

SVP OBSERVATIONS ON THE HOMELESSNESS-RELATED ASPECTS OF THE HOUSING ACT,

To: THE DEPARTMENT OF HOUSING, LOCAL
GOVERNMENT & HERITAGE

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1. SVP Introduction

SVP welcomes the invitation to submit our observations on the homelessness -related aspects of the Homeless Act 1988 to the to the Department of Housing.

SVP have a unique insight into the current reality of people experiencing homelessness and housing exclusion, as SVP members visit families in hotels, B&B's, family hubs, and those that are experiencing 'hidden' homelessness. SVP staff and volunteers also work in Resource Centres operated by the society which provide vital supports to families experiencing homelessness and housing exclusion. In addition, the society is a provider of social housing with almost 1,000 units across the country, and engages in advocacy on the issue of housing, homelessness and homeless prevention, drawing on the experience of members and policy analysis to seek to bring about the necessary policy change.

2. Observations on Note from consultation on proposed amendments to the homelessness-related aspects of the Housing Act 1988

We support the amendments to the legislation that 'will strengthen the statutory framework within which housing authorities may support households experiencing, or at risk of, homelessness and enable housing authorities to better address homelessness in its current context'. However, we are unclear from the note how the proposed amendments can achieve this objective.

We have outlined our recommendations below that would ensure that vulnerable households are supported in policy and in practice when they meet with Local Authority staff. As the homeless crisis continues and deepens many of these measures can be introduced at policy level rather than waiting on legislative amendments to be introduced.

We recommend that any amendments to Section 10 of the legislation insert the word 'shall' in place of 'may' with reference to Local Authority obligations. We have witnessed local authority staff display high levels of compassion, dedication and commitment to supporting people faced with imminent eviction and accessing emergency accommodation. However, we are aware in some instances where vulnerable people facing homelessness received

limited or wholly inadequate advice and support. We understand the pressures that are facing Local Authorities and urge the Department and Minister to adequately resource frontline staff so that they can play a much greater role in preventing a person entering homeless accommodation.

The Welsh Assembly and the Westminster Government both have adapted and introduced legislation which creates an obligation on local authorities to prevent homelessness. It would have been more beneficial and positive if the proposed legislative amendments were solely focused on finding ways to prevent homelessness rather than seeking to exclude certain cohorts from receiving emergency accommodation.

It is regrettable NHAC members did not have the opportunity to view the review document. It would be useful in that regard to understand the context or background to some of the proposed amendments, particularly around changes to Section 10 arrangements and the linking of support under the section to legal and habitual residency criteria for social housing support. We are aware in the increase in the number of people who do not have an entitlement to social housing support in Ireland. However, at a minimum we should provide them with shelter while their right to reside in Ireland is being determined.

The issue of citizenship is often an aspect of a person being at risk of homelessness, however, in this context, we have concerns that it narrows the focus of the review. SVP have advocated that the Housing Act 1988 should be amended as it doesn't adequately serve all persons currently at risk of homelessness or those already in emergency accommodation. Most people who enter into homeless accommodation do so from a situation of 'inadequate' or 'insecure' housing or simply 'no' housing. Initiatives to tackle housing need and to minimise the number of people living in these circumstances are crucial to preventing people having to enter emergency homeless accommodation in the first place. The focus should be on ensuring we are addressing the causes of homelessness.

It is positive that the proposed legislative changes will oblige housing authorities to have regard to the 'best interests of the child when considering the accommodation needs of households with children and if necessary to engage families with appropriate bodies and agencies who can provide support'. However, we are concerned that there is limited reference to how this can be achieved. Overall the note document provides no indication how homelessness can be ended which should be what the Department and Minister are working towards.

At SVP we are very concerned about the long term detrimental impacts that homelessness is having on children. At a policy level, we recommend that those proposed amendments to legislation provide the opportunity to set-up a taskforce specifically on addressing family homelessness. As we are all aware of the negative consequences of homelessness, particularly on children, targets and time limits on reducing the number of families in emergency accommodation is required as part of the taskforce objectives. We cannot expect to achieve the commitment Ireland has signed up to under the Lisbon declaration to 'eradicate homelessness by 2030' if we do not at a minimum begin to introduce targets and time limits to reduce the number of people in emergency accommodation. Children living in emergency accommodation need to be prioritised in that regard.

A review of the Housing Act 1988 is an important and useful work objective, however, the core issue regarding the homeless and housing crisis remains that we have an insufficient supply of affordable homes for households to rent and purchase. A successful review will be achieved if the Housing Act sufficiently addresses the 'why' of homelessness, rather than solely focusing on 'who' is becoming homeless. We can then address the real numbers of households affected and begin to examine at a minimum the number of social and affordable homes needed to address and prevent homelessness.

In the document below, we outline the reasons as experienced by our members through home visitation why people are becoming homeless. If we can address those issues, we will have a better understanding of the 'why' and ultimately work towards preventing homelessness occurring in the first place.

