



Mercy Law
Resource Centre

2023 ANNUAL REPORT

Providing free legal advice and representation to people
who are homeless or at risk of homelessness



Managing Solicitor's reflections



MLRC supports people in housing crisis through the legal barriers keeping them from a safe, secure home. The scale of unmet legal need among people in or at risk of homelessness was in sharp relief in 2023. MLRC has long been at the forefront of meeting this need and 2023 brought fresh challenges; new requests for legal assistance were up 35% year-on-year. Over 750 people contacted us for help with a housing or homelessness issue during the year.

This will not be surprising to anyone who has tracked the seemingly inexorable rise in official homelessness statistics over the last eighteen months. Of even greater concern than the overall rise in demand is the focus of the issues presenting to us; back in 2022, we raised the alarm of a surge in people seeking our help to access basic emergency homeless accommodation. Sadly, this trend continued in 2023, with 128 people, including families, seeking our support in relation to issues around emergency homeless accommodation, more than double the figure from 2022.

People who are homeless without access to suitable, stable emergency accommodation are in an intensely precarious situation, often at risk of rough sleeping, exploitation and harm. Further, people who are without any emergency accommodation are not counted in the official homelessness figures. When this cohort is added to other groups excluded from official figures, such as people in domestic violence refuges or overstaying in direct provision after obtaining asylum, it is clear that the true scale of the homelessness crisis is even greater than presented in official statistics.

These developments placed considerable strain on our resources in 2023; writing now in 2024 the upward trend has not stopped. While the scale of the crisis is formidable, MLRC remains undaunted and we will continue to work tirelessly for a fairer, more equal society where every person

can access a safe, secure home. We take heart when we achieve results for our clients, whether that is access to safe emergency accommodation or to a permanent home, and you can read more about our casework successes later in this report.

While individual casework is at the heart of our service, MLRC also seeks to bring about systemic change through policy and law reform activities. In 2023 we had the opportunity to publish the second and third reports in our 'barriers' series, which examine the challenges faced by different vulnerable groups seeking access to social housing and homeless services and make practical recommendations for change; "Mental Health and Social Housing" was published in February and "Social Housing, Domestic Violence and the Public Sector Duty" was published in September. Both reports presented practical proposals for change and were well received. You can find more on this in the Policy & Law Reform section below.

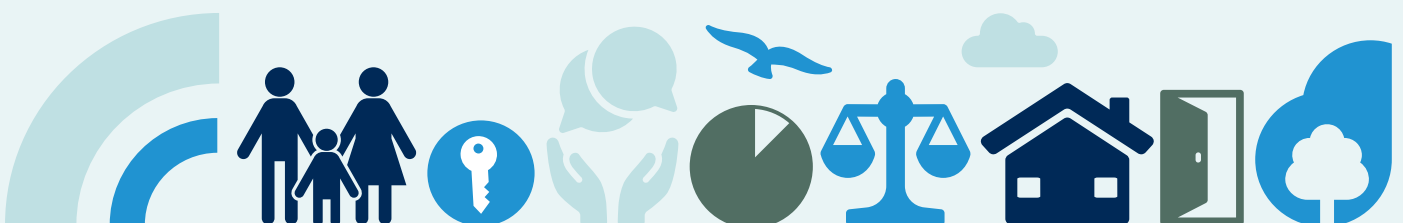
While the scale of the challenge cannot be understated I remain deeply encouraged by, and thankful for, the commitment and determination of our staff and volunteers, including our dedicated Board of Directors. I am grateful to our funders and supporters, and to the organisations and professionals working with our client group to support their broader needs. Most of all, I am grateful to our clients who inspire all at MLRC with their resilience and strength in the face of great challenges. Together I am confident we can achieve a future where no one is without a home.



Aoife Kelly-Desmond

Managing Solicitor

Mercy Law Resource Centre



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01. Chairperson's welcome statement



Welcome to the 2023 Annual Report of Mercy Law Resource Centre. Our annual report is the means by which we render account and benchmark from year to year our delivery upon our purpose and mission.

Our charitable purpose is to protect and vindicate the rights of people who are homeless or at risk of homelessness. There are three planks to our mission, the first being the provision of free, accessible legal advice and representation to those who are homeless or at risk of homelessness, the second being to drive legal and policy change to address injustices in social housing and homeless law, and the third being to build social housing and homeless law expertise across our sector.

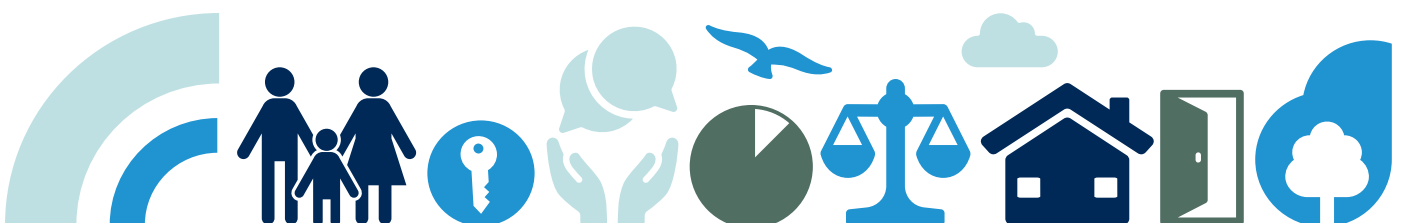
The need for our existence is driven by failures on the part of the State in its strategic planning and delivery of housing need and by failures on the part of local authorities in the discharge of their public administrative duties towards people for whom shelter for the night is their primary daily grind. Shamefully, the State's Legal Aid Scheme does not normally afford legal representation in matters relating to homelessness.

Although challenged by some commentators as an understatement of the true position (by reason of how 'homelessness' is defined), Government statistics tell us that in January 2023 there were 8,323 adults and 3,431 children in homelessness. At year-end in 2023 the number of adults had risen to 9,356 and the number of children to 3,962. Most recently, in July 2024 the number of adults in homelessness had risen to 10,028 and the number of children had risen to 4,401, a 22% increase since January 2023. In the space of 19 months an additional 1,000 children have had to experience life changing homelessness. The number of children currently in homelessness is more than three times the number of children enrolled in the largest secondary school in Ireland- imagine entire school populations returning

each day from school to their hotel bedrooms, year on year. Government statistics are opaque in relation to the duration of people's experience of homelessness. It is reported that a significant cohort of families are in emergency housing for periods considerably longer than two years. These statistics also speak to the personal burden that is carried by those officials on the front line in local authorities who carry the responsibility of making just and rational decisions when responding to each person or family presenting with acute emergency housing needs.

