



TPN/021/2016

The Permanent Mission of Ireland to the United Nations Office at Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights and has the honour to refer to the Communication IRL 2/2015 sent by United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, and the United Nations Special Rapporteur on the human right to safe drinking water and sanitation with dated 25 September 2015.

The Permanent Mission of Ireland has the honour to forward herewith the reply of Ireland to the above mentioned communication.

The Permanent Mission of Ireland to the United Nations Office at Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 1 June 2016

Office of the High Commissioner for Human Rights  
(Special Procedures Branch)

OHCHR REGISTRY

- 6 JUN 2016

Recipients : ..... *SPD* .....

Ireland's response to the Communication from Ms Leilani Farha, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and Mr Léo Heller, Special Rapporteur on the human right to safe drinking water and sanitation.<sup>1</sup>

**1. Please provide any additional information and/or comment(s) you may have on the allegations**

At a national level, the legislation governing social housing in Ireland is the Housing Acts, 1966-2014. The range and extent of measures implemented under the Housing Acts demonstrates the State's long standing commitment to ensuring that housing needs, especially the social housing needs of the most vulnerable in our society, are adequately addressed.

Outside of a statutory framework, the Social Housing Strategy 2020<sup>2</sup> (November 2014) lays down a firm foundation for a carefully calibrated, multi-annual investment programme to prioritise the provision of newly built and rented social housing out to the year 2020. The vision outlined in the Strategy is that every household will have access to secure, good quality housing suited to their needs at an affordable price in a sustainable community and that the State, for its part, will put in place financially sustainable mechanisms to meet current and future demand for social housing supports, ensuring value for money for taxpayers while respecting the preferences of individual households to the greatest extent possible.

In addition, the Government through the Homelessness Policy Statement<sup>3</sup> (February 2013) is explicit in its commitment to a housing-led approach to end long-term involuntary long-term homelessness by the end of 2016.

A range of actions is being taken to secure a ring-fenced supply of accommodation for homeless households and mobilise the necessary supports in order to deliver on the Government's 2016 target. These measures have been identified in the Government's Implementation Plan on the State's Response to Homelessness<sup>4</sup> (May 2014) and in the Action Plan to Address Homelessness<sup>5</sup> (December 2014).

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<sup>1</sup> Material provided in this response covers the period up to November 2015.

<sup>2</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,39622,en.pdf>

<sup>3</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,32434,en.pdf>

<sup>4</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,38053,en.pdf>

<sup>5</sup> <http://www.environ.ie/en/PublicationsDocuments/FileDownload,39779,en.docx>

The issues surrounding homelessness are often complex and multi-faceted, and as such require a multi-agency approach. In that regard, Ireland acknowledges and lauds the very important work carried out by non-governmental organisations in this sphere. The plans that have been put in place are a whole-of-Government response to dealing with homelessness and the implementation is being overseen by a group of senior officials drawn from key State agencies dealing with homelessness and the associated issues of housing, welfare, healthcare, etc.

In recognition of the irrefutable importance of housing for individuals to live a full life and to enjoy and benefit from all human rights, Ireland considers that most appropriate way of addressing the housing need of its citizens is to continue the various programmes and fiscal incentives currently in place, to secure the necessary level of funding to support them, to review their operation on an on-going basis to ensure that they are meeting their objectives and to put in place new programmes or measures as required. Ireland has and will continue to respond proactively to current and emerging human rights themes.

In order to fully appreciate on-going changes to housing policy in Ireland, it is important to consider the evolving economic context. The Irish economy has come through a decade of significant transition and upheaval. In the early to mid-2000s Ireland enjoyed a period of unprecedented economic prosperity, followed by an equally acute financial crisis. The Irish Government's approach to budgetary cuts was not to apply blanket reductions to all areas of spending, but rather to reform expenditure in a way that continued to protect society's most vulnerable citizens to the greatest extent possible within available resources.

In that regard, it should be noted that the Irish Government has committed funding of €1.7 billion in successive budgets (2015 and 2016) to social housing provision; a €2.9 billion capital commitment to 2021 and an overall commitment to deliver the Social Housing Strategy by 2020 at a total cost of circa €4 billion.

In respect of specific funding for homelessness services, the budget of €70 million for 2016 presents an increase of 32% on the 2015 allocation of €53 million; and a 55.5% increase on the 2014 allocation of €45 million.

While acknowledging that challenges remain to ending long-term involuntary homelessness by the end of 2016, we would like to highlight some of the positive outcomes that have already been achieved in recent months:

- 500 modular housing units will be delivered in the Dublin region in 2016 to provide temporary accommodation for families who are currently in emergency accommodation;
- 739 households exited from homeless accommodation into verified tenancy arrangements (Data: January to September 2015);
- Nationwide in excess of 4,700 rent supplement households have benefitted from the tenancy sustainment protocol;
- 69 tenancies were achieved through the implementation of the Homeless Housing Assistance Payment (HAP) Pilot in Dublin (85 Adults and 95 Children);
- 65 family units in place in Tallaght Cross with onsite support provided via the non-governmental organisation, Focus Ireland, and housing management services provided by Tuath, Approved Housing Body.
- Consistent efforts through the local authority leasing initiative to source private rented accommodation and efforts through the dedicated local authority Place Finders Service.
- The Children and Families Homeless Action Team (State funded via the non-governmental organisation Focus Ireland) has been given approval to raise its staff capacity to 25 project workers, in order to respond to the increasing support needs of families.
- Arrangements are being put in place whereby Tusla (the Child and Family Agency) and the Health Service Executive (public health nurses etc.) will ensure the co-ordination of their existing services on an in-reach basis into the family provision.
- 50% increase in the HAP limits for homeless families in Dublin.
- The Ministerial direction on allocations for homeless families continues to provide homes for homeless/vulnerable families.

With regard to your correspondence, we note that it is not stated from whom the information was received. We consider that the claims made are not corroborated by serious evidential background material or statistics. Neither does the claim carry evidence of the effectiveness of remedies proposed.

