

**Questionnaire addressed to the Government of Ireland by the Special Rapporteur
on extreme poverty and human rights – follow up to mission report to Ireland 10-15
January 2011, A/HRC/17/34/Add.2**

This response to the mission report to Ireland 10 -15 January 2011 is made on behalf of a housing group comprising of lawyers from independent and community law centres, NGOs and an academic expert on housing law and policy, all working on housing, Traveller and homelessness issues. While a number of the groups met with Ms Magdalena Sepulveda and have submitted replies in their own right, we wish to formally submit our response to selected questions as a housing policy group.

A note on members of the housing group

Ballymun Community Law Centre (BCLC) was established in 2002 following a campaign to address unmet legal need in Ballymun. Legal need encompasses a need for empowerment to enable people to identify their problems and to find a satisfactory non-legal solution to that problem as an option. BCLC is a non-for-profit organisation providing information, assistance, legal services, mediation and education as well as taking a strategic approach to tackling inequality (www.bclc.ie).

Community Action Network (CAN) is dedicated to creating a more equal society that has the well-being of its citizens at its heart. Through community development, based on a human-rights framework, we work with people in asserting their right to participate fully in society, to have their voice heard and their choices respected (www.canaction.ie).

Focus Ireland is an organisation that aims to advance the right of people-out-of-home to live in a place they call home through quality services, research, and advocacy. Its objectives are to respond to the needs of people out-of-home and those at risk of becoming homeless, through a range of appropriate high quality services; to provide emergency transitional and long-term accommodation for people out-of-home and to campaign and lobby for the rights of people out-of-home and the prevention of homelessness (www.focusireland.ie).

The **Irish Traveller Movement Independent Law Centre** works to realise the rights of minority Travellers (Irish gypsies) through strategic human rights litigation. The Law Centre is attached to the national NGO established in 1990 that operates as a partnership between the minority Traveller population and majority settled population in Ireland. The recognition of Travellers as an ethnic minority is at the heart of the work of the Law Centre (www.itmtrav.ie).

Mercy Law Resource Centre is an Independent Law Centre, set up by the Sisters of Mercy in 2009. It provides a free, quality and holistic legal service to people who are homeless or at risk of becoming homeless. The Centre also seeks to advocate change in laws, policies and attitudes which unduly and adversely impact its client group (www.mercylaw.ie).

Northside Community Law Centre is an Independent Law Centre. Operating since 1975, the Law Centre was the first Community Law Centre in the Republic of Ireland. The Law Centre provides free information, advice and representation to individuals and groups in its

community who otherwise would not be able to access legal services, and works to give power to the community through education, research and campaigns (www.nclc.ie).

The **Public Interest Law Alliance** (PILA) is a project of FLAC (Free Legal Advice Centres) established in 2009. PILA's mission is to facilitate and promote the use of the law in the public interest for the advancement and protection of human rights and for the benefit of marginalised and disadvantaged people. PILA operates a pro bono referral scheme that matches expertise in the legal profession with specific legal needs in NGOs, community groups and law centres and aims to increase the capacity of organisations to use law in the public interest through legal education, law reform and litigation (www.pila.ie).

Barnardos

Response

(i) (3) Please provide information on additional progress made towards extending the legal aid scheme under the Civil Aid Act (1995) to make legal aid accessible in eviction proceedings, local authority housing issues, and matters before the Employment Appeals Tribunal and the Social Welfare Appeals Office

The independent expert rightly notes in her report of the 17 May 2011 that “*several areas of law that are particularly relevant for those living in poverty, such as eviction proceedings and local authority housing issues, are not included in the [Civil Legal Aid] Act.*”

The members of this Housing Group recently made a submission to the Legal Aid Board (“the Board”) that Local authority evictions under section 62 of the Housing Act 1966 did not constitute a “*dispute concerning rights and interests in or over land*” and are therefore not excluded from the Board’s remit under section 28(9)(a)(ii) of the Civil Legal Aid Act 1995 (“the Act”).¹

Section 62 of the Housing Act 1966 is a summary procedure for the recovery of possession of local authority housing. The lack of an independent or impartial hearing on the merits of the case where so fundamental a matter as one’s entitlement to remain in one’s home is concerned has led the Irish courts in a number of recent cases (following the European Court of Human Rights²) to make a declaration under section 5 European Convention of Human Rights (“the ECHR”) Act 2003³ that section 62 is incompatible with Article 6 (right to a fair hearing) and Article 8 (right to respect for private life and

¹ Section 28(9)(a)(ii) of the Civil Legal Aid Act 1995 provides that “*Subject to any order made under subsection (10) and to the other provisions of this subsection, legal aid shall not be granted by the Board in respect of any of the following matters... (ii) disputes concerning rights and interests in or over land*”.

² Connors v United Kingdom (Application No. 66746/01) Judgment of the 27 May 2004, McCann v United Kingdom (Application No. 19009/04) Judgment of the 13 May 2008

³ Section 5 empowers the High Court to make a declaration of incompatibility i.e. that a statutory provision or rule of law is incompatible with the State’s obligations under the Convention provisions.

the home) of the ECHR.⁴ One case strongly suggests that it is also in breach of constitutional rights and natural justice.⁵ As declarations of incompatibility, under section 5 ECHR Act 2003, do not affect the validity or continuing operation of the provision, local authorities still continue to issue notices to quit and proceed to recover possession pursuant to Section 62.

The submission made to the Board was based, *inter alia*, on the following points:

1. Any Plenary or Judicial Review action taken to the High Court challenging an eviction/threatened eviction does not relate to a dispute “*concerning rights or interests over land*” and rather concerns matters of statutory duty, natural and/or constitutional justice and tenant entitlements under both the Constitution and the ECHR.
2. Due to the legal complexity involved in both the eviction process and any subsequent challenge thereof, it is imperative that legal representation be afforded to tenants at the earliest possible juncture so that their entitlements under both the Constitution and ECHR can be fully realised.
3. The consequences of a grant of a warrant for possession are extreme. Not only do a tenant and their family lose their home, but where the notice to quit is served on the basis of allegations of anti-social behavior, the future entitlements of the individual will also be affected. Given the harshness of the consequences, the legal complexity involved and the inequality in bargaining power between local authorities and tenants, legal representation should be provided to a tenant at the outset.
4. The Board have an obligation, as an organ of the State, under the ECHR Act 2003 to provide legal aid in respect of section 62 evictions. Section 3(1) of the ECHR Act provides that “*Subject to any statutory provision (other than this Act) or rule of law, every organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention provisions.*” Section 28 (9)(c)(i) of the Act, as amended by Section 79 of the (Civil Law Miscellaneous Provisions) Act 2008, provides “*Notwithstanding the provisions of paragraph (a) and subject to the other provisions of this Act, legal aid may be granted—(i) in respect of proceedings under the Landlord and Tenant Acts, 1967 to 1994 (in so far as they relate to residential property), the Residential Tenancies Act 2004*”. As a result of this section, private tenants are entitled to legal aid in respect of tenancy disputes but local authority tenants are not so entitled.

Local authority tenants are further discriminated against as they are not governed by the Residential Tenancies Act 2004, which established minimum obligations applying to private law landlords and tenants; provisions relating to rent settings and review; security of tenure for tenants; and procedures for the termination of tenancies, including required notice periods linked to the duration of the tenancy. It also established the Private Residential Tenancies Board (PRTB) which

⁴ Pullen & Others v. Dublin City Council [2008] IEHC 379; Dublin City Council v. Gallagher [2008] IEHC 354; Donegan v. Dublin City Council (Unrep, High Court, 8 May 2008). Donegan and Gallagher were appealed to the Supreme Court in 2011 and judgment is awaited.