The placement of children in emergency accommodation for indefinite periods exposes children to a real risk of long-term developmental harm, such are the resultant obstacles and challenges to a child's need for security, love, family, support, warmth, and food. In 2018 MLRC reported upon the impacts suffered by children through homelessness, best captured in a quotation from Barnardos: "life for a family in emergency accommodation is difficult. Eating, studying, sleeping, playing, dressing and clothes drying all happen within the same small four walls. Children share beds with their siblings and often their parents. Families live out of suitcases, having given away or stored many of their belongings, never settling, always aware that they may have to move on"

In September 2024, with the generous support of IHREC, MLRC published "Excluded and Left Behind" a groundbreaking report authored by Dr. Méabh Savage interrogating and revealing the lived realities of long-term family homelessness on minority ethnic families, carrying the voices of children and of their parents. Speaking of the developmental impacts upon children, a care worker is quoted: "...the lack of space to spread out and do anything, and the lack of space to do your homework ...not having privacy from each other, a little bit of private time, like we take for granted being able to go into a different room, and the lack of capacity for a family life....really to do that in any meaningful way and then not being able to eat a meal that your parents have cooked for you on a regular basis, for the parents not being able to cook the meal... for everything to



be so expensive. So... everything just seemed it was like you take a situation and how can you increase and crank up the stress?..." The pain of the voices of homeless children pierces through in this report, reminding us of the brief moment in time that is each childhood and the catastrophic outcomes that will be the consequence of failing to hear and meet children's present day need for a place to call 'home'.

During 2023 our solicitors and administrative staff experienced a 35% increase in demand upon our services. We helped over 750 people with their individual or family homelessness challenges. It was necessary for us to employ an additional solicitor to meet this demand. We continued to provide vital training opportunities in housing law during 2023 and I thank especially Gerry Whyte for again delivering his training course in social welfare law. On the policy side, in February 2023, MLRC was delighted to welcome Minister of State Mary Butler for the launch of our report, "Mental Health and Social Housing Supports" In May 2023, in conjunction with Focus Ireland and A&L Goodbody we were pleased to publish "Housing Rights and Homelessness: Lessons from a pro bono partnership" marking five years of this collaborative clinic. In September 2023 Ivana Bacik TD kindly launched our report "Social Housing Domestic Violence and the Public Sector Duty" authored by Dr Sarah Hamill, Assistant Professor at the School of Law in TCD. This report highlighted the many intersections of domestic violence and homelessness.

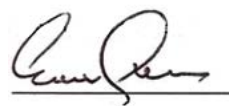
We are pleased with the continuing success of our long established housing clinics and delighted to report on a new weekly telephone advice clinic run by volunteer lawyers in Mason Hayes & Curran which has met the advice needs of over 100 clients since its commencement in the summer of 2023. I wish to thank the many organisations working in our sector for their collaboration through our daily work. I thank especially each of our pro bono allies, barristers, law firms, interns and volunteers for their extraordinary commitment and without whose skilled and compassionate support our work would not be possible.

We continue to benefit from the generosity of several loyal financial donors. I send particular thanks to the Congregation of the Sisters of Mercy, the Religious Sisters of Education, the Catholic Archdiocese of Dublin, Mason Hayes & Curran, and A&L Goodbody for their continued support which is a vital enabler of our work. We are very grateful also to Arthur Cox for their vital contribution in providing fulltime paralegal placements to us as well as A&L Goodbody for providing long-term part-time secondments.

Our staff was joined this year by solicitors Kate Heffernan and Erika Hayes, and by Teresa Kelly in the role of Acting Managing Solicitor whilst Aoife Kelly-Desmond is on maternity leave. On behalf of our Board, I thank each of the members of our team, Aoife, Teresa, Adam, Kate, Erika, Nuala, Miriam and Siobhán for their unstinting professional dedication, skill and personal empathy in responding to the needs and interests of our clients and of all others to whom we offer advice and guidance.

Finally, I thank each of the members of our Board for their generous commitment and service. I mention with particular appreciation Stewart Reddin and Eamonn Casey who retired from our Board during 2023 and earlier this year, having given MLRC very many years of great service. I am delighted to welcome Jill Farrelly, Advocacy Support Worker with North Dublin Citizens Information Service, who joined our Board in July 2024.

Thank you to all who take the time to read this Report. I hope that you are encouraged to continue with determination our collective fight to prevent homelessness.



Edward Gleeson, Chairperson

Mercy Law Resource Centre



02. 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 to people who are homeless or at risk of becoming homeless in the area of social housing and related social welfare law; we work with people in housing crisis to help them through the legal barriers keeping them from a stable home. MLRC provides a unique service that is designed to be accessible and to meet the individual needs of each client. We recognise that people in housing crisis can be dealing with overlapping and intersectional challenges and we work with other organisations in the statutory and voluntary sectors to ensure our clients have the appropriate supports they need. To complement our casework and bring about wider change, we undertake policy work to advocate for changes in laws, policies and attitudes which unduly and adversely impact our client group. MLRC also provides legal training in housing law to people and organisations that work with our client group, including those in support and service-delivery roles in approved housing bodies and local authorities.

Our Purpose

MLRC’s purpose is to protect and vindicate the rights of people who are homeless or at risk of homelessness.

Our Ethos

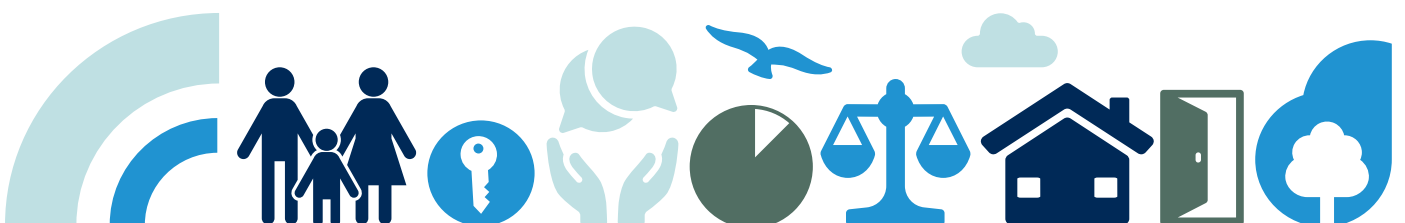
MLRC’s ethos recognises the dignity of each person. We seek to ensure that all people are treated with respect and compassion and are enabled to achieve their full potential as human beings. We are committed to the principles of human rights, social justice and equality.

Our Mission

1. To provide free, accessible legal advice and representation to those who are homeless or at risk of homelessness.
2. To drive legal and policy change to address injustices in social housing and homeless law.
3. To build social housing and homeless law expertise across the sector.

Why MLRC is needed

Housing is a fundamental need. Safe, secure housing provides the foundation to our wellbeing as individuals and as a society. Legal intervention should not be required for people to access a safe and secure home. Unfortunately, however, this is not the reality for many people facing housing distress, who find themselves unable to assert their rights without recourse to the law. When this need arises, free, accessible and compassionate legal advice is essential. MLRC’s clients do not have the means to access private legal services and there remains a major gap in state-funded legal aid for social housing and related social welfare law issues. MLRC seeks to address this unmet legal need through providing a truly accessible and holistic service in this sorely under-resourced area. MLRC is the only independent law centre in Ireland solely dedicated to housing law. As detailed further in section 4 below, demand for MLRC’s service grew significantly in 2023 as the housing and homelessness crises continued to deteriorate. Writing now in 2024, demand has increased even further and MLRC is deeply concerned at the level of unmet legal need in this crucial area of law.