Without prejudice to these points, we welcome the opportunity to respond to the allegations made and by way of substantive response endeavour to address each of the questions posed in your correspondence.

- 2. Please provide details on national or local laws, policies and programmes aimed at addressing homelessness in Cork and their relationship, if any, to binding international human rights obligations. In particular please explain whether the National Housing Strategy of Ireland complies with the obligation to take steps to the maximum of its available resources to realise the right to housing. Along these lines, please describe any goals or timelines for the elimination of homelessness included in the National Housing Strategy, if any, and explain the results achieved so far, as well as reasons why this may not have reduced or eliminated homelessness in Cork.**

Homelessness has proven to be an enduring and difficult problem for many of the people affected by it, and for society as a whole. Central and local government and the voluntary sector have devoted considerable resources and effort to the issue and real progress is being made. However, it is a complex phenomenon and we recognise that solutions go beyond purely funding and accommodation. The problems that contribute to homelessness can relate to both personal circumstances and wider social issues. We recognise that addressing homelessness requires an integrated approach across Government and across society, and as such is addressed through a number of social policy initiatives, amongst them housing policy. Social housing is particularly pertinent to the issue of homelessness, and as such is reflected in our national policies and statutory framework. Detailed below are some of the policies and measures that are aimed at addressing homelessness through the provision of social housing support.

During a decade of significant transition and upheaval, the core objectives of housing policy in Ireland have continued to develop in a progressive manner. During that time housing policy statements were published in 2005<sup>6</sup>, 2007<sup>7</sup> and 2011<sup>8</sup>. The key objectives in those statements focussed on affordability and quality of accommodation, increasing tenure options and principles of sustainable communities.

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<sup>6</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2128,en.pdf>

<sup>7</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2091,en.pdf>

<sup>8</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,26867,en.pdf>

Our most recent Social Housing Strategy (November 2014) builds on those wider housing policy statements, and importantly also seeks to support others, related to social housing such as the Implementation Plan on the State's Response to Homelessness (2014) and the National Housing Strategy for People with Disability 2011-2016.

### **Role of the Department of the Environment, Community and Local Government**

The Department of the Environment, Community and Local Government is the central authority responsible for national housing policy in Ireland, for legislation on housing including homelessness, planning and building standards and for co-ordinating the activities of local authorities. In addition it exercises a general supervisory function over the social, financial and technical aspects of social and private housing provision and is responsible for the distribution of most of the capital funding and subsidies for housing/homelessness provided by the State.

Statutory responsibility in relation to the provision of accommodation for homeless persons rests with individual housing authorities, including Cork City Council and Cork County Council.

The long-term solution to homelessness is to increase the supply of homes. In November 2014, the Minister for the Environment, Community and Local Government (henceforth "Minister") launched the Government's Social Housing Strategy 2020.

<http://www.environ.ie/en/PublicationsDocuments/FileDownload,39622,en.pdf>

This six-year strategy sets out to provide 35,000 new social housing units at a cost of €3.8 billion and restores the State to a central role in the provision of social housing through, inter alia, a resumption of direct building on a significant scale by local authorities and Approved Housing Bodies.

*The Way Home: A Strategy to Address Adult Homelessness in Ireland 2008–2013*

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,18192,en.pdf> , published in 2008, sets out the aim of ending homelessness by 2016. An implementation plan for the strategy was published in 2009. The Programme for Government (2011) included a commitment to ending homelessness and the need to sleep rough by implementing a housing-led approach.

In February 2013, the Government issued a Homelessness Policy Statement:

[http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,32434\\_en.pdf](http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,32434_en.pdf)

The overall strategy and aims of *The Way Home* continue to be Government policy but with the explicit recognition of the housing-led approach. This approach means that long-term secure housing, with social supports if necessary, is seen as the best outcome for homeless people. The policy of providing temporary shelter as a stepping stone to permanent housing is not regarded as effective. Temporary or emergency accommodation is generally also more expensive than providing Rent Supplement for private rented accommodation.

A significant number of other measures are being taken to address homelessness by securing a supply of accommodation to house homeless households and mobilise the necessary supports in order to deliver on the Government's target of ending involuntary long-term homelessness by the end of 2016.

These measures have been identified in the Government's Implementation Plan on the State's Response to Homelessness (May 2014):

[http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,38053\\_en.pdf](http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,38053_en.pdf) and in the Action Plan to Address Homelessness (December 2014):

[www.environ.ie/en/.../FileDownload,39779,en.docx](http://www.environ.ie/en/.../FileDownload,39779,en.docx).

Substantial progress has been made in implementing these plans. Progress in implementing these plans is reported through the Cabinet Committee on Social Policy and Public Service Reform. The plans and progress reports are available at the following link:

<http://www.environ.ie/en/DevelopmentHousing/Housing/SpecialNeeds/HomelessPeople/>

These Plans represent a whole-of-Government approach to dealing with homelessness and the implementation of measures identified in these plans is being overseen by a group of senior officials drawn from key State agencies concerned including the Department of Environment, Community and Local Government, the Department of Social Protection, the Department of Health and the Department of Children and Youth Affairs, the Health Service Executive, Tusla (The Child and Family Agency), the Irish Prison Service and housing authorities.

Data on individuals in emergency accommodation is provided through the Pathway Accommodation & Support System (PASS). Lead housing authorities provide monthly reports on homelessness which identify the number of people utilising State-funded emergency accommodation on a regional and county basis. These monthly reports also provide details of the breakdown of the individuals and the numbers of families and dependents that are in emergency accommodation. These monthly reports are available on the Department's website at the link:

<http://www.environ.ie/en/DevelopmentHousing/Housing/SpecialNeeds/HomelessPeople/>

### **Housing Legislation**

Housing legislation is enacted frequently in Ireland and as a result the housing code is modern and reflects our legal obligations under international law.

