

ADDRESSING HOUSING AS A HUMAN RIGHTS ISSUE

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Chief Executive of Threshold**

*'A Human Rights Approach To Tackling Poverty and Social Inequality:
An All Island Perspective'*

Canal Court Hotel, Newry

Friday, 16 May 2014

- National housing charity - Est. 1978
- We solve people's housing problems by providing housing advice and advocacy
- We campaign for a better housing system using a rights-based approach
- 19,000 housing queries in 2013

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Overview of Right to Housing

Human Rights Principles

Examine delivery of housing using:

- Use of maximum available resources to progressively realise
- Non-retrogression
- Non-discrimination
- Justiciability

UN General Comments 4 and 7

Elements of Right to Housing:

- Legal security of tenure
- Availability of services, materials, facilities and infrastructure
- Location
- Habitability
- Affordability
- Accessibility
- Cultural adequacy

Right to Housing

- No constitutional right in Ireland
- Right to private property: Articles 40.3 and 43
- References to common good and social justice
- Constitutional Convention recommended inclusion of right to housing in constitution (February 2014)
- Currently limits to what Government can do and what people can expect

Irish Housing Policy

Core objective of housing policy:

‘to enable all households access good quality housing appropriate to household circumstances and in their particular community of choice.’

(DECLG, 2011)

Housing Law

- Housing Act, 1966 {social housing}
- Housing Act, 1988 {homelessness}
- Residential Tenancies Act, 2004 {private rented}
- Housing (standards for rented houses) Regulations 2008 & 2009 {minimum dwelling standards}
- Housing (Miscellaneous Provisions) Act, 2009 {strategic approach, private social provision, incremental and tenant purchase}

European Law

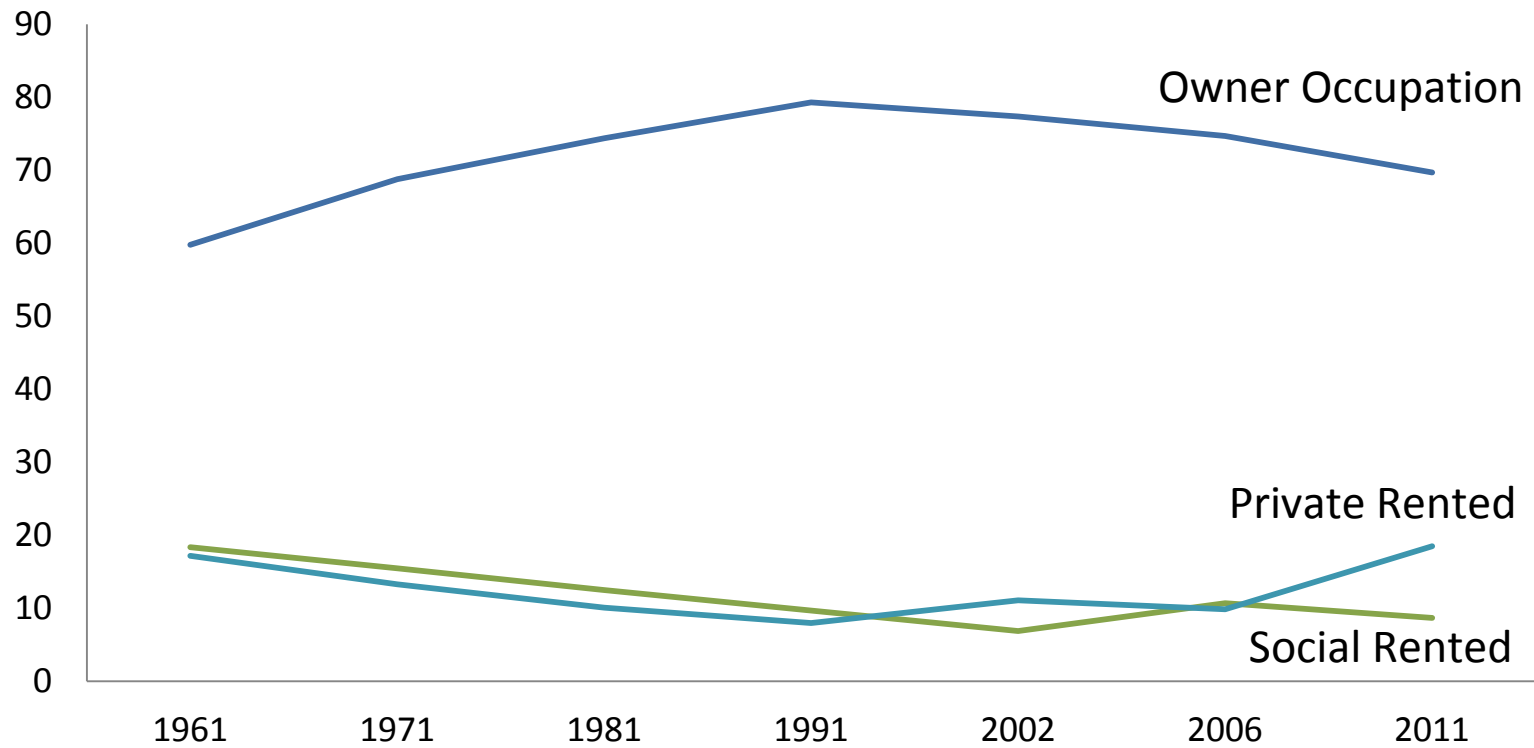
- Everyone has a right to respect for their home (ECHR, Article 8)
- Donegan vs. Dublin City Council/Gallagher vs. DCC
Section 62 of Housing Act 1966 found not to comply with Article 8 because it did not provide sufficient safeguards
- Implies need for independent review body for local authority tenants served with notice to quit