How MLRC delivers

In 2023, our core services were delivered by a team of six permanent staff supported by our dedicated and compassionate volunteers.

Every client presents with their own unique needs and circumstances. MLRC aims to be truly accessible to meet the needs of our clients as individuals. We meet clients where and how they need us, whether that is remotely or through on-site clinics, and work directly with other support organisations across Ireland, such as domestic violence refuges, disability support groups and homeless hostels, to combine our expertise and deliver effective, holistic support.

In 2023, we continued our work to maximise the accessibility of our service by putting into practice insights gained from the MLRC report 'Making Free Legal and Advocacy Services Accessible – Building a hybrid service delivery model for Mercy Law Resource Centre'. The overarching conclusion of the report was that accessibility is not something that can be addressed by discrete measures alone, but rather requires “a system of overlapping measures and organisational awareness to keep accessibility at the forefront” MLRC is striving to embed these principles into our daily operations at every stage of a prospective client’s interaction with our service.



MLRC Highlights of 2023



Aoife Kelly-Desmond, Sinead Gibney, Ivana Bacik T.D., Dr. Sarah Hamill and Paul Dornan.



Panel discussion at the "Housing Rights and Homelessness" report launch.



Aoife Kelly-Desmond moderating a panel at the launch of the Domestic Violence report



Aoife Kelly-Desmond and Minister Mary Butler at the MLRC Mental Health report launch in February 2023



Adam Boyle speaking at the 2022 MLRC Annual Report launch



Adam Boyle, Aoife Kelly-Desmond, Dr. Sarah Hamill and Edward Gleeson at the launch of the MLRC 2022 Annual Report





MLRC solicitors in 2023 - Adam Boyle, Aoife Kelly-Desmond and Paul Dornan



At the launch of Housing Rights and Homelessness – a collaborative production from MLRC, A&L Goodbody LLP and Focus Ireland



Paul Dornan speaking at the launch of the MLRC Mental Health Report in February 2023



Aoife Kelly-Desmond taking part in a panel at an event to celebrate pro-bono week



MLRC Annual Report launch



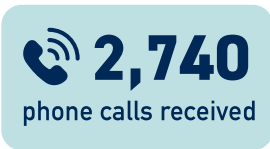
Adam Boyle, Minister Mary Butler, Aoife Kelly-Desmond and Paul Dornan at the launch of MLRC policy report



03. Our Impact

The core of MLRC’s work is providing free legal advice and representation to people who are homeless or at risk of homelessness. Since we began in 2009, MLRC’s network of legal advice clinics and outreach with other organisations that work with homelessness has had a big impact. Our legal casework connects us to the real needs of those experiencing homelessness and housing distress and informs everything we do, guiding our organisational strategy, our policy and advocacy work, and the focus of our legal training programme.

Who we helped in 2023



758 new requests for legal assistance, including:



354 new advice files opened, including:



*Note: 7% of the cases involving social housing also involved issues of homelessness, leading to an overlap in the totals for each category.

In 2023, for the first time, MLRC dealt with more clients based outside the Dublin area (54%) than clients based in Dublin (46%). This reflects the growing national reach of MLRC and is a further shift from 2022 when referrals from outside Dublin matched those from within Dublin for the first time.

We conducted 27 in-person legal clinics in 2023. Twenty three of these were held in the Liberties CIC - Carmelite Outreach, serving 37 households. Following the launch of the clinic mid-year, we delivered 4 clinics in partnership with Crosscare, serving 9 households from migrant backgrounds.

Our commitment to flexibility in service delivery is paramount; while we give much of our advice over the phone or online, in-person clinics remain extremely important and are particularly valuable for more vulnerable clients such as those with language barriers or literacy issues. The increasing demand for our services is evident. In 2023, we fielded over 750 requests for legal assistance, a 35% surge from the previous year. Moreover, we received 2,740 calls, a 29% jump compared to 2022. Projections for 2024 suggest this upward trend is continuing; our call volume for the first half of the year has surged by 17.5% compared to the same period in 2023.

We opened 354 new client files, of which 257 related to social housing and 108 related to other issues, with homelessness being the next most common reason for our clients to contact us (7% of the social housing enquiries were also about homelessness, which means those cases were counted in both categories, leading to the overlap in numbers.)

In 2023, there were 108 enquiries about homelessness, with 89 of these (about 81%) also involving access to emergency accommodation (EA), including refusals or issues with EA conditions. Many cases concerning EA conditions were linked to individuals with health issues, addictions, or disabilities, underscoring the inadequacy of EA for those with specific health or disability needs.

More concerning is that MLRC received 139 queries about emergency accommodation, up from 54 in 2022. Additionally, there have been alarming reports of families at risk of or currently experiencing homelessness, with 40 queries related to this issue. Notably, over 50% of these cases also involved domestic violence, highlighting that, as MLRC previously reported, domestic violence is a major factor in both women’s and children’s homelessness.



Pro Bono Partnerships

A&L Goodbody and Focus Ireland pro bono housing law clinic - 2023 in review

In addition to the legal clinics operated by MLRC staff directly, since 2018 MLRC has operated a pro-bono partnership with A&L Goodbody and Focus Ireland, facilitated and supported by the Public Interest Law Alliance (PILA), a project of FLAC (the Free Legal Advice Centre). The clinic project report, *“Housing rights and homelessness; Lessons from a pro bono partnership: Impact of the pandemic and beyond,”* was launched at an event in May 2023 and examined the impact of the clinic. The report outlined how the project effectively transitioned to an online format during the pandemic, highlighting both the advantages and difficulties encountered in this shift. It discussed the legal issues presented and included insights and feedback from the three project partners and clinic service users.

A&L Goodbody solicitors staff the clinic, with support and training from MLRC, to serve Focus Ireland customers who need legal assistance in relation to social housing and/or emergency accommodation. This clinic makes an enormous contribution to servicing the unmet legal need in this area. A&L Goodbody took 96 new referrals through the clinic in 2023, a 33% increase from 2022.

The most common issues in 2023 were refusal of homeless assessment, priority application for social housing and transfers due to issues such as anti-social behaviour or overcrowding.



L-R Edward Gleeson, Aoife Kelly-Desmond, Ross Moore, Eithne Lynch, Sharon Dillon-Lyons B.L., Mike Allen, Amy Martin, Pat Denigan.

ALG and Mercy Law Housing Clinic

1. In 2023, ALG worked on 96 housing files.
2. 77 were relating to clients located in Dublin and 19 were relating to clients located outside of Dublin.
3. 39 of our clients were male and 67 were female. There were 101 dependants across our housing files and 45 families supported.
4. 20% of our clients came from a migrant background, 13% were involved in the international protection process, and 6% were members of the Traveller community.
5. 24% of our work was for clients who had issues relating to homelessness, 64% of our work was for clients who had issues relating to social housing, and 12% of our work was for clients who had combined issues relating to both homelessness and social housing.
6. The most common issues in 2023 were refusal of homeless assessment, priority application for social housing and transfers due to issues such as anti-social behaviour or overcrowding.