Legislation regulating the local authority housing service (social housing) is to be found in the Housing Acts 1996 to 2014 and these can be accessed at <http://www.irishstatutebook.ie/>.

While the legislation does not confer any statutory right to housing, the range and extent of measures implemented demonstrate the State's long standing commitment to ensuring that housing needs, especially social housing needs, are adequately addressed.

The Housing Act, 1988 provided a legal definition of homelessness. The Act also specified local authorities as the statutory agencies with responsibility for homeless persons as well as extending the powers and responsibilities of local authorities to assess and respond to the needs of homeless people.

Chapter six of the Housing (Misc. Provisions) Act 2009 provides a statutory structure to address the needs of people who are experiencing homelessness. The Act outlines a statutory obligation to have an action plan in place and the formation of a Homelessness Consultative Forum and a Statutory Management Group.

These plans are required to specify the actions to be taken by the local authorities and other relevant bodies, for example, the Health Service Executive (HSE), the Prison Service, the Probation Service, Education and Training Boards (ETBs), to achieve the following objectives:



- The prevention of homelessness
- Reduction of homelessness or its extent or duration
- The provision of services, including accommodation, to address the needs of homeless households
- The provision of housing support services, for example, social housing, housing grants or loans, to formerly homeless people
- The promotion of co-ordination between the various service providers

Other aspects of housing provision, e.g. private rented housing, Traveller accommodation, voluntary and co-operative housing, urban renewal, building standards and planning, are also dictated by legal statute.

### **Cork City Council – Homelessness Specific Issues**

The South West Regional Homeless action Plan 2013 – 2018, which was developed in conjunction with all homeless service providers in the region, sets out the priorities for the region as identified by the South West Regional Homeless Forum. Progress on this plan is reviewed at the monthly statutory management group meetings.

### **Examples of Social Housing Support Schemes**

A number of social housing support schemes complement the action of local authorities in direct build and acquisition of housing. Such schemes include the Housing Assistance Payment Scheme (HAP), the Rental Assistance Scheme (RAS). These schemes complement local authority activity in the social housing construction sector and provide for a more flexible and progressive methods of delivering social housing support.

Details of these schemes can be found on the Department's website at: [www.environ.ie](http://www.environ.ie)

Homelessness is most acute in urban areas especially in the Dublin region. The Dublin Region Homelessness Executive is currently managing a HAP Homeless Pilot for the four Dublin local authorities. The HAP Homeless Pilot became operational on 18 February 2015 and some 60 households have been housed through the pilot scheme to date.

Following a review of the effectiveness of the HAP Homeless Pilot, recently signed regulations provide that the HAP rent limits applicable in the 4 Dublin local authority areas have the flexibility to exceed existing rent supplement rent limits by up to 50%, where this is necessary to source suitable accommodation for a homeless household that is qualified for social housing support. This means that a homeless family in need of a 3 bed in Dublin will now be able to find accommodation to the value of €1,500 per month.

In addition to rent certainty measures, the Housing Assistance Payment limits are being increased in Cork, Galway, Kildare and Meath where flexibility allows for a 20% payment above rent supplement thresholds.

### **The allocation of local authority tenancies**

Under a Ministerial Direction, key local authorities are required to prioritise homeless, and other vulnerable, households in the allocation of tenancies under their control (Section 22 tenancies). The four Dublin local authorities have been directed to allocate 50% of all available dwellings to this cohort while the local authorities in counties Cork, Galway, Limerick and Waterford have been directed to allocate 30%. The most recent direction for Cork can be found at:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,40608,en.pdf>

### **Rough Sleeping**

The problem of rough sleeping is limited outside of Dublin, with the other major urban housing authorities reporting sufficient bed capacity on a nightly basis and therefore that no one is sleeping rough due to a lack of a bed. Nevertheless, housing authorities report the existence of a small number of repeat or entrenched rough sleepers who are unwilling to avail of accommodation. This cohort can be particularly difficult to engage with due to reasons such as mental health issues and aggressive behaviour. Outreach teams continue to work to try and provide solutions for this group and to encourage these persons to avail of accommodation.

### **Modular Housing**

The Government has also approved the delivery of 500 units of modular housing for homeless families across Dublin.

The first 150 units are to be delivered as quickly as possible in the Dublin City Council administrative area, with the City Council acting as the contracting authority and aiming to deliver an initial fast-tracked 22 units by December 2015, with the remaining 128 to follow by late Q1 2016.

A further 350 units will then be provided across the four Dublin local authorities through a national procurement framework overseen by the Office for Government Procurement, with expected construction on sites by mid-2016.

The Department will continue to work with the Dublin local Authorities individually and through the Dublin Social Housing Delivery Task Force to accelerate the delivery of social housing in the region:

<http://www.environ.ie/en/DevelopmentHousing/Housing/SpecialNeeds/HomelessPeople/News/MainBody,43131,en.htm>

### **Support to Live Independently (SLÍ)**

This is a scheme whereby long-term accommodation in mainstream housing is provided for homeless people, together with appropriate time-limited supports to make the transition from homelessness to independent living. It is mainly designed for people who need low to moderate support.

The scheme is provided through voluntary organisations. Accommodation can be sourced either from unsold affordable housing or through the Social Housing Current Expenditure Programme

### **Protecting tenants from homelessness**

A protocol was agreed between the Department of Social Protection and the Dublin local authorities during 2014 in relation to the protection of existing tenancies. It applies where the household is a Rent Supplement client and is at risk of homelessness as a result of the landlord's intention to increase the rent payable. It operates in tandem with a local authority funded tenancy protection service delivered through the NGO Threshold.

Under these arrangements, the NGO provides advice and advocacy for tenants who are at risk of losing their homes and, when necessary, they may refer the case directly to the Department of Social Protection. The Department may then apply a discretionary uplift to the Rent Supplement rates thereby securing the continuation of the tenancy.

