**Dublin City Council**

**Central Area Committee**

**8th December 2020**

**Item 3**

**Motion in the names of Councillors Janet Horner, Anthony Flynn, Cat O’Driscoll, Eimer McCormack, Darcy Lonergan, Janice Boylan, Joe Costello, Declan Meenagh, Christy Burke and Nial Ring**

That this Area Committee expresses our sorrow and condolences at the recent deaths of people experiencing homeless in our city and calls on the DRHE to ensure that beds are made available to anyone in need of emergency accommodation in Dublin based on humanitarian need rather than any other criteria

**Report:**

The Dublin Region Homeless Executive (DRHE) would like to offer its sympathies to the families, friends and support workers of the people who have tragically passed away while in homeless services. We are very aware of the pain caused by the death of a loved one.

The Housing Act, 1988, does not impose a duty on housing authorities to provide housing to people who are homeless, it does clearly give responsibility to the local authorities to consider their needs and expand their powers to respond to those needs. Section 2 of the act defines homelessness. Section 9 of the act deals with the assessment of housing need by the authority of adequate and suitable housing accommodation for persons, including (a) persons who are homeless, as defined under Section 2 of the Act.( Section 9 was amended by the Housing Act, 2009.) Section 10 makes provision for local authorities to provide emergency accommodation for persons while stating clearly in the guidance that the primary response should remain the provision of accommodation from the authority’s own stock of rented housing.

The Housing Act, 2009 is a comprehensive act which, among its many provisions, directs Local authorities on the assessment of housing need, including homelessness, disability, institutional care etc. and it was followed by detailed regulations on assessment for and allocation of social housing and social housing support. Homelessness as defined by Section 2 of the 1988 Act is included as a valid basis of need for social housing. To qualify for social housing support, a household must first be assessed on grounds of eligibility and need.

Notwithstanding the links between the two acts, the DRHE is of the opinion that it would have been useful if the Department of Housing explicitly updated the provisions of the Housing Act, 1988, to bring it in line with subsequent social housing assessment legislation and regulations and to reflect the changing patterns in presentations as regards families and migrants that emerged in the past decade.

The DRHE regards housing as the single most critical element of a response to homelessness and we would welcome policy developments at national level to update the homeless provisions in legislation to include a focus on family and migrant homelessness. No local authority should separate homelessness from housing, as there is no solution to homelessness that does not involve housing.

The assessment of homelessness is a matter for each local authority. All new presentations to homeless services in Dublin must complete an assessment with the relevant local authority to determine their need for emergency accommodation.

Factors considered in the assessment process include but are not limited to: accommodation history, reason for homelessness, support needs and any other relevant information that will inform the assessment. If at that stage in the opinion of the local authority, there is no accommodation available that the household may reasonably be expected to reside, the local authority may provide emergency accommodation.

Previously the DRHE had in place contingency accommodation to respond to households that presented to Parkgate Hall having just relocated from another European country or for households from other parts of the country. We have ceased all forms of one night only accommodation.

However, there is still flexibility to respond to a short-term need. This may take the form of a night or two for someone waiting to return to another county, or up to 12 weeks for newly arrived migrants that should allow ample time to get work. Any work will provide the legal basis of residence and EU workers will have the same entitlements as an Irish citizen once income and other qualifying criteria are satisfied.

Due to Covid-19 there is an additional issue of non-essential travel and the risk to the homeless population if we were to allow unfettered access to services without quarantine rules being applied. Under public health guidelines, we are precluded from placing individuals without having assessed where they came from and any risk factors .This is managed through case by case assessment. The DRHE funds Crosscare to provide advice to migrants and they will generally provide practical support and advice to homeless migrant households on both housing and social assistance.

Non-EU residents living in Ireland must have a valid residence stamp. In almost all cases we deal with, the applicants will have been living in Private Rented accommodation and they will have a valid visa or be a naturalised citizen or have leave to remain. In the rare cases where a household is not legally resident in the country, we will direct an applicant to the Department of Justice and/or to organisations that provide support to repatriate.

At times we have had cases where an individual or family were in direct provision and left. In such cases we would refer back to the Department of Justice as they are the responsible body for the accommodation of the household until such time as Leave to Remain or Refugee status is decided.

We are aware of a small number of individuals who became homeless from a work/accommodation arrangement in a Local Authority area outside of Dublin Region, and we have made contact with the other Local Authorities for these people to return there. In such circumstances, the individuals should and can engage with the Local Authority in the region in which they find themselves homeless.

Our priority is the health and safety of our homeless persons in emergency accommodation in the Dublin Region and ensuring they are not exposed to risk of COVID-19 and we are not in a position to provide for other regions. We have the largest homeless population and we are operating at full/very close to full capacity given the need to decant larger facilities and provide for cocooning and self-isolating.

The Council should consider what it is asking for in relation to broadening the responsibilities of the DRHE to take on the responsibilities of other local authorities with respect to emergency accommodation for persons who have become homeless from their functional area.

The DRHE closely monitors the need for emergency accommodation, working on the basis of Government policy which clearly states to end the need to sleep rough as we manage Covid-19 and Cold Weather risks along with continuous new presentations. For the DRHE to provide a bed on humanitarian grounds would require clear government policy and guidelines, along with increased funding for the provision of additional services.

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