‘The Mercy Law Resource Centre (MLRC) team have provided us with invaluable insight and guidance in our pro bono work with the housing law clinic. We are very grateful for their continuing dedication and compassion, and specifically to Adam Boyle and Kate Heffernan who have assisted us in providing practical and individualised solutions for one of our clients who faces homelessness due to a breakdown in the family relationship.’

Cormac Brennan, Solicitor and Florence Fanning, Solicitor (A&L Goodbody)



Mason, Hayes and Curran Telephone Information Clinic

Mason, Hayes and Curran (MHC) have been long-time supporters of MLRC’s work. In the summer of 2023, we jointly launched a new pro bono initiative between MHC and MLRC. The project comprises a telephone information clinic staffed by volunteer solicitors from MHC. The service focuses on callers to MLRC who are seeking information regarding social housing or homelessness matters but who do not appear from the initial query details to require urgent legal representation. The clinic operates weekly, serving 2-5 callers. If follow up legal advice or representation is required, MLRC will follow up with the caller directly.

At the heart of this initiative are the volunteer solicitors from MHC who generously donate their time and expertise. At a time of unprecedented demand for MLRC’s service, when phone calls in 2023 were up almost 30% on the preceding year, the telephone clinic has been of great assistance in ensuring callers to MLRC can access timely legal information while relieving pressure on our solicitor team. In the period from July – December 2023, MHC volunteers called back 62 clients – an invaluable contribution to meeting the needs of those in or at risk of homelessness.



“I am delighted to be volunteering with MLRC as a result of MHC’s partnership with MLRC. The experience to date has been extremely rewarding, assisting society’s vulnerable in being housed and avoiding homelessness. The MLRC staff have been an incredible support through the provision of knowledgeable training sessions and dedicated staff members who are always available to sense check complex cases”.

Chloe Wilkinson (MHC Associate)



04. Our Casework in 2023

A Year in Review

Refusal of access to emergency accommodation

In 2022, MLRC saw a 250% increase in queries received related to refusal of access to emergency accommodation. Unfortunately, this trend continued into 2023 with a further 137% increase in such queries.

These cases fall within the highest priority of all casework which reaches MLRC's solicitors, requiring immediate engagement. A refusal by a local authority to provide a client with access to emergency accommodation creates serious risks of rough sleeping or pushes clients into hidden homelessness such as couch surfing. Individuals who are refused homeless assessments, deemed not to be homeless, or deemed homeless but not provided with emergency accommodation, do not feature in official homeless statistics.

The increase in refusals of emergency accommodation involving families with children was a particularly concerning development in 2023. This challenge became particularly acute in the wake of the end of the eviction moratorium.

Where reasons were provided for refusals of access to emergency accommodation, they were not always legally sound. MLRC engaged in a number of cases where local authorities refused to carry out homeless assessments until the clients were approved for social housing support – a process that can take up to twelve weeks or more and which is legally distinct from the provision of emergency homeless supports.

Evidentiary barriers were sometimes erected, where a client would not be deemed homeless unless they provided a Notice to Quit which had been verified as legally compliant by a third-party organisation. This obviously raises serious challenges for persons facing illegal evictions or exiting informal tenancies or licenses, while also representing an externalisation of responsibilities by housing authorities.

Our casework also involved refusals on the basis of a misapplication of guidance related to a person's immigration status in Ireland, refusals by local authorities to engage with private accommodation providers where dedicated emergency accommodations were full, and refusals by reference to unwritten, unpublished policies by some local authorities which introduced additional barriers to access homeless services. Where advocacy and pre-litigation correspondence did not result in local authorities reversing their decision, MLRC took High Court judicial review proceedings on these issues to vindicate the rights of our clients.

Case Study:

MLRC were contacted by a couple who had become homeless following a failed application to succeed the social housing tenancy of the father of one of the clients, who had passed away. The clients had become ill and, unable to source a private rental, faced homelessness following the return of the Council property. During engagements with the homeless section, the clients were instructed to move into a B&B and informed that the local authority would begin funding the stay. However, after moving into the B&B the local authority changed their position, informing the clients that they operated an unwritten, unpublished policy of refusing to fund emergency accommodation in such circumstances. MLRC immediately engaged with the local authority to clarify their responsibilities under the Housing Act 1988 and administrative law. When the local authority indicated that they would not adjust their position, pre-litigation correspondence issued and MLRC was granted leave to take judicial review by the High Court. The local authority subsequently settled the case, agreeing to begin paying for the B&B and compensate the clients for monies already paid.



Local Connection Protocol

A recurring issue faced by MLRC’s clients came in the form of refusals to provide emergency accommodation unless the client could prove a ‘local connection’ to the local authority area.

This process had in previous years been adopted by a number of local authorities and was strongly resisted by MLRC. A ‘local connection’ in social housing law is a discretionary criteria when a person seeks a Social Housing Assessment. The provision of emergency homeless accommodation does not have such a requirement.

Imposing such a requirement to access homeless services creates a serious risk factor, particularly for persons who become homeless suddenly and who may not be able to provide the additional evidence required. It also risks having a discriminatory effect on minority groups such as Travellers and migrants who may not have resided in any one local authority area for a prolonged period.

In 2020, the Minister for Housing indicated that the ‘local connection’ criteria in social housing should not be applied to homeless services. However, MLRC casework in late 2023 saw a marked increase in refusals of access to emergency accommodation by way of a ‘local connection’ requirement, in addition to an entrenchment of this position by a number of local authorities.

MLRC subsequently became aware of a document entitled “Local Connection Protocol for Homeless Presentations outside county of origin” prepared by the County and City Management Association in July 2023. This protocol, which has no statutory basis, has been sent to every local authority. While advocacy by MLRC and other organisations has assisted our clients in accessing emergency accommodation despite this, we remain deeply concerned about the impact of extra-legal policies on the rights of our clients.

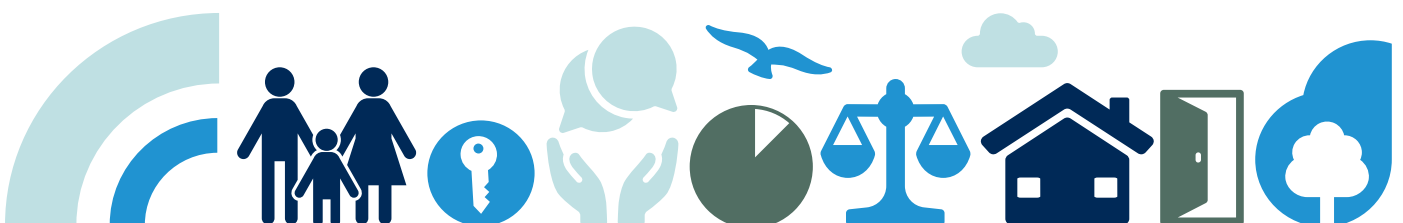
Medical Priority Cases

MLRC once again assisted many clients who had applied for medical priority to attach to their applications for social housing supports but who, many months after submitting the required evidence, remained waiting for a decision. Unlike an application for social housing, there is no statutory time limit for a local authority in processing a medical priority application.