3.SVP experience of the issues for households at risk of becoming homeless- Section 2 and Section 10 considerations

In order to prevent homelessness occurring, it is important to understand what are the issues that are leading people to experience homelessness or at increased risk of entering homeless accommodation.

The following are some of the issues as experienced by members in the course of their work with households who are at risk of entering emergency accommodation:

1. In SVP's experience, rising housing costs have become increasingly a driver of poverty and deprivation among the households we support, and homelessness can occur as a result. The impact of HAP top-ups on the financial situation of families is particularly acute. The priority for families is to pay the rent and keep a roof over their head. However, this is not always sustainable and rent arrears can be accumulated quite quickly and the tenant become increasingly at risk of losing their home.
2. Families and individuals living in direct provision who have refugee status but cannot move out due to no affordable accommodation.
3. The transition to more permanent housing can be difficult for vulnerable households and many of the individuals and families supported by members are expected to navigate the rental market without support. In rural areas in particular, advice, support and assistance to navigate homelessness and the rental market continues to be limited.
4. Support for people experiencing 'Hidden' Homelessness. It is a unique aspect of the work that SVP members do meeting people in their homes and getting a glimpse of people's daily realities. Many of the people they meet are not considered 'homeless' under current housing legislation. However, the reality is much different as members see the hardship people are enduring, often having to sleep rough, 'couch surf' or live in overcrowded family homes. They regularly see households where three generations of the one family are living in overcrowded conditions, often times also experiencing complex and challenging health issues. In some cases, the individual or family involved do enter homeless accommodation as their living situation is no longer sustainable.

5. Support and advice for households who have received a Notice of Termination.
6. Support and advice for households who have been unable to secure a tenancy because Landlord refuses to accept HAP.
7. Support and advice for women and children fleeing domestic violence in the home.
8. Support and advice for Travellers in culturally inappropriate accommodation.
9. Support and advice for Ethnic minority communities living in insecure accommodation.

In Section 5 of the document we outline recommendation that proposes to address the above issues faced by households at risk of homelessness.

4. Understanding the Scale of Homelessness – Section 2 of the Homeless Act 1988

It is positive that legislative amendments are being considered that will provide a definition for 'at risk of homelessness'. This should begin the process that ensures that supports are and will be available before a person is faced with having to enter into emergency accommodation.

SVP have made previous submissions and observations to the Minister and Department surrounding the numbers of people affected by homelessness. We have outlined our concerns that the numbers of people in emergency accommodation does not adequately reflect the actual number of households who require support from the State to access secure housing. It would be useful for the legislative amendments to have regard and a mechanism for better alignment and consistency with for example, the number of people rough sleeping, households on the Summary of Social Housing Assessment, those living in direct provision who have refugee status and women and children in domestic violence refuges who are unable to leave due to no suitable accommodation.



THE HOMELESSNESS ASPECTS OF THE LEGISLATION CANNOT CONTINUE TO OPERATE IN A VACUUM FROM THE OTHER SECTIONS OF THE HOUSING ACT AND WIDER POLICY.

As Bergin et. al. (2005) highlights there is no commonly agreed definition of homelessness among Local Authorities in Ireland.¹ They point to the level of discretion Local Authorities have in determining who they consider homeless, which can be impacted by the level of demand on services at a given time. This ambiguity creates difficulties for people who are 'couch surfing' or staying with someone temporarily as they are considered to have access to accommodation they can 'reasonably occupy' and not deemed a priority.²

¹ Bergin, E., Lalor, T., Lawless, K. and Pym, M. (2005) Settlement First: Assessment of the effectiveness of the Housing Act 1988 and the Integrated Strategy 2000 in meeting the Housing Need of People who are Homeless. Dublin: Simon Communities of Ireland.

² ibid

SVP also witness a number of people every year who are caught in a cycle between homelessness and prison and/or homelessness and hospital. By developing an adequate measurement of the number of people in these situations, it is possible to put in place effective preventative measurements to ensure that people do not enter emergency accommodation. The measurements also makes it much easier to estimate the resources that will be needed in each Local Authority.

At a European level, FEANTSA (The European Federation of National Organisations working with the Homeless)³ have developed a typology of homelessness and housing exclusion as a means of improving the understanding and measurement of homelessness across Europe. The typology includes situations where a person is roofless, houseless, living in insecure accommodation and living in inadequate accommodation. The understanding of homelessness and housing exclusion outlined in the FEANTSA typology, removes the ambiguity present in the Irish definition of homelessness. It would mean therefore we would have a better understanding of how to address the issue of homelessness in all its forms, including housing exclusion.

Essentially, what ETHOS does is put homelessness into a bigger picture. ETHOS provides detail about the different categories of homelessness and also includes various categories of people potentially at risk of homelessness. The current legislation does not adequately capture certain groups that are more susceptible to experiences of homelessness, such as Travellers, ethnic minority communities, victims of domestic violence, and lone parent families. Of the six categories used by other member states, Ireland only calculates its homelessness figures based on two categories, those in emergency accommodation and homeless accommodation such as hostels. When we have this information, we can then implement policies, resources and investment that has a greater focus on homeless prevention.