⁵ Dublin City Council v. Gallagher (op cit).

provides independent and impartial mediation and adjudication and is a financially efficient venue for landlords and tenants to make complaints to if there have been any failures to comply with tenancy agreements e.g. maintenance, rent reviews, evictions etc.

There is therefore a clear violation of articles 14⁶ (non discrimination), 6 and 8 ECHR by the Board who are consequently in breach of their obligations under section 3(1) of the ECHR Act 2003.

This differentiation also constitutes discrimination on the basis of "social origin" or "other status" contrary to Article 14 ECHR (and Article 40.1 of the Constitution) given the socio economic background of persons in private accommodation compared to local authority accommodation.

The failure to award legal aid in circumstances where an applicant is likely to lose their home constitutes a breach of section 3 ECHR Act in relation to Articles 3, 6, 8, 13 and 14 by failing to taking appropriate steps to protect such rights.

5. The Board are required to interpret the 1995 act, as amended, in a constitutionally compatible manner, insofar as possible. A similar position arises in relation to the interpretation obligations on foot of the ECHR Act 2003. If the act is not interpreted as providing for legal aid in eviction cases then it follows that the Act is both unconstitutional⁷ and incompatible with the Convention⁸

The Board reverted on the 23rd August 2011 stating that section 62 evictions constitute a dispute concerning rights and interests in or over land and are therefore excluded from the Board's remit under section 28(9)(a)(ii) of the Act (unless the case falls within one of the exemptions to the exclusion set out in section 28(9)(a)(iii)⁹).

As a result of this decision, where a person does not have the means to pay for a private solicitor and does not fall within the exemptions set out in section 28(9)(a)(iii), they will not have any legal assistance in circumstances where they are at risk of losing their home. Apart from evictions, there are many other housing matters which may require legal assistance e.g. access to housing, standards of housing etc and these are also not covered by the Civil Legal Aid Scheme. This, in effect denies those on low incomes access to

⁶ *Larkos v Cyprus* (Application No. 2951/95) Judgment of the European Court of Human Rights of 18 February 1999. In this case the ECHR held that there had been a violation of Article 14 in conjunction with Article 8 ECHR on the basis that the State tenant applicant enjoyed less security of tenure than a tenant of a private landlord.

⁷ Article 40.5 Constitution "*the dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law*".

⁸ Article 6, 8 & 14 ECHR *infra*. Also, Article 13 "*Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.*"

⁹ This provides that "*where a subject matter of the dispute is the applicant's home (or what would be the applicant's home but for the dispute) and the Board considers that the applicant— (I) suffers from an infirmity of mind or body due to old age or to other circumstances, or (II) may have been subjected to duress, undue influence or fraud in the matter, and that a refusal to grant legal aid would cause hardship to the applicant*".

justice. Many of the Independent Law Centres involved in this submission provide services in areas not covered by the State Legal Aid system. Many of these Law Centres receive philanthropic funding and are limited in the services they can provide.

In light of the fact that the Legal Board have refused to reconsider their interpretation of their Scheme, we would advocate for an amendment to the Civil Aid legislation to bring housing matters within their remit. We would also advocate an increase in funding to the Board to allow for such an expanded remit and to improve the already significant waiting periods that exist.

(v) (5) Travellers

(b) *What additional progress has been made towards encouraging local authorities to provide safe, authorised halting sites with adequate amenities, in consultation with Traveller organisations and groups?*

The answer to this question may be divided into two parts: I. Provision of halting sites and II. Consultation with Traveller organizations and groups. In answering this question the Irish Traveller Movement will rely only on reports published after January 2011 (the date of the visit of the Special Rapporteur on extreme poverty and human rights to Ireland).

I. *Provision of halting sites*

In practice the Irish Traveller Movement has found that the local authorities are not delivering on their Traveller Accommodation Programmes.

The following is taken from the ***Report on the Operation and Effectiveness of the Local Traveller Accommodation Consultative Committee (LTACC) June 2009-December 2010 Prepared by the Irish Traveller Movement for the National Traveller Accommodation Consultative Committee in April 2011.***

Delivery of the Traveller Accommodation plans monitored by LTACCs

Targets for delivery were taken from the Traveller Accommodation Plans for this report.

- 60% of TAPs had specific targets Of these only 10% have delivered any accommodation at all.
- 24% of TAPs had non-specific targets, stating the number of units they would deliver but not the type of accommodation.
- 12% of TAPs had no targets whatsoever.

The delivery/outputs of the programmes monitored through the LTACCs have been very few from June 2009 to December 2010:

- 60% of the total LTACCs/Local Authorities had no outputs..
- 65% of the twenty with specific targets delivered no Traveller Specific accommodation or no accommodation at all.
- 12% local authorities altered their targets during the period between June 2009 and December 2010, 9% by changing transient sites to emergency sites.

Two local authorities with non specific targets delivered group housing schemes, they are Clare (2 units) and Fingal (10 halting site bays and 10 group housing scheme units). Two other local authorities without targets delivered refurbishment and group housing scheme units (Kerry (14 halting site bays refurbished in 2009) and Offaly (four group housing units and minor refurbishments)).

The following is taken from the **Irish Traveller Movement, Report on Traveller Accommodation 2002-2009, January 2011.**

1. Standard Local Authority Housing: the number of Traveller families living in Standard Local Authority Housing has steadily increased over the 9-year period 2000-2009 from 2,110 to 3,300 families; this represents a rise of 56%.
2. Private Houses assisted by Local Authority: the number of families has increased by 289% in the 9-year period 2000-2009 from 123 to 479. The most significant increase in the past 12 months is in Galway County with a rise from 45 to 66.
3. Private rented accommodation: This is the most alarming count with an increase of 487 in the last 12 months; there is a greater than twelve-fold increase in the 7-year period 2002-2009, from 162 families to 2,003 families. Twenty-seven of the 34 Local Authorities show an increase, with significant increases seen in Carlow (numbers have doubled in 12 months) Kildare (numbers have almost trebled in 12 months) and Sligo (more than doubled in two years). The increase of 487 families living in private rented accommodation in the past year almost equals the increase in the total number of Traveller families in Ireland which has risen by 545. These figures clearly show Local Authorities' preference for offering Travellers private rented accommodation over Traveller-specific accommodation.
4. Halting sites: Local Authorities are steadily decreasing the provision of halting sites through the country – there has been a decrease of 132 families accommodated in halting sites in the three year period 2006-2009. Counties such as Kildare and Clare which have amongst the highest increases in numbers of families in private rented accommodation also show the greatest decreases in numbers of families in halting sites. Twenty five Local Authorities show decreased numbers over the past two years. County Cavan, does not have any halting sites and Longford, Laois, Louth, Limerick, Clare, Donegal, Wexford, Kildare, Monaghan, Kerry and Sligo have shown decreases of between 100% and 28%.
5. In Laois there has been an increase of eight Traveller families in the county over the past two years. This increase has been met with a reduction of seven families in Halting sites and one in group housing, an increase of fourteen in private rented accommodation and increases in standard local authority housing and housing assisted by the local authority.