These cases presented issues for persons who were close to the top of the social housing list but whose medical situation had changed in a manner that would impact on their housing needs. MLRC dealt with cases involving people requiring special adaptations, single floor accommodation, or an additional bedroom, based on their medical evidence. Delays in completing a medical priority assessment could result in clients being offered medically inappropriate allocations that they would have to refuse, which had the potential of impacting on their housing entitlements.

In other cases, delays in considering the medical needs of clients raised concerns under the Equal Status Acts or resulted in clients residing in inappropriate accommodation which endangered their health. This was particularly concerning for families residing in medically inappropriate emergency accommodation, placing family members at risk or preventing family members from being discharged from hospital due to health risks.

In a number of these cases, MLRC engaged with the local authority in question, highlighting the medical evidence provided by our clients and advocating for their transfer to accommodation which complied with their medical needs. Following our correspondence, these clients were either moved to more appropriate emergency accommodation or allocated housing which facilitated their family living together in safety.



Domestic Violence

Survivors of domestic violence continued to face housing related challenges in 2023. With the assistance of the Irish Human Rights and Equality Commission, MLRC commissioned a report by Dr. Sarah Hamill exploring these continuing issues entitled “Social Housing, Domestic Violence and the Public Sector Duty”.

MLRC are proud to continue to assist a range of domestic violence refuge providers across Ireland. Despite national guidance calling on local authorities to use their discretion under law to assist persons escaping domestic violence, our assistance was regularly called upon by these partner organisations and directly by survivors themselves.

A consistent role for MLRC was the preparation of affidavits for survivors, often insisted upon by local authorities in situations where the applicant for social housing supports may be a co-owner of a property with an abusive ex-partner or where the applicant’s name was on a social housing tenancy.

In addition, MLRC had to engage directly on behalf of clients in situations where they and their advocates had been unable to get the results required from local authorities. This included clients who, at the end of their stay in a refuge, were refused emergency accommodation placements or transfers to alternative accommodation. In addition, MLRC engaged in cases where local authorities refused to deem a client homeless on the basis that they could return to live with their abuser.

Challenging Administrative Decision Making

For all organisations working in the area of housing and homelessness, 2023 brought challenges as the housing and homelessness crisis continued to deepen. However, MLRC identified through our casework a worrying response to the increased numbers of people seeking the support of housing authorities.

Despite a duty to provide reasons for decisions being intrinsic to administrative decision making, as consistently upheld by the Superior Courts, MLRC were routinely contacted by clients who had received no written reasons for decisions from local authorities at all. This failure to provide reasons occurred where applications for social housing, priority status, medical priority, and even homeless supports had been rejected. MLRC’s engagement resulted in an understanding that housing staff across the country appear unfamiliar with this legal responsibility. In addition, a lack of any clear appeal structure for decisions resulted in a divergence in approach across different local authority areas. Where reasons for decisions were provided, they were not always legally robust.

Nuala Egan S.C

“Working with MLRC in the past year, I have encountered first-hand their commitment to using their in-depth knowledge of housing law to achieve the best results for their clients. Both their professionalism and their nuanced understanding of the issues affecting their clients were of a really outstanding quality”



Further, simple access to services was a recurring challenge for the MLRC client base. The ongoing housing crisis has resulted in patterns of homelessness in local authority areas whose staff are unfamiliar with how best to respond to these needs. MLRC clients faced difficulties such as local authorities only carrying out homeless assessments during very limited hours on intermittent weekdays. This practice presents serious issues for clients who find themselves becoming homeless quite suddenly.

In addition, MLRC became aware of a number of local authorities which had removed direct phonelines to their housing or homeless sections from their websites, or which refused to answer emails to same. Regrettably, a large number of clients who approached MLRC for legal advice or assistance also reported treatment by local authority housing staff which was rude, short, or lacked compassion and understanding for the experiences of these clients.

Case Study:

MLRC were contacted by a family who had been informed that they were to be suspended from all housing supports for a period of a year. The clients had moved out of a private rental property which was rented with the assistance of HAP, due to the property being flooded, and, according to the local authority, had provided insufficient notice of such a move. A suspension from housing supports, including a suspension from HAP, could have rendered this family homeless. The clients had requested an appeal of this decision and the local authority had upheld it.

MLRC were deeply concerned that there was no clear legal basis for such a broad suspension from all social housing services on foot of this supposed infraction. A Freedom of Information request was submitted for the family’s housing file and it became clear that neither the initial decision nor the appeal complied with the fair procedures rights of the clients, nor the administrative law responsibilities of the local authority, and did not appear to have a legal basis.

Following the issuing of pre-litigation correspondence, the local authority resiled from their position, revoking the suspension.

What our Clients say

Client Testimonial 1

“I reached out to Mercy Law when my succession of Tenancy was rejected. Mercy Law were phenomenal in their assistance and support. Paul was constantly linking in with me with updates and explaining the processes I had to go through. Paul was so thorough with every aspect of my case, which went on for over 18 months and never faltered. Without Mercy Law and Paul’s assistance I would never have got the positive result I did. Thank you”

Client Testimonial 2

“Mercy Law was recommended to me by a good friend of mine and I am very happy I got to work with Adam Boyle on a very difficult case of an unfair and unlawful 12 months suspension from all social housing services by one of the County Councils in Ireland.

He is the best solicitor I ever met and along with his so clever team, we won and had the decision reversed by the Council.

Justice was served and only thanks to Adam and the team.

I am very grateful and will not stop recommending Mercy Law to anyone in need of best legal help.

Thank you again!”



05. Legal training for organisations working in the field of homelessness

Providing training to individuals and organisations working with our client group is a strategic priority of Mercy Law. By providing this training, we can increase the capacity of others to understand social housing law and the rights of people facing homelessness, to better advocate for their clients, themselves and their families, and to improve decision making.

In 2023, we provided 10 separate housing law training sessions to representatives from a variety of organisations including law firms, domestic violence services, housing and homeless charities, social housing providers, statutory bodies and local authorities. We also facilitated training in social welfare law instructed by Professor Gerry Whyte in June 2023 which took place over 6 2-hour sessions.

In 2023, due to the generous funding of Our Lady of Charity Ireland Trust Fund through a grant administered by the Community Foundation of Ireland, we were once again able to offer a free tailored housing law training programme to people working in the area of domestic violence.

Training in 2023

Feedback from groups/attendees in relation to our Training

- “Very enjoyable, easy to follow and great delivery”
- “Good and relevant content throughout”
- “This session was very informative and clear in relation to issues arising for an information officer in a citizen Information service context”
- “Thanks for organising it”



06. Policy and Law Reform Work

MLRC’s policy and law reform work is informed by our casework. This work aims to bring about lasting, systemic change to laws, policies and practices that unjustly impact our client group.