### **Rent supplement**

Under the social welfare system, homeless people have entitlement to the full range of social welfare schemes, including supplementary welfare allowance (SWA), subject to the normal qualifying conditions. Every effort is made in assisting homeless persons to access private rented accommodation, ensuring that, where possible, people are diverted away from homeless services and towards community-based supports.

The rent supplement scheme, administered by the Department of Social Protection, provides support to approximately 63,000 eligible people living in private rented accommodation, with in excess of 7,000 recipients in Cork. Rent supplement is a demand-led scheme and the Government will continue to ensure that the necessary funding for the scheme is in place. Over €298 million has been committed for rent supplement for 2015 - which represents a transfer of funding in excess of €20 million to the Department of the Environment, Community and Local Government to support the new Housing Assistance Payment (HAP). Persons with long term housing needs will be supported under HAP administered by the Local Authorities rather than the rent supplement scheme. The Department of Social Protection is engaged in the further roll out of HAP, which has been introduced in 15 Local Authority areas and there are over 4,790 HAP tenancy arrangements in place, of which over 830 are in Cork City and County.

A total of over 17,200 rent supplement tenancies have been awarded since the start of the year, of which some 2,150 are in Cork, indicating that persons are securing accommodation under the scheme.

A review of the prescribed rent limits under the rent supplement scheme found that the impact of increasing limits at a time of constrained supply will increase costs disproportionately for the Exchequer with little or no new housing available to recipients. Rather than increasing limits at this time rent supplement policy will continue to allow for flexibility where landlords seek rents in excess of current limits.

This flexible approach has already assisted nearly 4,700 households throughout the country to retain their rented accommodation through increased rental payments, of which almost 230 households were assisted in Cork. The flexible approach will cost a total of some €7 million for a full year to implement.

In addition, the Department, in conjunction with Threshold, a National Housing charity in Ireland, operates a special Protocol in the Dublin and Cork city areas where supply issues are particularly acute. Approximately 60 households in Cork have been supported with increased payments under the rent supplement scheme following intervention under the Protocol. Staff in the Department of Social Protection's Community Welfare Service in the Cork area are working in partnership with Cork City Council and Threshold in reviewing and monitoring the effectiveness and implementation of this protocol.

Community Welfare Service Staff in the Cork area actively engage in an inter-agency response to homelessness, working closely with the local Homeless Action Team, Homeless Forum, the various Non-Government Organisations and other interest groups operating in the local area, such as the Simon Community, St Vincent de Paul, Good Shepherd Services, Focus Ireland and Threshold to provide a consistent and speedy service for persons at risk of losing their tenancy.

The Department of Social Protection is represented and actively participates on the Cork Homeless Forum, working alongside Cork City and County Councils, the Health Service Executive (HSE), Tusla, Garda Síochána, and other relevant agencies and service providers. Staff in the Department also engage with the Cork Youth Homeless Forum, the Steering Committee for young people at risk leaving care, and the homeless service providers' operational group. In addition, Departmental staff work closely with the Cork Prison Service in providing supports to ex-offenders upon release from prison. The Department also engages with hospital services in the Cork area in cases where patients may be discharged without an address.

Under the Exceptional Needs Payments (ENPs) scheme assistance may be provided towards rent deposits or rent in advance. This form of assistance is very important to those on low incomes who are at risk of, or who are homeless. Over 2,100 payments have issued in 2015 at a cost of some €1.1million, of which some 340 payments were made in the Cork area at a cost of approximately €0.17 million.

### **Cold Weather Initiative**

The Cold Weather Initiative in Dublin operates during the period November to March. Additional emergency beds are provided during this period for people who are sleeping rough.

### **Housing First**

The Housing First Demonstration Project is currently accommodating 24 people in tenancies in the Dublin region. These are people who have been sleeping rough and have significant support needs. <http://www.homelessdublin.ie/>

### **Security of Tenure and incentivising the private sector**

Private rented accommodation is seen as the main long-term solution for homeless people. About one in five households in the State live in private rented accommodation. The proportion of households in the sector almost doubled in the period 2006 to 2011. However some landlords are unwilling to accept tenants who are in receipt of social housing support.

To address this, a recent initiative was announced by the Minister to ensure greater security of tenure for those in the private sector which will provide greater protection to all tenants including those in danger of homelessness. A tax relief scheme has also been announced for those landlords who rent their properties to those tenants in receipt of social housing supports. Details can be found at

<http://www.environ.ie/en/DevelopmentHousing/Housing/News/MainBody,43557,en.htm>

- 3. Please provide information and details on relevant budgetary allocations to the National Housing Strategy or to the reduction and elimination of homelessness and how these might have changed over the last decade.**

Budget funding of €70 million was secured for homeless services in 2016. This is an increase of approximately 32% on the 2015 allocation and a 55% increase on the 2014 allocation.

This, together with the significant resources being devoted to support the implementation of the Social Housing Strategy, provide clear evidence of the urgency which the Government attaches to addressing issues in relation to homelessness, and the clear prioritisation of the resources required (<http://www.environ.ie/en/GeneralNews/MainBody,43024,en.htm> ).

4. Please provide available information on the number of homeless persons in Cork and more broadly in Ireland, explain the definition of homelessness that is applied, describe changes in the number of homeless in recent years, and provide information disaggregated by age, gender, if persons with disabilities, and others that might be available.

Based on housing authorities' reports, 3,428 adult individuals used State-funded emergency accommodation nationally during a week in September 2015 – 200 of these were in Cork.

#### ***Cork Specific Data***

##### **Cork City - Accommodation Types for Homeless Persons**

A breakdown of the types of accommodation available for Homeless persons in Cork City is set out below. These units are provided through various non-governmental organisations and funded by the Department of Environment, Community and Local Government and Cork City Council.