6. Unauthorised halting sites: there are currently 422 families living in unauthorised halting sites, in conditions that are often unsafe, overcrowded and in most cases lacking in the most basic of facilities, such as water, sanitary and electricity services. In fifteen Local Authorities the number of unauthorised halting sites has either increased or remained the same when compared with the previous year.
7. Sharing Accommodation: At present there are 390 families (approximately 1900 people) estimated to be sharing accommodation. This figure represents an increase of 45 families in the past 12 months. In some cases families are living 3 families to a house or, 3 trailers in a small bay with upwards of 16 people using one portable toilet. The combined total of shared accommodation and unauthorised sites amounts to approximately 4,000 people living in at best, basic and at its worst, hazardous and deplorable conditions throughout Ireland, despite the Traveller Accommodation Programmes locally. A considerable number of those families are waiting to be accommodated for many years with little hope of any change soon.
8. Population Growth: The last annual count (returns of 2010) identifies 8,943 Traveller families residing in the Republic of Ireland, however this is a very significant underestimation according to the All Ireland Traveller Health Study (September 2010) which estimates the current figure at 10,618 families. A rise of 42% in the Traveller population is highlighted in the returns from the Department of the Environment and Local Authorities over the 9 years 2000-2009 analysed in the Irish Traveller Movement Report on Accommodation (2011). The Task Force on the Travelling community estimated a rise of 4% per annum in the Traveller population; this therefore shows the population has surpassed the estimated growth, even without taking account of the 1,675 families not enumerated, as described. Traveller Accommodation programmes are not meeting the needs of many Traveller families identified within, this situation is exacerbated by the growth in the Traveller population, which is not taken into account. In the period 2002 – 2009 there has been an increase of 2,654 Traveller families in need of accommodation nationally. The total accommodation provided by local authorities over the 2006-2009 period represents an increase of 6% however in this time the Traveller population has increased by 16%.
9. Transient Sites: The Department of the Environment, Local Government and Heritage do not calculate transient accommodation delivery. The Report of the Task Force on the Travelling Community (1995) recommended that 1000 transient units of accommodation were needed to accommodate nomadism. This is clearly not being prioritised by local authorities

II. Consultation with organisations and groups

Under the Housing (Traveller Accommodation) Act, 1998, LTACCs are a statutory requirement in each local authority area. Each local authority is also required to develop

and implement a Traveller Accommodation Plan (TAP). The role of the LTACC is to advise on the preparation and monitor the implementation of the TAP, to advise on the management of Traveller accommodation, to provide a liaison between Travellers and the local authorities, and to help with the annual count and assessment of needs.

NTACC GUIDELINES FOR THE OPERATION OF LOCAL TRAVELLER ACCOMMODATION CONSULTATIVE COMMITTEES (LTACCs)

METHODS OF OPERATION

While each committee should determine its own methods of operation the committee Should:

- agree a regular schedule of meetings, the frequency and regularity of which Should be agreed at the start of each calendar year,*
- consider different days, times and places for meetings to facilitate its members,*
- decide on a quorum for its meetings having regard to the requirements in relation to membership of committees as set out in Section 22 of the Housing (Traveller Accommodation) Act, 1998;*
- agree on basic matters such as a prohibition on the use of mobile phones at meetings;*

In practice the Irish Traveller Movement has found that the LTACCs are not operating effectively.

The following is taken from the ***Report on the Operation and Effectiveness of the Local Traveller Accommodation Consultative Committee (LTACC) June 2009-December 2010 Prepared by the Irish Traveller Movement for the National Traveller Accommodation Consultative Committee in April 2011.***

The LTACC in relation to the Traveller Accommodation Programme

Every local authority had approved its Traveller Accommodation Plan by the relevant local authorities by April 2009. The local authorities' TAPs indicate differing degrees of commitment to fulfilling their statutory requirement. Of the 34 local authorities, twenty mention some of the following how often they will meet, the need for gender balance on the committee, relationships with other committees and how they will involve Travellers at the meetings. While fourteen do not mention how their LTACCs will operate, These are: Carlow, Cork County, Dún Laoghaire Rathdown, Fingal, Mayo, Louth, Sligo, South Dublin, Waterford County, Wicklow, and Cork, Dublin and Galway Cities.

Seven local authorities produced TAPs which contain a strategy for how their LTACCs will operate; these are Cavan, Donegal, Longford, Meath, Monaghan, North Tipperary and Offaly. Two of these LTACCs have requested the Irish Traveller Movement to provide training for the whole LTACC.

- 55% of LTACCs met quarterly as planned by their TAP since June 2009.
- 15% of LTACCs met three times a year;

- 18% met for the first time and only once in 2010
- 9% met irregularly and
- 12% of meetings did not happen due to the quorum not being met.

The meetings cancelled due to quorum not being met were due to the lack of attendance by councillors (with the exception once for Wexford: in June 2010 the meeting was cancelled due to the quorum not being met because there were no Traveller representatives in attendance. They only received notification of the meeting on that morning).

Process and Accuracy of the Assessment of Need

The questions asked here were “What was the process used to carry out the Assessment of Need” and “Was there an agreement that this process was accurate?”

55% of Traveller representatives say they are not in agreement with the process or accuracy of the assessment of need carried out to inform the TAP, which in turn, informs the implementation of the accommodation plan.

12% of local Traveller groups and local authorities used the best practice by carrying out a joint assessment or combined their information: Offaly, Sligo, South Tipperary and Wicklow.

12% agreed in general with the assessment of needs: Donegal, Longford and North Tipperary.

Each of the following refers to 3% of the respondents:

- process was unclear,
- it was not carried out
- the local authority hired a researcher but did not use the findings in the TAP
- It is for discussion.

Minutes and Agenda

The questionnaire asked “do you receive the minutes and agenda before the meeting, if yes, more than one week or less than one week? 58% said they receive it more than one week before, while 39% receive less than one week before. 3% responded that they do not have their agenda before the meeting.

36% say the minutes are accurate. Most challenge any inaccuracies under matters arising. There are concerns that they do not reflect discussions in some cases and in others that “they are a narrative rather than an agreement of actions”. In a 3% of cases the Traveller representatives interviewed state that the minutes reflect the views expressed by the local authority officials and not the views given by Travellers.

Frequency of Meetings

Although 54% of LTACCs met four times per year only 27% of respondents were fully satisfied with frequency of the meetings and 33% thought the frequency was good. In one instance an LTACC meets every second month for an hour. There is a feeling that

this is still inadequate because an hour does not allow for exploration of and discussion on the issues hence there is little progression of the Traveller Accommodation Plan. 40% of respondents stated that the frequency of the meetings were not good.

If meetings were held across the board on a quarterly basis this would not qualify for frequency without having a quality agenda allowing for discussion and action for progression of the Traveller Accommodation Plans.

Attendance at LTACC meetings

There are issues of attendance with both the Traveller representatives and the elected representatives. For the Traveller representatives the lack of attendance mentioned is due to:

- Receiving notification of the meeting on the morning of the meeting
- Where the complex issue of conflict can create difficulties for Traveller participation on LTACCs
- The lack of travel and subsistence available to Travellers who are generally volunteers
- Attitudes towards Travellers at the meetings and through the local media

There are practical solutions to each of the identified difficulties mentioned here. The local authority has a responsibility to forward the agenda and minutes at least a week beforehand or preferably ten days beforehand to ensure that representatives who may be nomadic get a chance to receive the documents.