In September 2023 MLRC published a policy report entitled “Social Housing, Domestic Violence and the Public Sector Duty”. This was the third report in the ‘barriers’ series which examined the barriers faced by different vulnerable groups in seeking access to social housing and homeless services. The first report, “Minority Groups and Homelessness: Barriers to Access” was published in 2021, followed by the second report “Mental Health and Social Housing Supports” published in February 2023.

Principal findings:

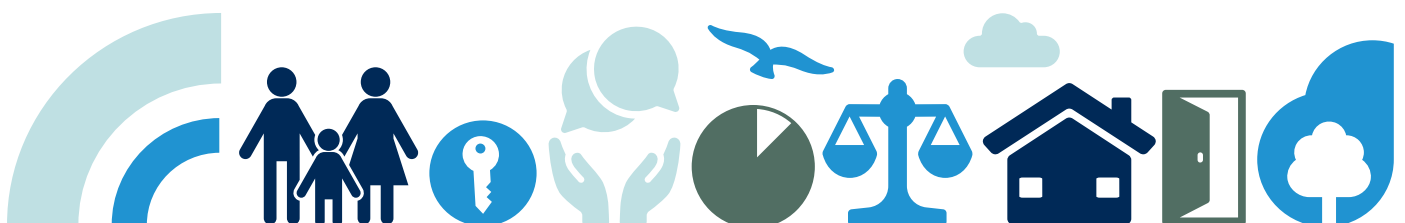
- Domestic violence is a leading cause of homelessness, particularly among women, and yet people being housed in domestic violence refuges are not included in homeless figures – this omission is hugely problematic.
- Domestic violence can often result in individuals having to flee their homes and victims of domestic violence can face many issues in securing adequate alternative accommodation.
- Barriers to accessing social housing supports for this group include a lack of availability of social housing, aspects of the eligibility criteria for social housing supports such as ‘local connection’, and the complexities caused by applying for social housing without a formal separation.
- The report makes a number of recommendations to bring Ireland in line with the requirements of the Istanbul Convention, to which Ireland is a signatory, including (i) increasing refuge places to the required level of one family place per 10,000 people and (ii) considering procedures for local authorities to evaluate the housing needs of people entering refuges to prevent them entering homelessness at the end of the refuge stay.

- The report calls for legislative change including amending Section 2 of the Housing Act 1988 to make clear that victims of domestic violence who cannot return home should be recognised as homeless, amending the Housing Acts to require domestic violence to be recognised as a form of priority for accessing social housing, and amending the Residential Tenancies Acts 2004 to 2022 to allow for a tenant’s name to be removed from the lease in the context of domestic abuse and/or relationship breakdown.
- The report finds that housing services need to be more responsive to the intersectionality of some victims of domestic violence such as migrants, members of minority groups including ethnic and racial minorities, the LGBTQI+ community, and those with physical or mental health disabilities or addiction issues. These groups can face additional barriers to securing adequate housing when fleeing domestic violence. The Public Sector Equality & Human Rights Duty has the potential to drive change in this area.

The report was launched by Ivana Bacik, T.D., at a multi-disciplinary conference event. Conference speakers included then Chief Commissioner of IHREC, Sinead Gibney, the author of the report, Dr. Sarah Hamill of Trinity College Law School, followed by a multidisciplinary panel discussion. The report and conference were funded under the Irish Human Rights and Equality Commission Grant Scheme 2022-2023.

Civil Legal Aid review

MLRC envisions a society where everyone lives with dignity and has a fundamental right to a home. In addition, MLRC believes in equal rights, which includes equal access to justice and legal recourse to uphold these rights. In this context, MLRC considers legal aid crucial for those unable to afford legal representation, enabling them to enforce their rights and seek redress.



In this context, in February 2023, MLRC welcomed the opportunity to make a submission to the Civil Legal Aid Review Group stating that the current delivery of Civil Legal Aid, specifically in relation to housing and homeless matters, is wholly inadequate. The full submission is available on the publications page on the MLRC website but the key recommendations are as follows:

1. Amendment to the Civil Legal Aid Act 1995 to ensure legal aid is available on housing and homeless matters, on the basis of established need for this service.
2. Restructuring of the delivery of Civil Legal Aid, to bring it in line with the community law centre model.
3. Reform of the social housing disputes resolution process to make it more transparent and accessible; including establishing an appeals office or creating a social housing tribunal for which Civil Legal Aid would be available.
4. Ensuring that homelessness and eviction cases are treated as a priority by the Legal Aid Board to reduce wait times for these highly time-sensitive matters.
5. Expand outreach and awareness efforts to inform more individuals of Civil Legal Aid services, while also increasing accessibility of these services through easy forms, informational videos, and language translation, in line with Section 42 of the Irish Human Rights and Equality Commission Act 2014.
6. Allow access to multi-party litigation in situations where a case has the power to impact a group of similarly situated litigants and the public as a whole, or alternatively, litigate cases to create precedent that other litigants can rely on.

Partnership and collaboration

Working in collaboration with others is at the heart of MLRC's approach. We are a member of the Home for Good coalition; the Legal Aid Board External Consultative Panel; the Irish Homeless Policy Working Group; the Independent Law Centres Network; the Children's Rights Alliance; the Wheel and the Charities Institute of Ireland.

We are an active part of the pro bono network in Ireland. In November 2023, we participated in pro bono week with our Managing Solicitor speaking at the launch of the Pro Bono Pledge Report.



MLRC Managing Solicitor Aoife Kelly-Desmond speaking at the launch of the Pro Bono Pledge Report



07. Our Team

MLRC has a dedicated team of legal and professional staff who work tirelessly to promote the rights of those in or at risk of homelessness. In September 2023, we were sad to say goodbye to our dedicated solicitor Paul Dornan after four years of service at MLRC. We wish Paul well as he continues to serve the legal needs of underserved communities in his new role as Community Solicitor in Ballymun Community Law Centre.

Our sincere thanks to all of MLRC's staff and volunteers for their tremendous dedication and hard work.



The MLRC team in 2023 L-R Adam Boyle, Sr. Kathleen Byrne, Miriam Nally, Nuala Monaghan, Aoife Kelly-Desmond, Paul Dornan and Siobhán Tracey



The Wisdom Centre

Volunteer & Internship Programme

Volunteering has been at the heart of MLRC's work since our foundation. We have a number of administrative and legal volunteers who greatly complement and enhance our work.

Pro-bono Volunteers:

Arthur Cox

We greatly appreciate the generous assistance of Arthur Cox in providing us with legal volunteers throughout 2023. We were grateful to have Cliodhna Joyce-Daly who made significant contributions by dedicating one day a week to us. Additionally, the full-time six-month placements of Áine Hennessy and Áine McCreesh proved invaluable.

Read Áine McCreesh's reflection on her experience with MLRC below.