<b>Accommodation Type</b>	<b>No. of Units</b>
Emergency Accommodation	163
B&B Emergency	20
Transitional Accommodation	132
Long Term Supported	153
<b>TOTAL</b>	<b>468</b>

In October 2015 there were 304 single people and 14 families in temporary emergency accommodation managed by the Good Shepherd Services (Edel House), Cork Simon Community and St. Vincent de Paul.

In addition to the emergency accommodation provide by the Approved Housing Bodies, a further 14 families, which comprises of 18 adults and 37 children, were accommodated in various private B&B accommodation in the City. There are also 314 persons being supported in transitional, long term and residential accommodation.

## **Cork City Rough Sleepers Snapshot October 2015**

27 individuals recorded as rough sleeping (48 instances).

Of the 27 individuals recorded as bedded down, 10 were also recorded as no bed available. Of these, 2 were barred; 3 had a bed elsewhere; 2 did not present; 2 were part of a couple; and 1 gave up their bed.

49 individuals presented out-of-hours for emergency accommodation and were recorded as no bed available and in that respect the following is noted:

- 9 were seen sleeping rough;
- 5 were barred/excluded from homeless accommodation;
- 9 were booked into other beds elsewhere;
- 5 did not present;
- 2 separate individuals looked for a bed for them and their partner;
- 1 was referred to the Homeless Persons Unit for accommodation but did not present;
- 3 were on regular 'one night only' beds;
- 2 gave up their bed/left accommodation without reason;
- 13 no fixed abode.

With regard to the reference to people being turned away from the Community Shelter, it should be noted that these instances are not documented or included in any formal returns to the local authority. Any individual who presents to the homeless persons unit as in need of assistance are catered for by this service which is operated by the Department of Social Protection on behalf of the local authority.

## **Funds Available Cork City Council to tackle Homelessness**

As noted previously, national funding of €70 million was secured for homeless services in 2016. This is an increase of approximately 32% on the 2015 allocation and a 55% increase on the 2014 allocation. Funding from the Department of the Environment, Community and Local Government increased from €4,272,197 (2014) to €5,000,686 (2015) for the South West Region, of which of which Cork City Council was allocated €3,909,500.



Each local authority is obliged to make a minimum contribution of 10% of the cost of the provision of homeless services from its own resources.

The total cost of the provision of emergency accommodation in Cork City amounted to €1,457,890 broken down as follows:

- Private B&B - €270,000
- Good Shepherd Services (Edel House) - €202, 800
- Cork Simon (Anderson's Quay) - €310,570
- St. Vincent de Paul (St. Vincent's House) - €529,370
- Rough Sleeper Initiative - €145,800 (Estimate for winter 2015).

Data on individuals in emergency accommodation is provided through the Pathway Accommodation & Support System (PASS).

The most recent figures updated on the Department's website are for September 2015. These include details for the Cork area. The figures can be found at:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,43098,en.xlsx>

The recent press release on the September figures can be found at:

<http://www.environ.ie/en/DevelopmentHousing/Housing/SpecialNeeds/HomelessPeople/News/MainBody,43099,en.htm>

Under Section 2 of the Housing Act, 1988, a person is defined as homeless if:

- there is no accommodation available which, in the opinion of the authority, he, together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation, or
- he is living in a hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind to referred to in paragraph (a) and he is, in the opinion of the authority, unable to provide accommodation from his own resources.

5. Please explain the specific responsibilities of the local authorities with respect to the provision of affordable housing, and short and long-term housing alternatives for people facing homelessness. Please explain if these responsibilities take into account different situations (such as for example number of children, persons with disabilities, etc.).

See response to Question 1 under heading 'Housing Legislation'.

6. Please detail the relevant existing housing policies that govern rent increases in both the private and social housing sectors in Cork, and more broadly in Ireland.

### **Private Rental Sector**

#### **2004 Residential Tenancies Act 2004**

##### **Overview**

This Act provides for the implementation of reforms of the private rented sector recommended by the Commission on the Private Rented Residential Sector and accepted by the Government. The PRTB was established in late 2004.

##### **Application**

*Section 3* sets out the scope of this Act. The Act applies to the mainstream private rented sector so it does not apply to:

- owner-occupied accommodation
- social housing
- the formerly rent-controlled sector
- long occupation equity tenancies
- business lettings
- holiday lettings
- "rent a room" or other arrangements whereby the landlord also resides in the dwelling.

However, it applies to rented dwellings where the landlord's spouse, child or parent is a resident and a lease or written tenancy agreement has been signed. The security of tenure provisions do not apply to employment-related and 'section 50' student accommodation.

## **Provisions contained in the Act**

The Act provides for security of tenure for tenants, specifies minimum obligations applying to landlords and tenants and provides for the establishment of a Private Residential Tenancies Board to resolve disputes arising in the sector, operate a system of tenancy registration and provide information and policy advice. The Act also contains provisions relating to rent setting and reviews and procedures for the termination of tenancies, including graduated notice periods linked to the duration of a tenancy. There are some consequential amendments to the existing landlord and tenant code.

### **Tenancy Obligations (Part 2)**

In relation to the maintenance of rented dwellings, it imposes an explicit requirement on landlords to maintain the structure of the building and to maintain the interior to the standard that applied at the commencement of the letting. There is a corresponding responsibility on the tenant to remedy any disrepair (other than normal wear and tear) attributable to the tenant's acts or omissions. The obligations applying to tenants include a prohibition on anti-social behaviour. These respective obligations must be adhered to whether or not there is a lease or written agreement - landlords and tenants cannot contract out of them. Additional obligations, however, can be included in a lease. If the landlord does not enforce the tenant's obligations, any other person who is adversely affected as a result can bring a complaint to the Private Residential Tenancies Board (PTRB) about the failure. Prohibited anti-social behaviour includes behaviour that interferes with other people's peaceful occupation as well as more serious behaviour that causes fear, danger, injury, damage or loss.