With regards to dealing with the complex issue of conflict affecting the lives of Travellers and their participation on the LTACC each different situation needs different solutions. In Westmeath the Traveller representative from WCDL Traveller project proposed that she consult with the different family groupings through other meetings, groups and projects in existence on the accommodation issues. This was not supported by the LTACC, which in turn is demoralising for the Traveller representative.

When the chair of the Clare committee Brian Meany says “The committee has sat without Traveller representation despite plea after plea” in the Clare Champion (May 2011), it undermines the participation of the two Traveller representatives and one Traveller support worker who have attended. The Traveller representatives had requested that there should be a seat to represent each area in Clare but were unable to source representatives from the different areas for many reasons including the fear around misrepresenting those where there may be conflict. Another possibility is the fatigue of facing the many prejudices experienced by Travellers at LTACC meetings.

“The fact is there are Travellers on that committee who attend regularly. Community groups did negotiate another seat for Travellers and hope it will be filled shortly. Very misinformed article which will confuse everyone, Brian Meany is the chair of the group and what he has done is unfair on the whole committee particularly the Traveller people. Travellers and community representatives have constructively engaged in the group and advised on the new Traveller plan and this is minuted.”

This behaviour negatively impacts Traveller engagement and participating in such fora. It also helps to widen the rift between the communities.”

Colette Bradley, Ennis CDP

While it is seen that in 18% of LTACCs the elected representatives have good attendance another 15 % have inconsistent attendance. Commentaries made by respondents did not indicate why this should occur. Assumptions made on the reasoning by ITM would include lack of interest in improving Traveller accommodation; prioritising other meetings; and lack of political will.

In Donegal the attendance of elected representatives has improved greatly in this term because of a new computerised system of streamlining councillors meetings so they do not overlap.

Involving Travellers and Behaviour at the Meetings

“Some of the councillors hardly speak at all so it can be hard to know if they are informed. One fell asleep in a meeting.”

A Traveller representative

The experience of 58% of respondents at LTACC meetings has been that there is a lack of understanding of Traveller culture, the nomadic way of life and Traveller accommodation requirements. Not only has this been the experience but the feeling is that there is little interest in these and in the improvement of Traveller accommodation by and large by the local elected representatives and some council officials.

When at one meeting in Cork City a councillor produced her nail varnish to paint her nails or when in many other meetings councillors answer their phones and talk over the meeting there is an effect on the Traveller participation. In situations like this it is understandable that the Traveller representatives feel it is impossible for Travellers with the attitudes of councillors. Some meetings can be turned into a complaints committee by councillors for settled people’s generalised complaints against the whole Traveller community. Travellers can feel at meetings they may have to defend themselves rather than discuss the plan

At meetings when dealing with particular issues council officials say it is a policy issue and when brought up under policy it is said that the LTACC is only a consultative committee. Situations like these create mistrust and disempower the Traveller representatives who may be making constructive suggestions.

Another challenge is the turn-over of local authority staff which can make it difficult to develop relationships between staff and Traveller representatives and Traveller groups.

(c) Please describe additional policies designed and/or implemented to address the specific housing needs of Travellers.

The Irish Traveller Movement is not aware of any additional policies designed or implemented to address Travellers' specific housing needs since the visit of the UN Special Rapporteur.

The Traveller Accommodation Programmes are now in their 12th year, the figures highlighted in the above reports present a picture of failure in the delivery of the National Strategy for Traveller Accommodation.

An issue of immediate concern is for those 4,000 Travellers living in shared accommodation and in unauthorised sites in basic conditions throughout Ireland.

The Irish Traveller Movement is committed to working with the Department of the Environment, Heritage & Local Government and in seeking ways to address the shortcomings in Local Authorities in their duty of care to Travellers.

These concerning trends of increased numbers of families moving into housing coupled with decreased provision of halting sites and general slow delivery throughout the Traveller accommodation programmes has highlighted the need for a National Traveller Accommodation Agency to oversee all aspects of Traveller accommodation provision, like that of the Northern Ireland Housing Executive.

(v) (7) *Homeless people and people living in substandard housing conditions*

(a) *Please provide details on additional measures taken to address the urgent short-fall of social housing support. What measures has the Government taken to further ensure that budgetary reductions to social housing do not affect the capacity of local authorities and housing associations to finish existing social housing projects and provide new housing?*

Ireland's social housing remains deeply inadequate to meeting the needs of those it serves. There are around 126,000 social housing units in Ireland. Much of this housing is located in the 51 communities around Ireland that are designated as most in need (RAPID disadvantaged areas). 130,000 households are currently on Local Authority Housing waiting lists, a figure which has doubled in just three years. Yet last year the social housing budget was reduced by 36% from €829m to €529m.

Government has produced a Housing Policy Statement in June 2011 and a Housing Strategy for People with Disabilities however there this has made little practical difference to date. Similarly, Government has an intention to move administration of Rent Supplement from HSE to Local Authorities but the detailed plans of how that will work or what it means for Rent Supplement recipients has not been published. The Government needs to provide more detail on how its policies will be implemented before those measures can be evaluated properly.

There are also concerns that the crisis of over-indebtedness of society will lead to further pressure on social housing. Rent and mortgage arrears are high¹⁰ and without urgent action to deal with personal debt many families and individuals may find themselves losing their homes. Measures to address the over-indebtedness crisis seem to be focussing on home ownership (mortgage arrears) and therefore failing to consider the poorest and most vulnerable in society.¹¹ There are also concerns that resources to combat the mortgage arrears crisis and the resulting social housing needs may take from the general social housing budget and that would be a catastrophic blow for human rights and those in extreme poverty.¹² The Government must ensure resources for provision and maintenance of social housing are not reallocated away from the poorest in society and Government must make a solemn commitment to ensure that.

It is noted that Government has indicated its intention to introduce a staged purchase scheme to increase stock of social housing and improve access to private sector funding for social housing however no details are available to date.

Even where social housing is available, much of it is substandard. Reductions in budgets to local authorities in previous Budgets have forced local authorities to drastically reduce their maintenance budgets, and, as a result they are not in a position to provide the necessary upkeep and repairs to their housing. Local Authorities have lost the equivalent of 6900 whole time equivalent staff since June 2008.¹³ There is a moratorium on public service recruitment while demand for services rises. Lack of budgets also mean some 4,286 local authority dwellings were vacant, waiting repair, in 2010. Furthermore, there are little options available to tenants if they are unsatisfied with the service from the local authority as the authorities monitor and regulate the conditions in their own properties.

Some of the most deprived social housing estates in urban areas are still waiting for long-promised regeneration. A number of projects have been scaled back, delayed or cancelled including Limerick, Waterford, Sligo, Cork, Dundalk, Portlaois, and estates in Dublin (notably Dolphin House, O'Devaney Gardens, St Theresa's Gardens).

Adequate housing entails an adequate dwelling fit for purpose and it is a home that exists within the context of a neighbourhood and community. The conditions of the surrounding neighbourhood such as adequate environmental conditions of playgrounds, education, childcare and social facilities, green space, safety, and the condition and health of the community itself is essential.

¹⁰ See Dail Questions, Written Answers of Minister for State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose) to Q.334 18 October 2011 and Q.366 27 September 2011

¹¹ Report of Inter-Departmental Mortgage Arrears Working Group dated 30 September 2011 available at <http://www.finance.gov.ie/documents/publications/reports/2011/mortgagearr2.pdf>

¹² Mortgage to Rent Schemes are recommended as a possible option encompassing the potential purchase of houses by Local Authorities and or Housing Associations, pp 22-25.