³ European Housing Research, UK Part E_ Responses to “The ETHOS Definition and Classification of Homelessness”
https://www.feantsaresearch.org/download/ejh6_2_resp_ethosdef14957038748931638958.pdf

ETHOS Light- European Typology of Homelessness and Housing Exclusion

Operational Category	Living Situation	Definition
1. Roofless-people living rough	Public spaces/external spaces	Living in the streets or public spaces without shelter that can be defined as living quarters
2. Houseless-people living in emergency accommodation	Overnight shelters	People with no place of usual residence who moves frequently between various types of accommodation
3. Houseless-people living in accommodation for the homeless	Homeless hostels Temporary accommodation Transitional supported accommodation Women's shelter or refuge accommodation	Where the period of stay is time-limited, and no long term housing is provided
4. Houseless- people living in institutions	Health care institutions Penal institutions	Stay longer than needed due to a lack of housing No housing available prior to housing
5. Insecure-people living in insecure accommodation	Non-conventional buildings Temporary structures People living under threat of eviction	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence
6. Inadequate- People living in temporary/non-conventional structures	People living in unfit housing People living in extreme overcrowding	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence.

Source: <https://www.feantsa.org/download/article-1-33278065727831823087.pdf>

5. SVP Recommendations

We have outlined a number of recommendations below to be considered to assist and comply with the legislative amendments discussed above:

1. To provide a definition for 'at risk' of homelessness.
2. Introduce a reference into legislation to prevention measures that housing authorities may take to assist those at risk of homelessness under section 10(1):

1. Employ additional Local Authority staff to assist households at risk of homelessness.
2. Training for Local Authority staff is needed to ensure that they are aware of the causal factors of homelessness and the role they can play in preventing households entering homeless accommodation.
3. Assistance is required to applicants with filling out a HAP application form in a timely manner.
4. Redirect and increase a proportion of Section 10 funding towards homeless prevention, tenancy sustainment and resettlement support measures and provide a dedicated homeless prevention budget as recommended by the NHAC sub-group C Early Intervention services for Children and their families in November 2022.
5. Establish and adequately resource prevention sections in all local authorities and or regions nationally, led at senior level with responsibility for driving development and delivery of homeless prevention support services. The prevention lead will have responsibility for managing enhanced statutory interventions and community infrastructure to reduce the risk of priority groups becoming homeless, particularly children.
6. If a tenant, who is engaging with the local authority falls into arrears, a realistic repayment plan should be worked out to clear the arrears over time with the local authority. The local authority should pay the arrears to the landlord (including top-up) to prevent the household entering homelessness.

7. A statutory requirement to provide interpreters in all Local Authority offices.
8. Legislation to underpin discretionary powers to Local Authority staff to award a 'top-up' on rental payment and financial assistance with deposit.
9. Broaden the Definition of Homelessness using the ETHOS Light-European Typology of Homelessness and Housing Exclusion.⁴
10. All staff engaged in prevention services should be provided with training in the area of anti-discrimination and cultural competency.
11. All Local Authorities should consider the needs of those with literacy difficulties and ensure information is accessible and work to improve access to online services for those affected by the digital divide.
12. Ensure all local authority staff have access to DSGBV focused resources and should ensure staff who work directly with families experiencing domestic abuse are provided with appropriate training to work with these families.

6. Conclusion

It is not only necessary that the legislation relating to homelessness in Ireland responds to visible forms of homelessness, such as the numbers accessing emergency accommodation, it also needs to respond and reflect the wider range of people living in various forms of temporary accommodation due to the lack of access to appropriate housing. Without reliable data we cannot address homelessness in a meaningful way and successfully work towards eradicating homelessness as committed to by Government in the Lisbon Declaration. Without reliable data we will also continue to have a significant gap in our understanding and knowledge of poverty. Frameworks like the European Typology of Homelessness and Housing Exclusion can provide a way of structuring and explaining a more nuanced approach to homelessness.

⁴ ETHOS Light European Typology of Homelessness and Housing Exclusion 2017 "A Harmonised Definition of Homelessness for Statistical Purposes" [feantsa-002-18-update-ethos-light-0032417441788687419154.pdf \(feantsa.org\)](https://www.feantsa.org/feantsa-002-18-update-ethos-light-0032417441788687419154.pdf)

Any amendments to the Housing Act 1988 must ensure that Local Authorities have a legal obligation to support households at risk of homelessness. This can be achieved by Local Authorities addressing the causes of homelessness by acting and supporting a household in those circumstances.

We do have concerns that the proposed amendments may result in certain cohorts of people not being eligible to emergency accommodation. We would urge the Department and Minister that any policy measures introduced ensure that people are not forced to sleep rough or 'couch-surf'. This is not only detrimental for their physical and mental wellbeing, it should not be seen as acceptable in any State to withhold shelter from individuals experiencing deprivation.

We thank the Minister for Housing and the Department of Housing for providing the opportunity to forward our experiences and views in this document and look forward to continued engagement on behalf of the people we assist.