



**An Bille um an Aonú Leasú is Daichead ar an
mBunreacht (Ceart Chun Tithíochta), 2026**
**Forty-first Amendment of the Constitution (Right to
Housing) Bill 2026**

Meabhrán Míniúcháin
Explanatory Memorandum



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(RIGHT TO HOUSING) BILL 2026**

EXPLANATORY MEMORANDUM

Background

The housing crisis is a social and economic catastrophe, it is an emergency. Hundreds of thousands of people in Ireland lack a secure and affordable home. Yet, a safe, secure home, at a decent standard, is central to our very existence, our physical health and psychological wellbeing. It is necessary to facilitate child development and full citizen participation in society and the economy. A home is central to the dignity of each and every person and is the foundation of every person's life. It provides the secure base from which to carry out all of life's function. The importance of a home is shown most clearly by what happens to people when they don't have one. It is visible in the devastating physical and mental health impacts on those who are homeless, in particular on children. Access to adequate housing is central to family life and child development, as the home is the place where children grow up and the arena in which the most fundamental social relationships are sustained.

In recognition of the fundamental role that housing plays in our lives in terms of providing a decent standard of living and enabling us to live with dignity, housing internationally is considered a fundamental human right and has been an integral feature in the development of international human rights since the United Nations adopted the Universal Declaration of Human Rights (UDHR) in 1948. The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) has been ratified by almost 150 states including Ireland. Article 11 states: 'The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.' All the States signed up to this Covenant agreed to 'take appropriate steps to ensure the realization of this right'. The UN further defines states' housing obligations under the ICESCR in General Comment No. 4 of the Committee on Economic, Social and Cultural Rights, a monitoring body of 18 independent experts.

There are hundreds of thousands of people living in Ireland who do not have access to the right to adequate housing; from renters living in insecure housing and paying rents that leave them in poverty, to younger generations living in overcrowded accommodation unable to leave the family home because of the lack of affordable housing to those who are homeless. Homelessness is the most egregious violation of the right to

housing and yet homelessness in Ireland has become an entrenched social crisis, almost normalised.

While Ireland has ratified treaties such as the ICESCR that include the right to housing, and as such is subject to monitoring under the UN mechanisms, these treaties are not justiciable in any court of law and there is no legal right to housing in the Irish Constitution or other Irish law or legislation.

Many European countries, such as Finland, Belgium, Portugal and Sweden, include the right to housing in their constitution.

The Constitution is the ultimate repository of our national values. Based on the need for housing to be treated as a human right and to systemically solve the housing disaster, this Bill proposes to amend the Constitution to insert a right to housing into the Constitution.

The Housing Commission was established by the Minister for Housing, Local Government and Heritage on 21 December 2021. The Minister assigned the Commission with the specific task of making a recommendation to the Government on potential wording for a constitutional amendment on housing. The Commission undertook extensive work and made the following recommendations:

- A) The Commission recommends wording for a proposed amendment in terms of a right of access to adequate housing in the Constitution;
- B) The Commission recommends that the wording also recognise and acknowledge the fundamental importance of having a home to the quality of life of each citizen and that access to adequate housing promotes the common good;
- C) The Commission recommends that the amendment be placed immediately after Article 40 in the constitutional text as Article 40A, entitled 'Housing', and that the wording of the right of access to adequate housing mirror the language used in respect of existing rights under Article 40.

The Commission stated in its report "the central significance of having a home to the life of every individual, and the connection of home to the development of the family, to community relationships and to the common good. The Commission therefore recommends that the constitutional text include an explicit recognition and acknowledgement of the importance of having a home to a fair, equitable and prosperous society. In the event of an amendment proceeding, the Commission considers that it is appropriate to word the amendment on the basis of a right of access to adequate housing in the Constitution. A right of access to adequate housing describes an obligation on the State to provide reasonable means and avenues by which people can secure appropriate and adequate housing".

The proposed wording of this Bill is the proposed wording recommended by the Housing Commission in their report (Report and proposed wording for an amendment to Bunreacht na hÉireann Constitution of Ireland).

Purpose of this Bill

This Bill proposes to amend the Constitution to insert a right to housing into the Constitution through the insertion of a new Article 40A, entitled 'housing'.

Provisions of the Bill

Section 1 of the Bill sets out that Article 40 of the Constitution is to be amended.

Section 2 of the Bill is the citation section and sets out the name of the Act.

Parts 1 and *2* of the *Schedule* to the Bill set out the wording to be inserted as Article 40A:

“Housing

1. The State recognises that having a home is of fundamental importance to quality of life and that access to adequate housing, by facilitating the development of family, social and community relationships, promotes the common good.

2. The State therefore guarantees to every citizen a right of access to adequate housing and pledges, as far as practicable, by its laws to protect and vindicate that right.”.

Rory Hearne, TD,

Márta, 2026.