¹³ See Dail Questions, Written Answers of Minister for State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose) to Q.335 18 October 2011

Those in the private rental market in receipt of Rent Supplement similarly face substandard housing conditions with little choice in negotiating with landlords. Despite Government commitments to move people from Rent Supplement to the Rental Accommodation Scheme (RAS) 97,260 people in receipt of Rent Supplement in December 2010, an increase of 63% in the previous three years. Only 19,074 people have been housed directly under RAS since 2005. In 2009 some 20,000 inspections of private rented accommodation were carried out by Local Authorities and 20% did not meet minimum standards.

Similarly to the situation with some social housing units, substandard housing in the private rental market for Rent Supplement recipients is a danger to the health and well-being of tenants.

(e) Has the Government taken further action to improve the substandard housing conditions in some of the rent-supplement accommodations? What additional protections has the Government adopted to ensure sustained funding and support to community regeneration projects and homeless centres?

On the positive side, many regeneration programmes already in train have not been completely abandoned. Department of Environment's most recent policy statement says

“Despite adverse economic conditions we will prioritise the improvement of the quality of existing social housing stock through regeneration and improvement works programmes, and the return of vacant stock to effective use within the shortest timeframes possible. Not only will this help improve the quality of life for households in the areas affected, it will also provide a means of supporting and maintaining jobs through highly labour-intensive activity.”¹⁴

However, this does not take away from the reality that there has been significant reductions in the expenditure on social housing provision and support; down from €907 million in 2007 to €529 million in 2010. Funding allocations are continuing, but at very low levels compared to what is required. For example, the allocation for Dublin Flat's complexes, including Dolphin House, the largest complex after Ballymun, is only 7 million at this point¹⁵.

Essentially, the government has had to readjust it's approach following the collapse of the property market, as Public Private Partnerships are now not viable.

“Market conditions do not support the PPP model at present and so there is a greater reliance than ever on the Exchequer to support both large-scale regeneration projects and smaller estate-wide remediation projects.”¹⁶

¹⁴ Department of Environment Community and Local Government Housing Policy Statement June 2011.

¹⁵ Response of Minister of State Willie Penrose to a question in the Dail June 22nd 2011

¹⁶ Department of Environment Community and Local Government Housing Policy Statement June 2011.

The state has now turned to limited investment from its own resources, and the involvement of Voluntary Housing Associations to deliver much needed regeneration. This has led to delays and the planned phasing of the delivery of Regeneration over long periods. For example, at St. Michael's Estate Inchicore the regeneration process began in 1998. This report from the estate in 2008 indicates the scale of the delays.

“Since 1998 the process of regeneration has been in place. In April 2003 the first groups and families of people moved to their new homes. In July 2004 the first six blocks were demolished making way for land to be developed. A plan for St. Michael's Estate was rejected by the Minister of the Environment making way for a public/private partnership. This put the community into conflict with Dublin City Council. Delaying the development further. In 2005 there has been a settlement and the project continues with the plan of 720 units on the site of St. Michael's Estate including existing community facilities. In the year 2006 following intense work by the community on the St. Michael's Estate Regeneration Board and its sub groups - a design for four acres to house the existing tenants was agreed and planning permission gained progressing the regeneration. The developer was chosen in November 2006 but to date no agreement has been signed with the developer. Unfortunately we are now in 2008 and despite all the funds, work, time, energy and commitment not one brick has been laid on St Michael's estate since the PPP process began!”¹⁷

Presently, in October 2011 two acres are being developed, with no prospect of any further work in the coming decades. This story is replicated right around the country.

For example, the revised Masterplan of the Limerick Regeneration Agencies in 2010 scaled back considerably the original plans. The public sector contribution has been reduced from €1.6bn to €924 million and will be invested over 15 years, rather than the initial ten year time frame. Furthermore, the finance to be sourced from the private sector did not materialise. Although Minister Penrose stated in the Dail recently that the Limerick project will involve investing €346 million, only €51m has been invested in regeneration in Limerick since 2007. Current Minister for Finance, Michael Noonan TD, stated in the Dail last year, prior to the election, that in the Limerick communities “the position is worse than it was before the regeneration agencies commenced their work. Nearly 400 houses have been demolished and not a single brick will be laid or a single sod turned in 2010”.¹⁸

While the economic downturn may have delayed regeneration, the need for it is more urgent than ever. This is for four reasons.

Firstly, many residents in places like Teresa's Gardens, Croke Villas, Dolphin House in Dublin, in the regeneration areas in Limerick and in numerous smaller estates around the country live in **substandard conditions**. These include damp and mould posing a threat

¹⁷ See http://www.stmichaelsestate.ie/regenerate/history_eng.html

¹⁸ Presentation to Commercial Media Group (CMG) Conference on Local Government, October 20th 2011 by Dr. Rory Hearne, Regeneration Co-ordinator (Barnardos) Dolphin House

to health, insufficient heating, compromised drainage systems leading to sewage invasion and other issues. (see appendix 2)

Secondly, in these estates, the sustainability of communities is under threat not only from the poor housing stock, but also from chronic **anti-social behaviour**. Estates in need of regeneration often have public open areas which facilitate such behaviour such as derelict land, empty properties and stairwells and lanes conducive to harbouring gangs.

Thirdly, the people of estates include many of the most vulnerable in the State. The State recognises that it's regeneration programme is not just about buildings, but also supporting the **vulnerable people** within those communities through the provision of essential services to address poverty and it's attendant ills.¹⁹ Regeneration is the best hope of tackling disadvantage in the estates because of it's comprehensive vision. At a time of recession where cuts in services, social supports and employment all make things much worse for the marginalised, regeneration is more urgent.

Fourthly, regeneration will provide much needed social housing. With **housing waiting lists** as high as they are, up from 56,249 in 2008 to 98,318 in 2011²⁰, the case for using these sites to house those in such need is overwhelming.

Causes for Concern.

Our concerns about the regeneration situation at present break down into two parts, the threat to the sustainability of communities and the loss of the opportunity to address poverty through the scaling back and redefining of regeneration.

The threat to the sustainability of communities

Recognising that regenerations will be delayed and subject to phasing over decades, our main concern relates to the sustainability of communities in the interim. It is often not sufficiently recognized that many estates have a long tradition of community networks over generations living on or around the same site. It is argued that mixing the profile of people on estates is the best policy. However, while this has merit, it has to be equally recognised that existing family and community ties are an essential element in the survival of communities and the protection of vulnerable community members. Maintaining family connections to the site is essential in sustaining a strong community. However, at present, delays in regeneration lead to pressures on the sustainability of communities. Individual families are "driven out" by the conditions created by the delays,

¹⁹ Department website (<http://www.environ.ie/en/DevelopmentHousing/Housing/SocialHousingSupport/RegenerationSchemes/>) "The aim for regeneration projects is to build sustainable communities through a combination of social, educational and economic initiatives and also by rejuvenating the built environment by a mixture of demolition, construction and refurbishment of dwellings having regard to urban design guidelines. In addition, local authorities are also required to focus on a strategic multi faceted approach to address the range of social, educational and economic issues that may be evident." 1616

²⁰ Department website <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/>

leaving properties to be boarded up or occupied by those with no commitment to the area. The four main interrelated sources of threat to community sustainability are:

Anti-Social behaviour.

