



**An Bille um an Naoú Leasú is Tríocha ar an mBunreacht
(Ceart chun Tithíochta), 2020
Thirty-ninth Amendment of The Constitution (Right to
Housing) Bill 2020**

*Meabhrán Mínitheach
Explanatory Memorandum*



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MBUNREACTH (CEART CHUN TITHÍOCHTA), 2020
THIRTY-NINTH AMENDMENT OF THE CONSTITUTION
(RIGHT TO HOUSING) BILL 2020**

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Bill is to provide a constitutional status for the right to housing under Article 43 of Bunreacht na hÉireann.

The contents of the Schedule contain a constitutional amendment establishing a cognisable right to housing.

Rationale

Among the various rights enshrined by Bunreacht na hÉireann, the “right to housing” is not one of them. One reason is Ireland's longstanding reluctance to constitutionalise socio-economic rights (to mean inclusion in the Constitution as a judicially cognisable provision).

This provision provides a universally applicable right to housing and, accordingly, shall delimit the right to private property in order to ensure the common good and vindicate the right to housing.

Provisions of Bill

The Whereas clauses highlight the capacity for amendment by virtue of Article 46 of Bunreacht na hÉireann.

The Bill comprises of 2 sections and a Schedule.

Section 1

Section 1 of the Bill outlines how Article 43 of Bunreacht na hÉireann will be modified by Part 1 and Part 2 of the Schedule of the Bill.

Section 2

Section 2 of the Bill provides the short title and collective citations of the Bill.

Schedule

The Schedule of the Bill provides the text of the amendment to Article 40 of Bunreacht na hÉireann.

Richard Boyd Barrett, TD,

Gino Kenny, TD,

Brid Smith, TD,

Iúil, 2020.