Ireland's Housing Crisis

Housing in Ireland

Percentage Distribution of Housing Stock By Tenure, 1961 - 2011



Source: CSO, Census of Population (various years)

Ireland's Housing Crisis: A Perfect Storm

- Mortgage arrears threat to homes
- A stalled construction sector
- Decline in social housing provision
- Social housing output at lowest ebb
- Growth in private rented sector
- For many, a family home is rented
- Decline in rent supplement payments
- Rapidly rising rents in urban centres
- Increase in family homelessness



A Human Rights Approach

Private rented sector through HR lens

	Accessibility	Security	Affordability	Location	Services	Quality	Cultural Adequacy
Maximum Available Resources		Direct payment under new HAP payment	Rent supplement caps vs higher cost of homelessness		News ways to pay utilities	'NCT for housing' = shift the burden of proof	
Non Retrogression		Security of tenure undermined by economic evictions				Poor enforcement of minimum standards	
Non Discrimination	Refusal of rent supplement is not illegal		Low paid excluded from RS but included under HAP			Bedsit ban = self-contained for all	
Justiciability		Regulate receivers of BTL properties	Current minimal rent control measures inadequate			Minimum standards regs 2008 and 2009	

Social housing through HR lens

	Accessibility	Security	Affordability	Location	Services	Habitability	Cultural Adequacy
Maximum Available Resources	Capital vs current investment	A house for life?	Streamlining differential rent schemes			Vacant local authority units	
Non Retrogression	Dilution and rolling back of Part V					Decreased maintenance by local authorities	
Non Discrimination	Single people are not allocated local authority housing	Special needs housing delivered by AHBs		Mixed vs mono tenure	Proximity to public services		Parents with part-time access
Justiciability	Transparency around housing waiting lists	AHB regulation / Need appeal process for LA evictions					

Owner occupation through HR lens

	Accessibility	Security	Affordability	Location	Services	Habitability	Cultural Adequacy
Maximum Available Resources	Construction sector stimulus needed			Ghost estates in wrong locations		Use of NAMA properties for social housing	
Non Retrogression	Low repossessions / Mortgage to Rent		Mortgage Arrears Resolution Process				
Non Discrimination	'Equity across tenures ' replacing ownership bias		Absence of credit favours cash buyers				
Justiciability	Personal Insolvency Legislation					PSRA regulates managing agents	

Homelessness through HR lens

	Accessibility	Security	Affordability	Location	Services	Habitability	Cultural Adequacy
Maximum Available Resources	Ringfenced allocations of LA housing needed					Housing led to replace staircase approach	
Non Retrogression	Greater emphasis on homelessness prevention						
Non Discrimination	Need for appropriate single person housing						
Justiciability	No homeless right to housing	Use RTA rights to keep people in homes			Licence rather than tenancies		

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Security must be kept under constant review



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Balancing access and security - too little, too much?

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Asset based welfare



Homelessness through HR lens

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Maximum Available Resources	Ringfenced allocations of LA housing needed					Housing led to replace staircase approach	
Non Retrogression	<p style="color: red; font-size: 2em; text-align: center;">Separation of homelessness from mainstream housing</p> <p style="text-align: center;">Greater emphasis on homelessness prevention</p>						
Non Discrimination							Need for appropriate single person housing
Justiciability	No homeless right to housing	Use RTA rights to keep people in homes				Licence rather than tenancies	



Conclusions

- ❑ No right to housing, limited rights in legislation
- ❑ Transparency and accountability
- ❑ ‘Equity across tenures’
- ❑ Towards common regulatory framework for private rented, voluntary housing, local authority housing
- ❑ Standardisation of social housing supports
- ❑ Application of human rights principles and elements of right to adequate housing can provide further insights into how right to housing can be advanced