This is the most serious threat to community sustainability. With the recession, policing of local areas is more inadequate than before. Responses to community safety issues by local authorities and the police has not been effective on the whole, with isolated temporary relief achieved only when issues become very extreme. The policy of the Gardai to take a localised problem-solving approach to anti-social behaviour in partnership with other agencies is welcome and shows much potential.²¹ However, a lot more needs to be done to realise this potential on the ground and good policies are undermined by the fact that cutbacks have meant fewer Gardai policing the communities²².

Poor response to maintenance and housing conditions.

Maintenance of properties has always been an issue in local authority estates. However, in times of recession the difficulties can become more acute. "The local authority regeneration and remedial works budget was cut from €241 million in 2008 to €124.6 million in 2011. Of that 2011 figure €35 million was allocated to Limerick, 45 million to Ballymun, 8 million to St Michael's Estate, leaving approximately 35 million to cover over a dozen other estates."²³

Dereliction;

As estates are paused in regeneration limbo, many now have large open derelict sites where houses or flats have been demolished and nothing is being put in their place. The creation of publicly accessible space facilitates anti-social behaviour and an ugly harsh environment.

²¹ An Garda Síochána Strategy Statement 2010 to 2012 promises to; 'Utilise analysis and intelligence led community policing to identify and target public order hotspots and locations where anti-social behaviour is taking place in our communities. Further enhance community safety by actively targeting and pursuing alcohol and drug related street violence and anti-social behaviour including youth crime. In conjunction with Joint Policing Committees and local Community Fora continue to develop partnerships with relevant organisations aimed at tackling public disorder and anti-social behaviour. Engage directly with, listen to and respond to the concerns of local communities and other key stakeholders through effective dialogue, collaboration and accountability.'

²² According to the Garda Representative Association, the Government plans include "Setting a maximum number of members of an Garda Síochána of 13,000 to be attained by 2014 under the Employment Control Framework. This is an effective reduction of 1,500 in Garda numbers from 2010 levels." The Minister for Justice stated in the Dail on 7th April 2011 that he saw no hope of new recruitment of Gardai "I cannot at this stage indicate when new recruitment might take place other than to indicate that I am anxious that there would be an influx of new young people into the Garda force over a period. I do not see any likelihood of new recruitment during 2011. Beyond that all I can say is the matter is under review."

²³ Presentation to Commercial Media Group (CMG) Conference on Local Government, October 20th 2011 by Dr. Rory Hearne, Regeneration Co-ordinator (Barnardos) Dolphin House

“many hundreds have been permanently displaced from their communities as a result of local authorities’ policy of large scale tenure restructuring requiring de-tenanting (de-canting) in preparation for regeneration. Through 2007, 2008 and 2009, there was an intensification of the process of community break-up and dispersal on many estates as conditions deteriorated further and residents were de-tenanted. A number of estates were completely emptied and demolished while others are in a state of partial de-tenanting and, as a result, are blighted by anti-social behaviour and maintenance issues.”²⁴

For example, the site of St Michael’s estate now has no residents. O Devanny Gardens has reduced from approximately 248 units to between 60 and 70. St Teresa’s Gardens is down from 320 to 150. (See appendix two for a picture of the reality of life on such estates.)

Threat to meaningful participation of residents.

The practice of ensuring residents’ participation in the regeneration of their communities has always been a mixed picture. The good practice in Dublin 8, witnessed by Magdalena Supelveda on her visit to Fatima Mansions, where residents’ parity in the process is underpinned by their representation on a legally incorporated, independently chaired Regeneration Board, with resources to ensure general involvement by the wider community in decisions, is not a widespread practice. For example then Limerick Regeneration Company has very minimal community representation as has Ballymun Regeneration Limited. Common practice is to relegate residents’ participation to “community forums” which are usually organized by the local authority on an ad-hoc basis. However, with the cutbacks, this situation has become worse. In O Devanny Gardens for example, the posts of both regeneration workers were terminated. The CEO of the Board for St. Michael’s was reduced to a half time post. The single worker in the large complex of Dolphin House does not know if he will be in post beyond next Christmas. Communities in regeneration need support in being organized if they are to have any meaningful say in what is happening.

The threat to the means to address poverty and social exclusion offered by regeneration

A comparison of Fatima Mansions in Dublin 8 before and after regeneration illustrates the potential for regeneration to address social exclusion. However, this is only achieved when the physical regeneration is accompanied by a social regeneration, including a range of services to tackle poverty and exclusion, and robust community participation structures.

The abandonment of plans for social regeneration. In many places, the economic downturn has meant that Regeneration has been reduced to limited and phased physical regeneration. Planning for addressing social need, such as it is, takes place driven by community organisations, with limited buy-in from the statutory bodies needed to support

²⁴ ibid

initiatives. Government needs to direct that statutory bodies such as the HSE, Gardai, Local Authority, Vocational Educational Committee engage in a meaningful way in regeneration areas to develop and deliver on social regeneration. Many initiatives will not require money, but a new collaborative way of working.

The displacement of Social Housing. There is a strong suspicion in some cases that sites are being cleared of social housing to replace with more private housing when the property market resumes strength. Many regeneration sites occupy prime land and there may be an impetus to allow social housing communities to run down due to anti-social behaviour and the degradation of the environment, allowing more land to be freed up for development when an upturn in the economy is realised. The price of this for lower-income families and those on the housing list however is the loss of a community in which they can be supported, and participation in a regeneration that can create real opportunity to emerge from poverty.

Some Voluntary Housing Associations may not accommodate more vulnerable families. While the public housing list prioritizes those most in need, not all social housing associations will do so. Some will exclude those who use drugs for example. While it is important to build sustainable communities that are not over loaded with chaotic families, care needs to be taken to make space for the vulnerable. An extended role for Social Housing Associations needs to take account of this.

Unequal opportunity

There is concern that where in some areas, like Dolphin House, which have been at the centre of a community driven, Human Rights Based media campaign are getting some attention, other areas without the resources to organise are left behind. In a country with still high levels of personal wealth ²⁵, lack of resources is not sufficient reason to leave many communities behind.

What is required.

A strategy at each site to end anti-social behaviour on estates with participation of the community, Gardai and Local Authority. Such a strategy needs to have sufficient resources to deliver a safe community. These will include enough Gardai to patrol areas and remedial works to ensure public areas are well lit and secure.

A timetable for regeneration at each site properly negotiated with the local community.

A mechanism for effective participation in regeneration by every resident. This is not met by occasional community forums or by creating decision-making bodies which exclude community participation. It is also threatened by stripping the community of resources needed to support community participation, such as local community projects and access to independent expertise.

²⁵ Irish Central Bank website “The deposits held in resident credit institutions by Irish private households stood at €87 billion at end-June 2011.” <http://www.centralbank.ie/press-area/press-releases/Pages/TrendsInPersonalCreditandDepositsQ22011.aspx>

A policy to maintain existing communities as far as possible by maintaining properties and the local environment as well as addressing issues of community safety.

A commitment to prioritising Social Housing at sites including provision for the most vulnerable members of the community.

A commitment to developing a social regeneration at each site which will address the underlying issues of poverty and disadvantage.

The Government needs to commit to providing a legislative framework for good-practice in regeneration. Without this, the practice will remain mixed and responsive only to strong local pressure, leaving smaller or weaker communities more vulnerable. (See appendix 3)

(f) Please provide details about any progress made in adopting a legislative framework for a National Public Housing Estates Regeneration Programme.

Appendix One.

