

Press Release – Thursday 18 February 2016

Recent High Court Challenge to Refusal of Emergency Homeless Accommodation

Mercy Law Resource Centre, an independent law centre providing free legal help for people who are facing homelessness, has brought High Court judicial review proceedings on behalf of a young mother of two very young children who was refused emergency accommodation by Kildare County Council when she presented as homeless. After MLRC's pressing negotiation with the Council, the family has been accommodated.

Maeve Regan, Managing Solicitor of MLRC said:

"This case is not isolated. We are assisting several families who face serious difficulties in accessing emergency homeless accommodation – with Councils refusing to provide emergency accommodation to families who are homeless and not providing any assistance in obtaining alternative private rented accommodation. These refusals are often for unlawful reasons. It leaves these families in a most desperate situation. We are continuing to work closely with these families to overcome as quickly as possible the unlawful obstacles put in their path. These obstacles prevent them being recognised as homeless and being given emergency accommodation. These obstacles are even more difficult to surmount for people when they are facing at them at such an acutely distressing and stressful time."

The family in this case became homeless when the mother's relationship with her partner broke down. She left her shared private rented accommodation and stayed temporarily with friends and family while she looked for private rented accommodation. There were however very few properties available within the rent supplement limit. Despite repeated efforts, she was unable to secure private rented accommodation over a three month period. In January 2016, she and her children were unable to continue to stay with family and friends and presented to Kildare County Council as homeless and requested emergency homeless accommodation. Kildare County Council refused her request and advised her to live with friends and family. The Council did not accept that she was no longer able to rely on this support network to accommodate her and her two children.

MLRC took judicial review proceedings on behalf of the family. Teresa Blake SC and Alan Brady BL, instructed by MLRC, sought a High Court order quashing the decision of the Council to refuse the accommodation and an order compelling the Council to reconsider the application. They sought these on the basis that the family were at real, substantial and immediate risk of being compelled to sleep rough. They relied on the proper application of the Housing Act 1988 and on the Council's failure to exercise its powers in a manner compatible with the Constitution and the European Convention on Human Rights.

In January, the Court granted MLRC leave to serve the judicial review proceedings on Kildare County Council. Since then the family was accommodated in private rented accommodation through the Housing Assistance Payment Scheme (HAP). This was achieved only after MLRC's negotiation with the Council as a result of which, along with the mother's own efforts, the Council actively helped to identify appropriate rental property for the family and arranged viewings with the landlords. The mother had not had success in doing this herself and the accommodation was only found with the Council's intervention. As a result, with the agreement of all parties, the case was struck out today as the family have now been accommodated. MLRC Managing Solicitor added:

"This matter could have been resolved at a much earlier stage if the Council had responded lawfully and humanely to this family who was homeless."

ENDS

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Note to editor

1. Mercy Law Resource Centre is an independent law centre and registered charity, which provides free legal help for people who are homeless or facing homelessness. For more information, please see www.mercylaw.ie