### **Rents (Part 3)**

Rent may not be greater than the open market rate and may be reviewed (upward or downward) once a year only unless there has been a substantial change in the nature of the accommodation that warrants a review. Tenants are to be given 28 days' notice of new rents. Tenant may ask their landlord to review the rent if they feel it exceeds the market rate for the property - if more than a year has elapsed since the last rent review, tenants may seek a review. Disputes about any aspect of rent may be referred to the PTRB.

### **Security of Tenure (Part 4)**

Security of tenure is based on 4-year cycles from the date Part 4 of the Act came into force (i.e. 1st September 2004). The landlord can terminate without specifying grounds during the first 6 months, but once a tenancy has lasted 6 months, the landlord will be able to terminate that tenancy (known as a "Part 4 tenancy") during the following 3½ years only where one of the grounds specified in *section 34* applies. These grounds are as follows:

- the tenant has failed to comply with the obligations of the tenancy
- the landlord intends to sell the dwelling within the next 3 months
- the dwelling is no longer suited to the needs of the occupying household
- the landlord requires the dwelling for own or family member occupation
- vacant possession is required for substantial refurbishment of the dwelling
- the landlord intends to change the use of the dwelling.

### **Tenancy Terminations (Part 5)**

Tenancies will be terminated by means of a **notice** of termination, regardless of why the termination is happening. If the termination is by the landlord and the tenancy has lasted more than 6 months, one of the 6 reasons mentioned above must be cited. Tenants do not need to give a reason for terminating. The notice period to be given depends on the length of the tenancy. Shorter notice periods apply where termination is for non-compliance with tenancy obligations (7 days for serious anti-social behaviour, 28 days for other breaches) and the parties may also agree a shorter notice period in certain circumstances. Longer notice may be given, but not more than 70 days where the tenancy has lasted less than 6 months. Where a landlord refuses consent to assign or sub-let a fixed term tenancy, the tenant may terminate the tenancy before the expiry of the fixed term.

### **Dispute Resolution (Part 6)**

Disputes arising between landlords and tenants are generally to be referred to the PRTB instead of the courts. Examples of disputes that will be dealt with by the Board include issues relating to; deposit refunds, breaches of tenancy obligations, lease terms, termination of tenancies, market rent, rent arrears, complaints by neighbours regarding tenant behaviour, etc. Either the landlord or tenant can initiate the process. The person who initiated the process will have to pay a fee (detailed in PRTB material).

The dispute resolution process consists of two stages:

- Stage 1: Either mediation or adjudication as chosen by the parties and is confidential
- Stage 2: A public hearing by a three-person Tenancy Tribunal.

A mediated agreement or the decision of an adjudicator or of a Tribunal will result in a determination order of the Board. A Tribunal decision may be appealed to the High Court on a point of law only. The enforcement of determination orders of the Board that are not complied with will be through the Circuit Court.

The Board may award damages of up to 20,000 and arrears of rent of up to 20,000 or twice the annual rent, whichever is greater (but a maximum of 60,000 applies to rent arrears awards). Cases involving amounts greater than these will have to be taken through the courts.

The Board will have power to apply to the courts for injunctive type relief in the case of very serious emergency cases coming before it, e.g. illegal evictions, threat to life, etc.

### **Registration of Tenancies (Part 7)**

Landlords have to register details of all their tenancies with the PRTB (registration fees detailed in the PRTB section).

### **Private Residential Tenancies Board (Part 8)**

See below.

### **New Package of Measures to support housing supply and rent stability**

Government Approval was given on Tuesday 10 November 2015 to a package of measures to support housing supply and rent stability. In terms of rent stability the package provides for amendments to the Residential Tenancies Act 2004 to provide as follows: –

- a) the extension of the duration between rent reviews from 12 months to 24 months. This measure will have effect for a period of 4 years, after which the duration between reviews will revert to 12 months;

- b) the extension of the period of notice of a new rent from 28 days to 90 days;
- c) that notice of new rent sent from a landlord to a tenant must be in a prescribed form setting out specified information, including details of the rent-related dispute resolution procedures available through the Private Residential Tenancies Board (PRTB), and be accompanied by details of rent in respect of 3 comparable dwellings in the area;
- d) that notification of a rent increase to the PRTB will include, among other things, a signed statement by the tenant that they are aware of their rights in relation to rent and rent reviews;
- e) that confirmation of a tenancy registration, which is currently sent to the landlord, would also be sent to the tenant, together with information setting out landlord and tenant rights and obligations;
- f) that the confirmation of a tenancy registration would inform the landlord and tenant that the PRTB routinely discloses information to the Revenue Commissioners;
- g) the extension of the period of notice of termination of a further Part 4 tenancy pro rata in line with the length of the tenancy, subject to caps of 224 days for landlords and 112 days for tenants;
- h) that a minor mistake or omission in a Notice of Termination will not invalidate that Notice where there is no prejudice to the tenant;
- i) stronger verification arrangements in relation to the termination procedures under section 34 of the PRTB Act;
- j) the enforcement of PRTB determination orders through the District Court instead of the Circuit Court.

There will also be an increase in the deduction available to landlords for mortgage interest from 75% to 100% where they let to tenants in receipt of rent supplement payable by the Department of Social Protection or social housing assistance payments by the relevant local authority. These amendments will be introduced by the Minister for Finance at Report Stage of the Finance Bill 2015.

### **Private Residential Tenancies Board (PRTB)**

The Private Residential Tenancies Board (PRTB) was established as an independent statutory body under the Residential Tenancies Act 2004 on the 1st of September 2004. The principal activities of the PRTB include the registration of private residential tenancies and the resolution of disputes between tenants and landlords as well as the provision of information, assistance and advice to the Minister on the private residential rented sector.