Information on funding applications for Regeneration from Dail debates

July 28, 2011

The Minister of State at the Department of the Environment, Community and Local Government, Willie Penrose, told the Dail that the government had allocated €63.22m to the regeneration programme in Dublin in 2011 for Ballymun, inner city flat complexes and St Michael's Estate (Dail Eireann, Debates, 1st June 2011, 179). In the case of the failed Public Private Partnership (PPP) projects, the allocation was €38.08m to O'Devaney Gardens, €998,000 to Dominick st, €785,000 to Croke villas and €4.17m to St Theresa's Gardens.

Later, The Minister of State at the Department of the Environment, Community and Local Government, Willie Penrose, told Brian Stanley (SF, Laois Offaly) that the total regeneration budget in 2011 was €125m including the Dublin projects, Limerick, Cox's Demesne in Dundalk, Knocknaheeny in Cork and Cranmore in Sligo (Dail Eireann, Debates, 7th June 2011, 544).

Asked about contracts for regeneration work and ensuring that local employment was used, the Minister of State for the Environment, Community and Local Government Willie Penrose told Dessie Ellis (SF, Dublin NW) that they were all committed to stimulating local employment, but they were somewhat constrained by EU and Irish legislation which provides that companies may not be discriminated against on grounds of nationality or location. Procurement legislation and guidelines preclude contracts being awarded solely on the basis that they be provided by local firms or similar restrictive clauses (Dail Eireann, Debates, 16th June 2011, 684-5). It was possible to provide for employment opportunities targeted at the long-term unemployed and this was included as part of the work in Cliona park, Moyross. Dessie Ellis expressed his concern that much of the labour in regeneration projects went to non-local people and that local people had been ruled out because of EU directives. The Minister for Regional Development in the north, Conor Murphy, had been able to find a way for local people to be employed in contracts there and that should be possible here.

June 22, 2011

The Minister of State at the Department of the Environment, Community and Local Government told Joan Collins (PBP, Dublin SC) and Mary Lou McDonald (SF, Dublin C) that he had the previous week met with the assistant city manager and the technical and maintenance staff to discuss both conditions in Dolphin House and the regeneration programme for the area (Dail Eireann, Debates, 17th May 2011, 348-350). He told them that the government had set aside €7m for the regeneration of flat complexes, including €6.25m for the relocation of tenants. Dublin City Council was very much engaged with the residents, he said and the process continued without let up. A conditions survey was being carried out and must be completed quickly. The €700m Ballymun project was the biggest regeneration project in Europe and €53m had been allocated to it and €35m to Limerick, which would cost €346m when it was completed. Having said that, money was extremely limited and he did not want to give people false hopes.

He provided further details. Phase 1 of St Michael's Estate, with 75 new homes, was already under way, demolitions were planned for the summer and the family resource centre would be moved. In Dominick st, 65 units were still occupied, demolition would

commence later this year and a planning application had been lodged at the end of 2010. In Devaney Gardens, 88 units were occupied, planning permission had been lodged in December and there was approval for demolition. The conditions there were unacceptable, deplorable and people were entitled to live in decent accommodation. Asked by Richard Boyd Barrett (ULA, Dun Laoghaire) about Public Private Partnerships (PPPs), the minister of state told him that PPPs had merits, as witnessed by the successful regeneration of Fatima Mansions, but the market conditions were generally not there for them now. One remaining PPP was in consideration, Charlemont st, granted permission for 180 social housing units earlier in the month.

Housing conditions in local authority flats

June 22, 2010

The housing conditions of some local authority flats were raised on the adjournment by Catherine Byrne (FG, Dublin SC), especially the complexes in Dublin long scheduled for regeneration (Dail Eireann, Debates, 2nd June 2010, 504-6). Hundreds of tenants were living in substandard conditions with dampness, black mould and sewage as a daily reality. In Dolphin House, 71% reported dampness, 65% mould and 89% sewage coming up their sinks. Although it was said that they paid very little rent, some paid as much as €120 to live in these conditions. How could the minister and the government, in a developed country, stand by and do nothing? she asked. The human rights of these people were being totally disregarded. The water coming out of their taps was contaminated with sewage and clothes put in washing machines had been destroyed. The residents were fed up with all the broken promises.

Speaking for the government, the Minister for Social Protection Eamon O Cuiv expressed his sympathy for the situation in which they found themselves. In the past decade, the state had invested more than €100m in Dublin City Council regeneration programmes for inner city flats. Private public partnership arrangements though had not progressed due to a change in the economic climate. A taskforce was now considering redevelopment options for a group of projects including Dolphin House. He emphasized that a consensus approach was important and the city council, while addressing management and maintenance, was working with residents to develop regeneration solutions that were acceptable to the community and could be implemented. It would be up to the city council to decide on the most appropriate proposal and the means of delivery and it was a matter for the council to submit a proposal in the usual way for approval from within its social housing funding allocation.

Separately, the Minister of State at the Department of the Environment, Heritage and Local Government, Michael Finneran told the Dail that standards for rental accommodation, including local authority rental accommodation, were set down in the Housing (Standards for rental houses regulations, 2008, as amended in 2009 (Dail Eireann, Debates, 1st June 2010, 302-3). All landlords had a legal obligation to ensure that their properties complied and any report on sewerage in Dolphin house was a matter for the landlord, Dublin City Council.

Appendix two

Evidence of poor housing conditions and environment in Regeneration Areas.

The Irish Times - Wednesday, September 7, 2011

Council tenants see few signs of regeneration



[Yasmin Lee looking through a cracked window pane of her flat at Sillogue Road in Ballymun recently. In the bathroom, the toilet is loose on the floor. Marks left by water flowing down the walls are visible and pigeons can be heard cooing in the empty flat above. Photograph: Cyril Byrne](#)

KITTY HOLLAND

ABOUT 60 families in Ballymun, Dublin, remain in three almost-empty blocks of flats, over 10 years since the start of the much-vaunted regeneration of the area.

They complain of isolation, fear of antisocial activities, lack of maintenance of the housing area and lack of information about when they will be rehoused.

Campaigner and Ballymun resident John Lyons has called for the families to be “rehoused immediately”.

In January last year, Rachel Peavoy (30), a mother of two, was found dead in her flat in an almost-empty block on Shangan Road. The cause of her death was given as hypothermia and a verdict of death by misadventure was returned at the inquest in April this year.

Mr Lyons said he had come across other cases of very cold flats in almost-empty blocks at residents’ meetings.

“A mother of four children at one meeting said she had had to buy electric heaters for the bedrooms and she was not able to get any of that cost back from the community welfare officer.”

One young mother, Yasmin Lee (31), lives in a almost-vacant block at Sillogue Road, with her three children, Paul (5), Chloe (9) and Rebecca (13). Just two other flats in her section of the block are occupied.

The other 31 flats are empty, their front doors boarded up, their windows broken and their walls defaced with graffiti.

At the entrance to the stairwell of Ms Lee's block recently were six adolescent boys. Just three steps up from the entrance, a boy of about 15 was smoking a cannabis joint. A smell of urine filled the stairwell, which was dark at lunchtime. Ms Lee's front door was reinforced with a steel-grill gate which she locks from the inside.

Giving a tour of her two-bedroom flat, she goes first into the kitchen which smells musty. "Sorry about the smell. It's awful. It's the damp. Black damp, you see," she says, gesturing to dark discoloration around the sink.

Cupboard doors are missing and falling away from their hinges. The window has a large hole about 1½in across.

"That's been broken for over a year. When it's winter, you can really feel the breeze. We have to sit watching telly with duvets over us." The heating is working but "we'll wait and see what happens in the winter. With the broken windows, it's cold anyway."