ALG

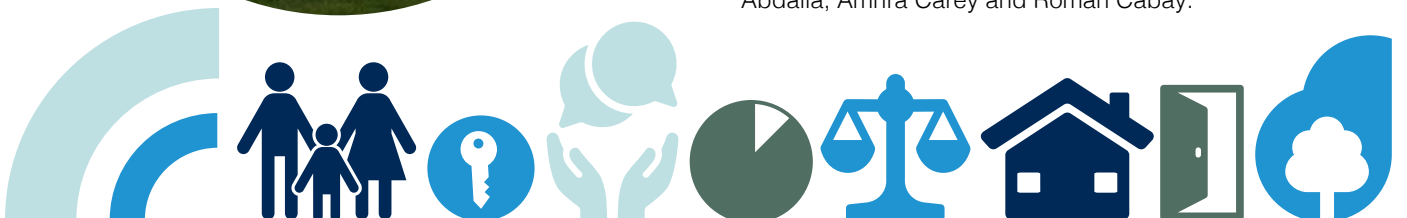
In addition to the invaluable collaborative and pro bono support provided by ALG, they also offered us the long-term placement of student Holly Leech, whose contributions were immensely valuable.

Interns and College Placements

MLRC strives to support the next generation of lawyers and to impart a spirit of civic activism and professional experience with our internship programme. We are extremely thankful for the professionalism, enthusiasm and energy our interns bring to our office. Interns assist with and learn about legal research, case work, administration and policy development.

We were very grateful to be able to host students Katie Cross from Boston College and Jennifer Dillon from NUIG who worked with us for a semester in the first half of 2023.

We also welcomed the following interns and work experience participants in 2023 and thank them for their service: Sarra Abdalla, Amhra Carey and Roman Cabay.



A reflection from Áine McCreesh

Arthur Cox Pro Bono Paralegal



I joined Mercy Law in October 2023 through a six-month Pro Bono Secondment Program run by Arthur Cox LLP. The opportunity to work as a paralegal in Mercy Law before starting my traineeship really appealed to me. I believe the legal profession has an obligation to ensure society's most vulnerable groups are not excluded from exercising their legal rights because of the cost of legal services. Therefore, independent law centres like Mercy Law are critically important to ensure these groups are adequately advised and represented. I felt it was important to get a deeper understanding of housing law and the issues around this area so that I might be in a better position to help as I progress my legal career.

The last six months have truly flown by mainly due to the immense level of demand for homeless and social housing support at present. From week one I was thrown in at the deep end and given responsibility for important legal work such as drafting affidavits, preparing booklets for litigation and engaging with clients. As I got more familiar with the legal landscape in this area, I was given tasks with more responsibility. These tasks included legal research that required me to analyse relevant legislation and regulations, as well as the preparation of first drafts of written correspondence.

I feel very privileged to have been part of such a wonderful team of dedicated, hardworking professionals who have been very supportive throughout my secondment. The office atmosphere was always incredibly collegial, which allowed me to relax and develop my legal skills. Although the work is challenging and perhaps frustrating at times, it was extremely rewarding to see how a successful result could totally change a person's situation in life. I am very grateful to Mercy Law and Arthur Cox for affording me this opportunity to assist in the lives of those most affected by the ongoing housing crisis.



08. Communications

MLRC’s Communications function is an important tool to raise awareness about MLRC and the issues facing our clients.

In 2023, the scope of MLRC’s communications continued to grow. We published three ezines, each being distributed to nearly 1,000 subscribers. We also continued to engage across various social media channels to reach different audiences such as potential clients, funders, collaborators and supporters.

A particular highlight from 2023 was the news that MLRC was awarded the Pro Bono Publico/Community Law Firm of the Year award at the Irish Law Awards for the second consecutive year. While this recognition is a testament to the hard work of the whole organisation in providing expert legal services to the homeless and those at risk of homelessness, it is also a testament to our communications department in ensuring that MLRC’s activities are shared and publicised. MLRC Managing Solicitor Aoife Kelly-Desmond attended the ceremony to accept the award on behalf of MLRC.



“We were surprised and delighted to win this for the second consecutive year, particularly among such strong competition. My sincere thanks and gratitude to all of the MLRC staff and volunteers” Aoife Kelly-Desmond



Another highlight was being shortlisted for the ‘Small Charity, Big Impact’ award at Charity Institute of Ireland’s Charity Excellence Awards 2023.

Social Media

MLRC sought to increase outreach through the means of social media and digital presence in 2023. As well as increasing engagement, our communications objectives included increasing our followers by 5% on all three platforms. This was surpassed on all three platforms.

To stay in touch with our latest news and updates, please subscribe to our e-zine and follow us on LinkedIn, Facebook and Twitter.

Website: www.mercylaw.ie

Email: info@mercylaw.ie

Facebook: [@MercyLawResourceCentre](https://www.facebook.com/MercyLawResourceCentre)

X: [@MLRCLaw](https://twitter.com/MLRCLaw)

LinkedIn: [@mercy-law-resource-centre/](https://www.linkedin.com/company/mercy-law-resource-centre/)



09. Governance

Mercy Law Resource Centre CLG is registered as:

- An Independent Law Centre with the Law Society of Ireland.
- A Charity with the Revenue Commissioners (CHY No: 18698) and with the Charities Registration Authority (Charity Registration No: 20072254).
- A Company Limited by Guarantee and not having share capital with the Companies Registration Office (Co. Reg. No: 471072).

MLRC is governed by a voluntary Board of Directors. The Board of Directors meets with the Managing Solicitor every six to eight weeks. In 2023, MLRC held 7 Board meetings. MLRC has two specialist Board sub-committees that meet between Board meetings; the Finance & Risk Committee and the Policy Committee. The Finance & Risk Committee comprises at least 2 Board members with expertise in finance and risk matters and is attended by the Managing Solicitor, Finance Administrator and Communications & Fundraising Lead. The Finance & Risk Committee met 6 times in 2023. The Policy Committee comprises 3 Board members and is attended by the MLRC Managing Solicitor and solicitor team.

Strategic Plan

In 2023, MLRC's work was governed by the direction set out in its Strategic Plan 2019-2024. The Strategic Plan was created after extensive consultation with our staff, Board and other stakeholders. The Board is regularly appraised of the progress towards achieving the goals as set out in the plan at each meeting. Writing in 2024, our 2024-2029 strategic plan has been finalised and will guide MLRC's work over the next 5 years.

Charities Governance Code

MLRC is registered with the Charities Regulator and is listed on the Public Register of Charities. The Charities Governance Code is the standard that a community, voluntary or charitable organisation is expected to maintain in order to effectively manage and control its affairs. MLRC is committed to meet the core standard as outlined in the Governance Code. MLRC operates in compliance with the Governance Code and is committed to continuing and further improving policies and procedures on an ongoing basis.

The Directors of the MLRC Board in 2023 were:

- Edward Gleeson, Chairperson since May 2022
- Dr Sarah Hamill, Director since September 2023
- Eamonn Casey – Retired April 2024
- Catherine Dooley RSM – Retired May 2023
- Ciara McGrath – Director since 2009
- Tom O'Brien – Director since June 2023
- Annette O'Donnell - Director since June 2023
- Turlough O'Donnell S.C. - Director since September 2023
- Deirdre Quigley – Director since 2011
Retired February 2023
- Stewart Reddin – Director since 2022
Retired November 2023
- Liam Twohig – Director since 2011
- Gerry Whyte – Retired June 2023



10. Finance

MLRC's financial year runs from 1st January to 31st December. The accounts are prepared in accordance with FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and "Accounting and Reporting by Charities: Statement of Recommended Practice" (the Charities SORP) and is consistent with MLRC's commitment to best practice in financial reporting and accountability.