- Research carried out for the PRTB in 2014 found that only 64% of tenants are aware of their rights under the Residential Tenancies Act 2004. The PRTB has developed a new education and awareness campaign to address this issue.
- The first phase of the advertising campaign commenced in June 2015 and the second phase ran in August to coincide with the CAO results. The campaign ran across print, radio, online and outdoor media, informing tenants and landlords of their rights and responsibilities.
- In advance of the awarding of the formal campaign the PRTB carried out a number of awareness raising activities including:
  - Placing a print advertisement containing key landlord and tenant messages in a “do you know” bullet point design in a number of National Newspapers.
  - Distributing a Good Landlord/Good Tenant guide to approximately 900 separate centres throughout the country made up of Local Authority Offices, Garda Stations, MABS Offices, Citizen Information Bureaus, Threshold Offices etc.
- The PRTB website, [www.prtb.ie](http://www.prtb.ie) has extensive information for both tenants and landlords explaining their rights and obligations.
- A copy of the PRTB “Good Tenant, Good Landlord” leaflet which contains all the information in one handy place can be downloaded from the PRTB website and has been translated into several languages, including Irish, Polish, Chinese, Russian, Latvian and Lithuanian.

- The Programme for Government 2011 contains a commitment to establish a tenancy deposit protection scheme to address this issue. It states “*We will establish a tenancy deposit protection scheme to put an end to disputes regarding the return of deposits*”.
- Under the custodial scheme envisaged, tenancy deposits will be lodged by the landlord with the PRTB which will assume responsibility for the management of the deposit fund, including the prompt return of deposits at the end of the tenancy. Where disputes arise in relation to the deposit, the PRTB will adjudicate.

### **Private Rented Sector – General Information**

- There has been a number of relevant publications in recent times with suggestions and options in relation to **rent certainty**, notably the report produced for the Private Residential Tenancies Board PRTB by DKM Economic Consultants, *Rent Stability in the Private Rented Sector* and the National Economic and Social Council (NESC) report *Ireland’s Rental Sector: Pathways to Secure Occupancy and Affordable Supply*.
- A shortage of supply is at the heart of rising rents in Ireland and the Government is addressing this on a number of fronts. Construction 2020: A Strategy for a Renewed Construction Sector, published last year, is aimed at addressing issues in the property and construction sectors and ensuring that any bottlenecks that might impede the sector in meeting residential and non-residential demand are addressed.
- Social housing is a key priority for the Government, as evidenced by the Social Housing Strategy 2020 and the €2.9 billion committed to its implementation under the Government’s Capital Plan. In Budget 2016 investment in housing infrastructure has again been given priority with a total housing provision of €923 million for next year.
- Addressing the supply shortfall in housing will take time but in the period since the publication of Construction 2020, some welcome signs of recovery in the sector have become evident. Particularly notable in this regard is the increase in the number of house completions. In 2014 the number of house completions was 11,016 units nationally, an increase of 33% on the 2013 figure.



The latest figures for new house completions show that 8,914 units were completed to the end of September 2015, up 14% on the corresponding figure for 2014.

- National Assets Management Agency is aiming to deliver a target of 20,000 residential units before the end of 2020, with 90% of these units to be in the greater Dublin area. Achieving this new target by the end of 2020 means delivering, on average, 80 new housing units every week across some 100 active sites.

### **Rents - Local Authority Housing**

- Local authorities currently charge rents for their tenancies in accordance with Section 58 of the Housing Act 1966. The rent levels are set in accordance with a rent scheme made by the chief executive who determines rent in individual cases. The making and amending of rent schemes is the responsibility of housing authorities as an integral part of their housing management functions and is subject to guidance from the Department that rents should be related to ability of households to pay (commonly known as “differential rent”).
- Differential rent is based on the tenants’ ability to pay, so if the tenant income is low, the rent will be low; and if tenant income increases, so will the rent. The income of any other members of the household will be added to the rent calculation and there may be deductions for any children in the family. Each local authority operates its own rent scheme.
- The local authority may have a minimum and/or maximum rent, which may depend on the size of the home. There is also a hardship clause that gives local authorities discretion to reduce the rent if there are particular reasons to do this.
- If the income or the income of anyone in the household changes the local authority must be informed.
- Local Authority tenants renting from a local authority, agree to pay a weekly rent, which is based on the household's income.
- Many local authorities have tenancy sustainment programmes to help support tenants, particularly if they are in rent arrears.

- The hardship clause gives local authorities the ability to reduce a household's rent if there are particular reasons to do so. For example, the local authority may reduce the rent if a household is badly affected by exceptional social factors that make it difficult for it to function or to pay the rent due, or if it would cause undue hardship for your household to pay the full rent.
- The Money Advice and Budgeting Service (MABS) is a free, confidential service for people who are having problems with debt and money management. MABS staff are fully trained to help. The MABS service is available through the national network of MABS offices.
- The current arrangements for determining local authority rents will be substantially replaced on the coming into force of Section 31 of the Housing (Miscellaneous Provisions) Act 2009.
- Section 31 provides for the introduction of a national differential rents framework that will harmonise local authority rent levels nationally, while retaining some discretion for individual authorities to set rents in their own areas.
- The Minister is currently considering detailed proposals for the implementation of Section 31 that involves a period of months for the making of a rent scheme by local authority elected members and a subsequent transitional rent-charging period before housing authorities begin to charge rents in accordance with the full section 31 framework.
- Pending the introduction of such a system, housing authorities will continue setting and reviewing rents for its dwellings in accordance with existing legislation.

### **Approved Housing Body Tenancies**

- Approved Housing Bodies (AHBs), at present, generally provide rental accommodation for family type needs and persons with specific categories of need.
- However, the relationship between tenants of these dwellings and the housing bodies is not generally provided for in either the Housing Acts or the Residential Tenancies Acts and they operate on the basis of lease agreements, the various Landlord and Tenant Acts and common law.

