



**Mercy Law Resource Centre**

**Submission to the Minister for Housing, Planning,  
Community and Local Government**

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## 1. Introduction

The purpose of this submission is to:

- raise very urgent issues relating to the provision of emergency accommodation by housing authorities to families and vulnerable people who are homeless; and
- present for consideration possible actions to address these issues.

Mercy Law Resource Centre (MLRC) is an independent law centre, registered charity and company limited by guarantee. MLRC provides free legal advice and representation for people who are homeless or at risk of becoming homeless. It also seeks to advocate change in laws, policies and attitudes which unduly and adversely impact people who are at the margins of our society.

MLRC provides five key services: free legal advice clinics; legal representation in the areas of housing and social welfare law; legal support and training to organisations working in the field of homelessness; policy work; and a befriending service. MLRC's ethos recognises the dignity of each person. We seek to ensure that all people are treated with respect and compassion and are enabled to achieve their full potential as human beings. We are committed to the principles of human rights, social justice and equality.

Since the middle of 2015, there has been a huge increase in demand for our services, in particular for legal advice and representation for families and individuals who are homeless. In 2015 MLRC gave legal advice and representation on 821 occasions. In 2016, MLRC gave legal advice and representation on 2267 occasions, which constitutes a 276 percent increase. A large number of people accessing our service are families or individuals who are homeless and unable to access their basic rights and entitlements due to a decision or action of the housing authority.

## 2. Urgent issues in relation to provision of emergency accommodation by housing authorities

From our work with families and individuals who are homeless, MLRC has noted several issues arising in the provision of emergency accommodation by housing authorities that are of serious concern. These include:

- A high number of unlawful refusals of emergency accommodation by housing authorities, leaving families and individuals who are homeless sleeping rough or at risk of sleeping rough.
- A practice by housing authorities of blocking families who are homeless, who have been apparently refused emergency accommodation, from accessing the crisis Family Homeless Action Team (Family HAT). This service, available only in Dublin, is ordinarily available on a night-to-night basis to families who are homeless at risk of rough sleeping.



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- Housing authorities failing to properly apply the law in relation to homelessness which indicates a lack of training and expertise of frontline staff in those authorities.
- Housing authorities failing to carry out comprehensive needs assessments of individuals and families who present as homeless. This failure results in the authorities not sourcing a placement that best suits the family's or the individual's needs and not referring them to appropriate services.
- The absence of suitable emergency accommodation for people who are homeless and who are suffering from a disability or who have particular health needs and vulnerabilities.
- Housing authorities over-relying on the self-accommodation option, obliging families to secure their own emergency accommodation, which is often not possible and puts families at risk of rough sleeping.
- Families and vulnerable individuals being placed in unsuitable hotel and B&B accommodation for very prolonged periods with no upper time limit, causing severe detriment to families and, in particular, children.
- The absence of any system to prioritise families or individuals with recognised medical needs within the homeless lists of each housing authority.

### 3. Proposed actions to address issues arising in provision of emergency accommodation

MLRC proposes, for consideration, the following actions to address these serious issues:

- Training of front-line staff in housing authorities specifically on the proper application of the Housing Act 1988 in relation to the provision of emergency accommodation.
- The issuing of a protocol or guidance document to housing authorities to inform and guide staff making assessments of requests for emergency accommodation, to include, for example:
  - Details of the eligibility criteria for emergency accommodation as distinct from the social housing eligibility requirements, including for example, clarification that the local connection test and Circular 41/2012 are not applicable to the assessment in relation to emergency accommodation.
  - Criteria to ensure vulnerable individuals and families and those with special needs or a disability and provision of appropriate emergency accommodation are identified, supported and suitably accommodated.
  - Guidance on engaging with and assessing distressed and vulnerable applicants.
  - Details on appropriate services for referrals for applicants presenting with specific needs.
- The issuing of a Ministerial Directive or Circular notifying housing authorities that the practice of placing a block on PASS so that homeless families cannot access the crisis night-to-night Family HAT service, thus putting families at risk of rough sleeping, is to be stopped.
- A legislative amendment or Regulation under section 10 of the Housing Act 1988 to set an upper time limit, as is operated in the United Kingdom, on the placing of homeless families and vulnerable people in hotels and B&Bs.



Mercy Law Resource Centre Submission to the  
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- A review undertaken of emergency accommodation placements available to people presenting with special needs or a disability and measures introduced to ensure suitable placements are available to housing authorities in their stock for such people.
- A review undertaken of the self-accommodation option with a view to introducing reforms to the option to ensure that it meets the needs of families who are homeless, particularly vulnerable families including members of the Traveller Community and non-nationals.
- A review undertaken of the operation of homeless priority lists and appropriate reforms introduced to ensure that the homeless priority list can take account of recognised medical needs of people who are homeless and so ensure that priority within the homeless priority list is given on the basis of those medical needs.

#### 4. Conclusion

We welcome the Minister's statement that families who are homeless are the Minister's most immediate concern. MLRC would very much welcome the opportunity to meet with the Minister to discuss the issues identified in this submission and the proposals contained in it. We look forward to working with the Minister and housing authorities to ensure that the very urgent needs of families and vulnerable people who are homeless are met in a humane, dignified and appropriate manner.

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