

I would like to thank the Committee for making time in your schedule to Discuss the Housing (Homeless Families) Bill 2017, entitled an Act to make provision in relation to requests for accommodation by homeless families, for that purpose to amend the Housing Act 1988 and to provide for related matters which I introduced at First Stage in Dáil Eireann in 2017, which was supported unopposed at Second Stage on 15th November, 2017 and referred to your Committee.

This is an important part of Labour's much larger set of housing proposals, which range from detailed measures to regulate the private rental sector, through to measures to support home ownership, such as a rent-to-buy schemes that transform rents paid into deposits over time.

Building houses is the solution to homelessness.

While we wait for the supply of affordable housing to increase, we need to take emergency measures to stop people becoming homeless, as well as to move people as quickly as possible out of the experience of homelessness.

It is now 6 years since the passage of the referendum to insert the Rights of Children into the Constitution and this Bill proposes to provide for those rights where children and their families face homelessness. It would require Local Authorities and the state generally to recognise the rights of a child in a family unit when applying for accommodation or other assistance.

The stark situation faced by homeless families was highlighted on the night of 23 May 2017 when 12 families with 30 children among them could not be accommodated by homeless services in Dublin and were sent to Garda stations because there was nowhere else for them to go. It has been reported that at least one of these families slept in a public park. These 30 children had no rights to protection, safety or a roof over their heads except as dependants of their parents.

Again more recently Margaret Cash and her children slept in Tallaght Garda Station because they had no alternative. While we may differ as to how the most recent homelessness figures are collated, there is no disputing the fact that there are nearly 4000 children currently living in homeless accommodation.

We can only imagine the fear and anxiety these children face daily not to mention losing contact with communities, friends and the familiar patterns that are so important to a child's sense of security. The focus of the Bill is the perspective of the children. Statistics published in TCD research showed that 42% of homeless adults are women, many of whom have dependent children in lone parent households. It is clear from the research that there are not enough services to cater for the needs of those families. This underlines all the more the need for specific protection for the children as well as their mothers. Homeless charities, including Focus Ireland, have told us it is important the law is strengthened to support families in crisis.

I would like to thank Focus Ireland for their assistance on this Bill and would suggest that they be invited to present if you hold further hearings.

Currently the system in operation is that a family which is homeless presents to a local authority. A housing assessment is undertaken by a staff member. If the parents are assessed as homeless under the act, they may be offered emergency accommodation. In recent years, it has become common practice, particularly in Dublin, to require the family to identify their own emergency

accommodation (hotel or B&B) with the local authorities responsibility reduced to paying for the room (self-accommodation). No assessment is carried out to identify whether the family is capable of securing such a room or the impact of this uncertainty on the children.

Over 500 families in Dublin are currently self-accommodating, with no support from a case worker. While most such families do secure accommodation where it is not possible, some local authorities (in particular Dublin) provide a number of 'contingency beds' made available as a last resort.

Where no such rooms are available (or are unsuitable), there are no official guidelines as to what advice should be given to the family or how the incident is recorded or reported.

Faced with this situation from around 2015, Focus Ireland, one of the Housing Associations which supports families that face homelessness, introduced its own policy for its staff in these extreme circumstances:

- to advise the family that the only place of safety offered by the state is the Garda Station and that they should go to the Garda station if they are concerned about their safety or that of their children. This policy is based on the formal policy in place in relation to underage unaccompanied minor who are homeless at night
- to issue a child welfare notice to Tusla on the required form in relation to each child. Such notices are regularly rejected by Tusla as the family have no address
- to link up with the family early the next day to check their welfare and seek accommodation for the following night

Between January and end August 2018, Focus Ireland had no alternative but to recommend that families go to the Garda Station on 180 occasions. In 21 cases it was confirmed that the family had in fact slept in the Garda Station.

It is useful to note that most of these incidents where families were confirmed as sleeping in Garda stations occurred in March, April and May 2017. I have been informed of a meeting that took place between Focus Ireland, DRHE and the Department of Housing in May 2017, on foot of a letter from the Board of Focus Ireland to the Minister for Children, Katherine Zappone. At the meeting it was agreed that

- the number of 'contingency beds' would be increased
- the DRHE would take on some of the booking work carried out by Focus Ireland
- a protocol would be prepared outlining the actions required should a situation arises where it is not possible to provide accommodation for a family

The increased number of contingency beds was successful in eliminating the situation where families could not be offered accommodation. However, data for September which is currently being analysed indicates that the problem re-emerged in that month.

Focus Ireland believes that a legislative provision that provides direction to local authorities in these difficult situations is necessary. Such legislation will support the good work that is happening on the

ground but it will also provide the direction and leadership that is required to ensure that the state lives up to the standards of care and respect that were inserted into the constitution in November 2012.

There have been other calls for such protection to be introduced including in a recent publication and seminar from the Mercy Law Resource Centre where the Ombudsman for Children, as keynote speaker, argued strongly on the need to fill this lacuna in the law.

The Bill will also ensure there is a holistic response to the support of families in hotels and hubs, not only with a roof over their heads but with wider supports for the effective functioning of families and the development, welfare and protection of children within the family home. Currently, the Housing Acts refer to a person as homeless where there is no accommodation available which the person together with any other person who normally resides with him or her or who might reasonably be expected to reside with him or her can reasonably be expected to occupy. While such a homeless person is entitled to apply to a housing authority for accommodation or other assistance, there is no explicit recognition in our current legislative scheme of those other persons as persons in their own right with entitlements under law. Specifically, there is no statutory recognition of the need of a homeless family as a family unit. It is also the case that notwithstanding the passing of the constitutional amendment on the rights of the child, there is no statutory recognition of the constitutional rights of homeless children. The purpose of the Bill is to impose an obligation on housing authorities to recognise these persons as a family unit and to have specific regard to the best interests of the children of homeless families in crisis accommodation situations.

Again, I would like to thank the Committee for inviting me and will, along with Finbarr O'Malley, who is accompanying me as my advisor, answer any questions you may have,

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