Her daughters share one bedroom, while she and her son share the other. In it, the wallpaper is torn, and the window and skirting boards are broken.

In the bathroom, the toilet is loose on the floor. Marks left by water flowing down the walls are visible and pigeons can be heard cooing in the empty flat above.

Ms Lee pays €55 a week in rent and "about €15 a week" for electricity. She gets a single-parent allowance of €278 a week, plus €450 a month children's allowance.

She has worked "different jobs but can't anymore with the kids, and childcare is too dear".

"We're afraid here. People dump their rubbish in the stairs. I've been asking the council to fix things, to get us out. They say there's nothing available.

"We are on top of each other and I feel under constant stress. Rebecca can't go see her friends in the evening because it's dangerous in the stairs."

A spokesman for Dublin City Council said that of the original 30 tower blocks, nine remained.

One 15-storey (containing 90 flats) and two eight-storey spine blocks (with 96 flats each) are 80 per cent occupied. Three are empty and due for demolition, and three more are about 20 per cent occupied.

Eamonn Farrelly, chairman of Ballymun Regeneration Ltd, said the flats were being maintained and those in the almost-empty blocks “should be moved by the end of next year”.

Mr Lyons said this was the first time tenants had heard a date for moving from Ballymun Regeneration: “I see no reason why these few families could not be moved immediately.”

Ms Lee said she had no idea when she and her children would be rehoused. “I just feel like we have been totally forgotten about.”

Appendix 3. Proposed Legislative Framework for Regeneration.

Summary of proposed legislative framework for a National Public Housing Estates' Regeneration Programme

Legislation will be enacted to provide for the following;

1. Regeneration is understood as physical social and economic transformation of a community on a local authority estate up to the CDESCR Human Rights standard.

This point is to define regeneration and to introduce a rights-based framework to legislation regarding regeneration.

2. Entitlement to regeneration can be invoked where 20% of the housing stock falls below CDESCR standard and the community is designated disadvantaged. Estates which have in the past been promised regeneration will be deemed entitled to entry into the process.

This point is to define entitlement to regeneration, again linking in a rights based framework. The 20% mark is arbitrary but we thought that there had to be some clear threshold. We also wanted to ensure automatic entitlement to prior cases so communities don't have to start again to enter a process.

3. Local regeneration will be overseen by a Regeneration Board, a partnership of all parties, legally incorporated and independently chaired.

This comes from the Dublin 8 experience in Fatima, Dolphin and St Michaels where Boards were seen as the best way of locking authorities into a partnership process.

4. A Community Regeneration Vision will be created whereby the physical, social and economic outcomes of a regeneration will be defined by the community.

Again in a number of areas, communities took time out to work with all their residents on a vision of a holistic regeneration on which planning is based. Once that vision is documented, it serves as a constant reference in the planning process.

5. A Regeneration Masterplan and a Social and Economic Regeneration Plan which together will deliver the Community Regeneration Vision will be prepared by the Regeneration Board.

This point ties the planning process to the community vision and provides for a holistic planning regeneration; not just a physical design.

6. Community development infrastructure and expertise will be ensured such as will allow the community to fully participate in the regeneration up to CESCO standard.

Experience has shown that regeneration is an exhausting process, demanding a lot of grassroots community work as well as technical expertise in planning, consultation, social auditing etc. Often in these estates community infrastructure is very weak, consisting of a small project and part of a community employment scheme. This point seeks to guarantee that community resources are equal to the task.

7. While a regeneration is in process, the best quality of community life will be maintained in terms of the housing conditions and other social conditions in which people live.

Once a regeneration is planned, a community can be let run down while it is waiting. There is poor investment in maintenance and building can become derelict. This point is to ensure this does not happen.

8. The Regeneration Board will remain in place until the physical regeneration is complete and for at least a further five years to ensure the delivery of the Social and Economic Masterplan.

We only have one experience of a completed regeneration but this suggests that the statutory bodies are keen to walk away once the buildings are up. This puts the entire project in danger if the social and economic plans are not bedded down

9. The funding mechanism for the regeneration will be chosen on the basis of that best suited to deliver the Masterplan and the Social and Economic Regeneration Plan.

We identified four possible means of funding regeneration, State funding, PPP, Social Housing and Community Land Trusts. All are controversial and we thought that the true

test is which is best suited to deliver the Masterplan rather than specifying which method is to be enshrined in law. We're also conscious of the need to be realistic in persuading legislators.

10. An Estate Management Plan will be drawn up by regeneration boards and will be implemented and well established before boards dissolve. Estate management will be carried out by a competent authority appropriate to the situation which is locally based, and works with participation of the residents.

Again experience shows that estate management arrangements can be left up in the air when building is finished. Local Authorities seem to want to hand over estate management or at least to exercise it from a depot not located near or on the site. There is also a danger of returning to old practices of managing estates in an authoritarian and unaccountable way, rather than with local participation.

11. The National Regeneration Programme will be overseen by a National Regeneration Body which will co-ordinate work and monitor standards of regeneration processes up to CESC standard.

On balance the group felt that there was a need for some overseeing group operating on a statutory footing. This would help us see the initiative as a national programme with consistency of standards rather than a hotchpotch of local initiatives as it currently is. We are conscious of the current unpopularity of quangos, but we don't see this as a funding body; rather an body ensuring oversight. It should consist of DOE, housing policy experts, housing rights experts and community reps. Perhaps an existing body could take on the role?

Just to note also that Magdalena Supelveda UN independent expert on extreme poverty and social exclusion met with the groups in Rialto and in her report said that;

“During the mission, I had the opportunity to visit and be informed about several regeneration processes. I was particularly impressed with the Fatima project. This project provides a good example of community participation in the decision-making process that should be ensured in other projects, such as the Dolphin House project

in the Rialto area. I encourage the Government to consider the proposal of adopting a legislative framework for a national Public Housing Estates Regeneration Programme, to ensure that international human rights standards and community participation are ensured in all regeneration projects in the country. The right to adequate housing entails human rights obligations that Ireland must respect and ensure.”



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Written Answers - Local Authority Housing

Tuesday, 18 October 2011

Dáil Éireann Debate
Vol. 744 No. 1
Unrevised

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334. Deputy Simon Harris

Q asked the **Minister for the Environment, Community and Local Government** Q the number of persons in local authority housing in rent or mortgage arrears for 2005, 2006, 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [29659/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): Q I refer to the reply to Question No. 366 of 27 September 2011. My Department has since 2008 collected data on rent arrears, calculated by the total monetary amounts and not by individual persons or households, owing to local authorities and those data were set out in the above-mentioned reply.

My Department has recently commenced the collation of data from local authorities on the number of loans in arrears broken down by the length of time in arrears. The data to mid-2011 indicate that 6,197 such loans are in arrears of more than 90 days which represents 26.8% of the total number of loans.

The use of 90 days as a comparative metric in considering the level of arrears is consistent with the approach adopted by the Central Bank in compiling information in respect of private lenders' loans. The Central Bank's data show that 16.17% of mortgages in the private sector are now either in arrears for more than 90 days or have been restructured. It is to be expected that the rate of arrears among local authority mortgage holders would be higher than the rate of arrears generally given local authorities' position as lenders of last resort.

Last Updated: 24/10/2011 11:55:00

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(g) Please provide details about any progress made in adopting a legislative framework for a National Public Housing Estates Regeneration Programme.