, residents of Direct Provision centres, and other government departments and bodies.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

Eligibility for social housing support is determined on the basis of an assessment in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009[[11]](#footnote-11) and the Social Housing Assessment Regulations 2011 (as amended)[[12]](#footnote-12) made under that section. Qualified households must have an income that falls within the income band applicable to their local authority of application. The allocation of local authority dwellings to qualified households is in accordance with the local authority’s Scheme of Letting Priorities made in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009[[13]](#footnote-13) and the Social Housing Allocation Regulations 2011 made under that section. Each local authority sets out in its allocation scheme the manner in which it determines the order of priority for the allocation of dwellings and how it allocates the dwellings. Matters such as homelessness and the health status of members of the household can impact the order of priority.

Part V of the Planning and Development Act 2000[[14]](#footnote-14) requires local authorities to prepare a Housing Strategy[[15]](#footnote-15) for inclusion in their 6 yearly Development Plans. A Housing Strategy has to take into account, inter alia, the need to ensure that housing is available for persons who have different levels of income, the need to counteract undue segregation in housing between persons of different social backgrounds and the need to ensure that a mixture of house types and sizes is developed to match the requirements of different categories of household, including the special requirements of elderly persons and those with disabilities.

At present Part V[[16]](#footnote-16) requires that 10% of land zoned for residential use is reserved for social housing and local authorities are required when considering whether to enter an agreement to purchase units in a development under Part V to consider the need to counteract undue segregation in housing between persons of different social backgrounds in the area of the authority.  The original Guidelines issued to local authorities in relation to Part V advised that the number and location of these houses should be such as to avoid undue social segregation and foster the development of integrated communities.  Currently, the Part V requirement applies to developments consisting of 10 or more units and ensures that private housing developments built since the legislation came into effect are mixed tenure communities.

Planning Regulations (Part V) seeks to deliver 10% social and 10% affordable (for persons of reduced means) in all private housing developments of more than 9 dwellings to reduce residential segregation of persons from different socio-economic backgrounds. There is a policy of Sustainable Communities[[17]](#footnote-17) in respect of the Central Government funding of Social Housing provision by Local Authorities (for persons of reduced means), where an over concentration of Social Housing is discouraged and tenure diversity encouraged, to reduce residential segregation.

In cases of complaints regarding discrimination, complaints can be brought to the Office of the Ombudsman for an independent investigation into a range of public bodies, including local authorities. These local authorities include county councils and city councils. The Ombudsman can examine complaints on how local authorities carry out their everyday executive and administrative activities, including complaints about delays or failing to take action. Although attempts to resolve the issue through internal complaint procedures must be demonstrated to have taken place, in failing this, the Ombudsman can address issues in the allocation, sales, rents of properties, failure to provide Traveller accommodation and homelessness.

Furthermore, if a person feels that they have been discriminated against by a landlord or their agent, they can make a complaint under the Equal Status Acts to the Workplace Relations Commission.[[18]](#footnote-18)

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

Details on complaints made to the Workplace Relations Committee (WRC)[[19]](#footnote-19) in relation to housing discrimination can be found online, along with information as to how these complaints are investigated and settled.

1. [Housing Act, 1988 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/1988/act/28/enacted/en/html) [↑](#footnote-ref-1)
2. [Housing Act, 1988, Section 2 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/1988/act/28/section/2/enacted/en/html#sec2) [↑](#footnote-ref-2)
3. [Housing Act, 1988, Section 10 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/1988/act/28/section/10/enacted/en/html#sec10) [↑](#footnote-ref-3)
4. [gov.ie - National Quality Standards Framework (NQSF) for Youth Work (www.gov.ie)](https://www.gov.ie/en/publication/b10560-national-quality-standards-framework-nqsf/#:~:text=The%20National%20Quality%20Standards%20Framework,language%20within%20a%20structured%20framework.&text=Published%20in%20July%202010.) [↑](#footnote-ref-4)
5. [Housing (Miscellaneous Provisions) Act 2014 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2014/act/21/enacted/en/html) [↑](#footnote-ref-5)
6. [Equality (Miscellaneous Provisions) Act 2015 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2015/act/43/enacted/en/html) [↑](#footnote-ref-6)
7. [Housing (Traveller Accommodation) Act, 1998 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/1998/act/33/enacted/en/html) [↑](#footnote-ref-7)
8. <http://www.irishstatutebook.ie/eli/2015/act/66/section/13/enacted/en/html#sec13> [↑](#footnote-ref-8)
9. [gov.ie - Programme for Government: Our Shared Future (www.gov.ie)](https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/) [↑](#footnote-ref-9)
10. [gov.ie - White Paper on Ending Direct Provision | Executive Summary in various languages (www.gov.ie)](https://www.gov.ie/en/publication/7aad0-minister-ogorman-publishes-the-white-paper-on-ending-direct-provision/) [↑](#footnote-ref-10)
11. [Housing (Miscellaneous Provisions) Act 2009, Section 20 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2009/act/22/section/20/enacted/en/html) [↑](#footnote-ref-11)
12. [S.I. No. 321/2011 - Social Housing Assessment (Amendment) (No. 2) Regulations 2011. (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2011/si/321/made/en/print) [↑](#footnote-ref-12)
13. [Housing (Miscellaneous Provisions) Act 2009, Section 22 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2009/act/22/section/22/enacted/en/html) [↑](#footnote-ref-13)
14. [Planning and Development Act, 2000, Section 93 (irishstatutebook.ie)](http://www.irishstatutebook.ie/eli/2000/act/30/section/93/enacted/en/html#partv) [↑](#footnote-ref-14)
15. [gov.ie - Social Housing Strategy 2020 (www.gov.ie)](https://www.gov.ie/en/publication/3279c-social-housing-strategy-2020/) [↑](#footnote-ref-15)
16. [gov.ie - Part V of the Planning and Development Act 2000 - Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000 (www.gov.ie)](https://www.gov.ie/en/publication/19046-part-v-of-the-planning-and-development-act-2000-guidelines-issued-by-the-minister-for-housing-planning-community-and-local-government-under-section-28-of-the-planning-and-development-act-2000/) [↑](#footnote-ref-16)
17. <https://assets.gov.ie/26890/ff380490589a4f9ab9cd9bb3f53b5493.pdf> [↑](#footnote-ref-17)
18. [Home - Workplace Relations Commission](https://www.workplacerelations.ie/en/) [↑](#footnote-ref-18)
19. [Home - Workplace Relations Commission](https://www.workplacerelations.ie/en/) [↑](#footnote-ref-19)