- The Residential Tenancies Act 2004 introduced a measure of security of tenure for tenants. It is intended to afford the same rights and obligations afforded to landlords and tenants in the Private Rented Sector to segments of the Voluntary and Co-Operative sector that most closely parallel the current remit of the Residential Tenancies Act.
- However, segments of the voluntary sector may not be suitable for regulation under the Residential Tenancies Act, such as sheltered housing, emergency accommodation, licensees and properties not let as self-contained residential units, because they are also excluded from the provisions of the Act in the private rented residential sector.
- A new Bill currently being progressed through Parliament will provide a modern legislative basis for AHB tenancies.
- While AHB landlords will have to pay a registration fee to the Private Residential Tenancies Board (PRTB) when the legislation is enacted, this fee will give both landlords and tenants in the AHB sector access to the dispute resolution services of the PRTB.
- The provisions of the legislation relating to registration of AHB tenancies have been drafted to take particular account of the voluntary nature of approved housing bodies, specifically:
- The sector will be given a significantly longer tenancy registration window than applied to the private rented sector in 2004 – the sector will have 12 months from the commencement of the legislation to register their existing tenancies;
  - tenancies registered within that 12 month window will benefit from a 50% discount in the registration fee – the fee will be €45 instead of €90;
  - mediation, a process that should appeal to the AHB sector in particular, will be free;
  - no tenancy re-registration fee will apply where such re-registration happens within the stipulated timeframe. Given the much longer duration of AHB tenancies, this is of particular benefit as the fee will need to be paid just once during the lifetime of the tenancy regardless of the duration of that tenancy. It is not an annual fee.

- The potential cost implications of registering existing tenancies are a concern for AHB organisations, and the measures outlined here have been specifically designed to take those concerns into account.
- It is important to extend the same rights and protections that currently exist in the private sector to tenants and landlords in the AHB sector.
- The deposit protection scheme will apply to AHBs and it will be retrospective but with a 6 month timeframe for deposits in existing tenancies to be sent to the PRTB.

**7. Please detail the water and sanitation services available in the city of Cork to people without their own place of residence, including an explanation of the alleged facts pertaining to decommissioned public water supply infrastructure.**

Access to water and sanitation services in Ireland are provided by Irish Water and the group water sector. Since 1 January 2014, Irish Water, Ireland's national water utility, has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local levels including the delivery of water services capital infrastructure. Irish Water is a regulated utility and its operating and capital plans are reviewed by the Commission for Energy Regulation. Household not connected to a public water supply or sewerage system, or to a group water scheme supply or sewerage system, rely on private wells or on-site wastewater treatment systems. Subject to eligibility criteria being met, there are grants available from the local authorities in respect of private wells and domestic waste water treatment systems. The legislation governing provision of water services in Ireland is couched in enabling rather than in directive terms. There are no plans to enshrine rights to water services in Irish legislation as this could create difficulties for water suppliers, whether Irish Water or group water schemes, in situations where it would be economically or logistically impossible to provide a service.

The 7th session of United Nations Human Rights Council in March 2008 adopted by consensus Resolution (7/22) which recognised the existence of human rights obligations relating to access to safe drinking water and sanitation. Ireland actively supported this Resolution and was amongst those United Nations Member States which co-sponsored it.

Since then, Ireland has continued to actively engage in discussions within the international community on access to safe drinking water and sanitation, including at the 21st session of the United Nations Human Rights Council in September 2012, which adopted a resolution on 'the human right to safe drinking water and sanitation'. Ireland was a co-sponsor of this resolution.

Ireland committed to the achievement of the Millennium Development Goal of reducing by half, by 2015, the proportion of people without sustainable access to safe drinking water and sanitation. At the European level, Ireland fully supports the Parliamentary Assembly of the Council of Europe's declaration that "access to water must be recognised as a fundamental human right because it is essential to life on earth and is a resource that must be shared by humankind" and the EU's affirmation that "all States bear human rights obligations regarding access to safe drinking water, which must be available, physically accessible, affordable and acceptable".

Clean potable water can be found at all homeless hostels and at the day services facilities offered by the various NGO's which receive funding from the Government.

### **Cork - Water Services**

Historically in the nineteenth and early twentieth Centuries with the introduction of piped drinking water across the City the focus was on the provision of a distribution system. Initially there were a limited number of connections to individual premises therefore public communal access points were provided. These were provided in the form of drinking water fountains where the public brought their empty containers and filled them to bring water back to their premises and houses.

These were spread across the distribution system typically at the end points and areas of demand for the service. As the City developed and standards of living improved, all premises have their own connections to the distribution system therefore the need for public water points diminished. Over time upgrading of the various areas around the City resulted in the removal of these facilities due to the lack of demand and issues with water quality due to lack / insufficient use resulting in safety concerns.

In the modern City, there are various sources of such facilities from 24 hour shops and longer opening hours. There are sanitary services provided on a 24 hour basis by the City Council in the form of public conveniences.

Public drinking water fountains can be provided for in the City but there has been no demand to justify such a service. It is essential that there is a demand to ensure an adequate turnover of water at the access point in order to have reliable, clean and safe drinking water. A high percentage of the homeless are in accommodation with access to water and sanitary services. The number of rough sleepers in the city is quite small. There are alternative methods for making provision through existing resources. One possibility is to use existing shelters and associations that are currently involved with the homeless community to provide these facilities if the demand exists.

**8. Please explain what steps have been taken and measures planned to address the circumstances of homeless persons without access to public water and sanitation services in Cork, and if similar situations exists in other parts of the country.**

No specific provisions have been made by Cork City Council as Water Authority to cater for the water supply or sanitation needs of people without their own place of residence. Over the last thirty to forty years there has been a progressive reduction and eventual elimination of water supply points. Similarly the provision of public toilets has been reduced over the years. Currently there are three toilet units located in the city centre available 24 hrs per day 365 days per year (access cost 20c). In addition toilets are available in Fitzgerald Park during opening hours. Toilet facilities are also available in public buildings such as City Hall & Museum during operational hours.

It should be noted that the water supply points were not provided for the specific needs of the homeless as they were originally installed in most cases to facilitate householders without water supplies. They also date from an era where there was less concern for hygienic water dispensers and prior to the wide availability of bottled water.

End.