MLRC are committed to best fundraising practices, promoting high levels of accountability and transparency, and providing clarity and assurances to donors and prospective donors. MLRC adheres to the Charities Regulator's Guidelines for Charitable Organisations and on Fundraising from the Public. MLRC also complies with the Charities Institute Standards.

This annual report incorporates the Balance Sheet as an extract from the audited accounts for the years ended 31st December 2023 and 2022 respectively.



Cost of our service

Cost to our Service

The cost of running MLRC for the financial year 2023 amounted to €378,839 seeing an increase of approx. 27% on the running cost from the previous financial year. MLRC's total income for 2023 was €410,577 which was up approximately 43% on the comparable period for 2022.

MLRC's 2023 income comprised of donations (€173,496) grants (€101,244) legal cost settlement (€118,806) and the remainder derived from delivering training on housing and social welfare law and general fundraising.

The value of our service far exceeds the cost as a result of a large number of in-kind donations we receive for example:

- Reduced rent & utilities
- Free conference and reception facilities
- Pro bono legal services by Barristers
- Pro bono expert reports from Doctors/ Engineers etc.
- Pro bono auditing & accounting services
- Volunteers & Interns

Our Main costs include:

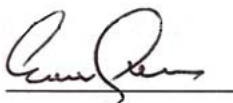
- Payroll and associated employer cost for Legal & Administration staff
- Office Expenses to include: Rent incorporating light & heat; Telephone & Broadband; Postage & Courier; Stationery & Office supplies; Photocopying & Printing; Cleaning & Maintenance.
- Insurance (Professional Indemnity, Employer & Public Liability)
- ICT Expenditure
- Project costs to include:
 - Client outlay
 - Volunteer & Intern Expenses
 - Training
 - Casework Research
 - Policy Research
 - Publication and launch of Reports & Information materials
 - Training Materials
 - Travel

Appendix: Finance Report

	1st January to 31st December 2023	1st January to 31st December 2022
Fixed Assets		
Tangible Assets	1,314	2,171
	1,314	2,171
Current Assets		
Debtors	5,912	7,704
Cash at bank and in hand	475,098	442,589
	481,010	450,293
Creditors: Amounts falling due within one year	(33,343)	(35,221)
Net Current Assets	447,667	415,072
Total Assets less Current Liabilities	448,981	417,243
Funds		
Restricted Trust Funds	0	0
General Fund (Unrestricted)	448,981	417,243
Total Funds	448,981	417,243

*The 2023 & 2022 financial statements have been prepared in accordance with the Companies Act 2014, FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their financial statements in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

Signed on the Board's behalf by:



Edward Gleeson, Director and Chairperson



Liam Twohig, Director



Funders

MLRC would like to acknowledge and thank our funders for their generous support in 2023. MLRC's funders are a combination of corporations, philanthropic organisations and individuals.

In particular, we would like to extend our sincere gratitude to the Sisters of Mercy who have substantially supported our legal service from inception, and to our other major donors in 2023, Religious of Christian Education, Archdiocese of Dublin, Pobal, Mason Hayes & Curran and A&L Goodbody.

We are extremely grateful to every organisation and individual who supported our work in 2023, whether through financial or in-kind donations, pro bono services or volunteering.

Our main funders in 2023 include:

- The Sisters of Mercy
- Religious of Christian Education
- Archdiocese of Dublin
- Pobal - SSNO
- Mason Hayes & Curran
- A&L Goodbody
- IHREC
- Mental Health Ireland
- The Ireland Funds

Administered by The Community Foundation Ireland:

- RTE Toy Show Appeal
- Our Lady of Charity of the Good Shepherd
- Donor Fund



Archdiocese of Dublin
Ard Doice Átha Cliath



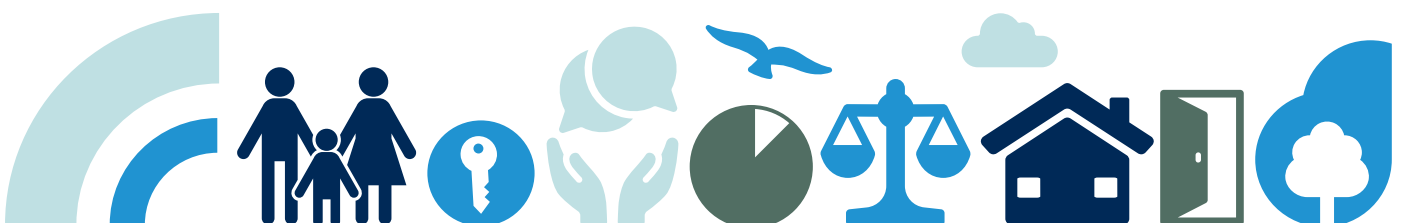
Riailtas na hÉireann
Government of Ireland



pobal

government supporting communities

“The Scheme to Support National Organisations is funded by the Government of Ireland through the Department of Rural and Community Development”



11. Acknowledgements

The value of our service far exceeds the cost as a result of the large number of in-kind donations and pro bono support that we receive. MLRC would like to acknowledge and thank all those who provide services to us.

Sophia Housing

We are particularly grateful to Sophia Housing, who support our service in a number of ways, including provision of free conference and reception facilities.

Barristers & Pro Bono support

We would like to extend our sincere gratitude to the following barristers who provided us with pro bono opinions, drafting and advocacy before courts and tribunals:

Helen Callanan SC
 Nuala Egan SC
 Suniva McDonagh SC
 Derek Shortall SC
 Cillian Bracken BL
 Alan DP Brady BL
 Eoin Coffey BL
 Marie Flynn BL
 Lewis Mooney BL
 Deirdre Moore BL

Auditor

Crowleys DFK

Volunteers

Volunteer Administrator: Sr. Kathleen Byrne

2023 Interns and work experience:

- Sarra Abdalla (TCD)
- Roman Cabay (TCD)
- Amhra Carey (TCD)
- Katie Cross (Boston College)
- Jennifer Dillon (NUIG)
- Áine Hennessy (Arthur Cox)
- Clíodhna Joyce-Daly (Arthur Cox)
- Holly Leech (ALG)
- Áine McCreesh (Arthur Cox)

Annual Report Designer:

whitespacedesign.ie





Providing free legal advice and representation
to people who are homeless or at risk of homelessness

25 Cork Street, Dublin 8, D08 YD91, Ireland

T: 01 453 7459

F: 01 453 7455

Email: info@mercylaw.ie

Website: www.mercylaw.ie

Facebook: [@MercyLawResourceCentre](https://www.facebook.com/MercyLawResourceCentre)

Twitter: [@MLRCLaw](https://twitter.com/MLRCLaw)

LinkedIn: [@mercy-law-resource-centre/](https://www.linkedin.com/company/mercy-law-resource-centre/)



Mercy Law
Resource Centre

