



Mercy Law
Resource Centre

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**Submission to the Public Consultation on a Referendum on Housing
in Ireland**

31 August 2022

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Mercy Law Resource Centre Limited is a company limited by guarantee and not having a share capital, registered in Dublin, Ireland. Co.Reg No:471072. It is also a registered charity, Chy No:18698. Directors: Edward Gleeson, Catherine Dooley, Cara Nagle, Ciara McGrath, Deirdre Quigley, Stewart Reddin, Gerry Whyte, Liam Twohig and Eamonn Casey



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About Mercy Law Resource Centre

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 in the areas of social housing and related social welfare law. It also seeks to advocate for change in laws, policies and attitudes which unduly and adversely impact those at the margins of our society. MLRC is a founding member of the Home for Good coalition and chairs the legal sub-group of Home for Good.

MLRC's vision is of a society where each individual lives in dignity and enjoys equal rights, in particular the right to a home, which is fundamental to each human being. MLRC's vision is of a society where every individual enjoys equal access to justice and legal recourse in order to vindicate those rights.

MLRC's clients are local authority tenants, people who are homeless or at risk of becoming homeless and people in receipt of social housing support. They include people trying to move away from homelessness who may be struggling with intersectional challenges including disability, addiction, leaving prison, mental illness, relationship breakdown, discrimination and domestic violence.

MLRC provides five key services: free legal advice clinics; legal representation; legal support and training to organisations working in the field of homelessness; policy advocacy arising from our casework; and a client befriending service.

MLRC's ethos recognises the dignity of each person. MLRC seeks to ensure that all people are treated with respect and compassion and are enabled to achieve their full potential as human beings. MLRC is committed to the principles of human rights, social justice and equality.



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The need for a right to housing

MLRC has called for a right to housing to be recognised in the Constitution for many years. Between 2016 and 2018, MLRC published a series of three reports on the right to housing, as follows:

- *The Right to Housing in Ireland;*¹
- *Second Right to Housing Report: The Right to Housing in Comparative Perspective;*²
- *Third Right to Housing Report: Children & Family Homelessness: A Gap in Legal Protection.*³

MLRC's casework experience, as highlighted in these reports, reveals the gap in legal protections for the housing rights of the most vulnerable in society. When the first Right to Housing Report was published in 2016 there were 3,993 adults and 1,054 families in homeless accommodation in Ireland. At the time of writing that Report, those figures were viewed as catastrophic and represented a major increase from prior years; the Report noted that "*We have not seen such a crisis in homelessness since the foundation of the State*". At the time of making this submission, over six years later, the crisis has only become more entrenched and the statistics have increased to 7,431 adults and 1,423 families in homeless accommodation today.

Behind those numbers are thousands of individual lives left in limbo without access to a secure home. Many of these people are severely curtailed from realising other fundamental rights because of chronic homelessness and housing instability; they include families who cannot get their children to school every day because they have been placed in B&Bs many miles from their last home; people with disabilities forced to share a single room with their whole family, denied their basic right to privacy and dignity; separated parents who can't have full access to their children because they are living in a hostel. These figures don't even count the hidden homeless, a situation

¹ <https://mercylaw.ie/wp-content/uploads/2019/06/MLRC-Report-on-Right-to-Housing-in-Ireland-May-2016.pdf>

² <https://mercylaw.ie/wp-content/uploads/2018/06/MLRC-Second-Right-to-Housing-Report.pdf>

³ <https://mercylaw.ie/wp-content/uploads/2018/09/Children-and-Homlessness.-A-Gap-in-Legal-Protection.pdf>



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that has only worsened in recent weeks as emergency accommodation capacity is stretched to breaking and some presenting as homeless are being encouraged by local authorities to remain in unsuitable private arrangements as long as possible.

While a Constitutional right to housing will not solve this crisis overnight, it is a vital step in ending the current stasis. It would reframe how housing is viewed in Ireland, away from housing as purely a financial commodity and toward a more compassionate society that recognises the essential nature of housing for our human dignity and wellbeing. It would bring greater balance to the Constitution and would empower government to take bold steps to solve the housing crisis. It would provide a basic floor of legal protection to protect the most vulnerable. It would be a powerful statement from the Irish people that entrenched housing crisis will not be accepted.

Recommendation

MLRC fully endorses the submission made to this Consultation by the Home for Good coalition.⁴ MLRC in particular repeats the submission of Home for Good that:

- a referendum be called as soon as is practical after the Commission publishes its report, and;
- the Commission in its report includes a proposal for the wording for a referendum on the right to housing. From our perspective, this would ideally build upon the work that Home for Good have completed in this area. The recommendation is for the insertion of a new Article 43A on Housing in the Constitution as follows:

Housing

Article 43A

1 The State recognises, and shall vindicate, the right of all persons to have access to adequate housing.

2 The State shall, through legislative and other measures, provide for the realisation of this right within its available resources.

⁴As submitted to the Public Consultation on 17 August 2022 and publicly available at the following location: https://www.homeforgood.ie/assets/files/pdf/home_for_good_submission_to_the_public_consultation_on_a_referendum_on_housing.pdf