

Submission on Operation of Rental Accommodation Scheme

To:

**Department of Environment, Heritage and Local
Government**

and

Department of Social and Family Affairs

From:

Threshold on behalf of 42 Voluntary Groups

22 October 2004

Introduction

The coalition of 42 national non-profit organisations (listed in Appendix 2) has a number of comments and recommendations to make regarding the implementation of the new Rental Accommodation Scheme (RAS). After quoting the principles that should guide the RAS, our submission outlines the essential elements of housing needs assessment. It then reviews several other considerations that should shape the Scheme, including the Residential Tenancies Act 2004, existing access to housing and services, social mixing, housing adequacy, settlement and tenancy sustainment.

1. Guiding Principles

The operation of the Rental Accommodation Scheme should be guided by the principles outlined in the government's housing policy:

'[t]o enable households experiencing poverty and disadvantage to have available to them housing or accommodation, which is affordable, accessible, of good quality, suitable to their needs, culturally acceptable, located in a sustainable community and, as far as possible, in a secure tenure of their choice.'¹

Further, the RAS should contribute to the government's stated aim of having:

'detailed standards in relation to access to services... and the development of... 'indicators to monitor these standards'... in order to... 'establish accessible, transparent and effective mechanisms for ensuring the implementation of and adherence to these standards'.²

Other commitments of the Government also are relevant to RAS including international obligations as well as equality and diversity legislation.³

The principles have implications for the implementation of the RAS, which are the focus of the following comments.

2. Housing Needs Assessment

The assessment of the housing needs of individuals and families on rent supplement and in the triennial count should be strengthened to ensure a comprehensive assessment of housing needs that indicates the appropriate types of accommodation and supporting services for each applicant. At present the triennial assessments fail to capture the extent of housing need, particularly in the case of single persons, older persons and people with disabilities (who do not apply because they perceive that suitable accommodation is unavailable). The housing needs assessment under the

¹ Department of Social, Community and Family Affairs. 2002. *Building an Inclusive Society – Review of the National Anti Poverty strategy under the Programme for Prosperity and Fairness*, pg 13 March 2002. Dublin: Stationery Office.

² Ibid pp 20 -21

³ See for example the CESCR General Comment 4 on the right to housing.

RAS should be used to mainstream best practice in housing needs assessment.

Key elements of the housing assessment should be:

- A thorough evaluation of the size, type, location of dwelling unit that would be appropriate
- At applicants request, an advocate of their choice can be present during the assessment process
- An independent appeals process
- Increased capacity for local authorities
- An assessment of 'additional' needs, be they medical, social or vocational in conjunction with the relevant voluntary or statutory provider (See special section below)

Advocates

When the housing needs assessment process is triggered, the SWA recipient should be advised verbally and in writing that they can nominate an advocate, be it a family member, friend or care giver who is copied all written material in relation to the assessment and subsequent housing arrangements, and is entitled to attend any meetings between the local authority and the SWA recipient, if the recipient so wishes. This procedure for a named advocate should be mainstreamed into the housing needs assessment process.

Appeals mechanism for individuals

There is currently no appeals mechanism for applicants who are denied a place on a local authority waiting list, or whose relative placement on the list substantially diminishes the opportunity for their needs to be met within a reasonable period.⁴ This is particularly relevant for applicants who have low literacy and or socialisation skills. The RAS offers an opportunity to enhance the assessment process and redress the lack of an appeals mechanism.

The appeals process should apply to situations where the service user disagrees with the decision made by the Local Authority in relation to:

- The assessment of long term housing need
- The suitability of accommodation offered post assessment
- The outcome of an 'additional need' assessment

Key elements of an appeals mechanism should include:

- The right of the applicant to have a named advocate throughout the assessment process
- The right of independent redress
- Speedy resolution of appeals (the appeals process should be resolved within six weeks of being launched)
- The housing status of the client should not alter during the appeals process

⁴ The lack of an appeals mechanism may prove to be subject to legal appeal under Article 6 (the right to fair trial) of the European Convention on Human Rights, which was incorporated in Irish law in 2002. See Kenna P, in Kil Kelly, U (ed) 2004, 'ECHR and Irish Law', pg 313, Jordan Publishing, Bristol

Increased capacity for local authorities

It has been documented that Local Authorities are under-resourced⁵ in carrying out housing needs assessments. It has also been documented that in order to make access to goods and service meaningful, there needs to be sufficient training for those who act as gatekeepers.⁶

- An audit of the financial and human resource needs of local authorities to effectively carry out housing needs assessment should be undertaken.
- A training module for local authority housing needs assessment staff should be designed in conjunction with service users and their advocates and mainstreamed throughout the country.

3. Residential Tenancies Act

The Scheme must not undermine the rights of tenants provided for in the Residential Tenancies Act 2004. All tenants assessed in long term housing need should be guaranteed security of tenure at least as strong as provided by the Act. Protection is particularly required where a landlord of a recipient whose tenancy has become Part 4 under the Act (i.e., after six months) refuses to accept a contract with the council. The Scheme should insist on the rights afforded by the Act applying to tenants of all participating landlords, i.e., to private landlords and those accommodated by other providers such as housing associations. The dispute resolution process established under the Act should apply.

To avoid confusion due to the changes, tenants should be clearly informed about who is their landlord, the nature and extent of the local authority's responsibilities and what their own rights and obligations are.

4. Existing Access

The 18 month rule should not be used to limit the access of an individual to homeless services, be they emergency, transitional or supported housing where this is deemed to be the most appropriate form of accommodation for that individual at that time.

Neither should the RAS compromise people's priority on council waiting lists to their disadvantage. In particular if a recipient is removed from the list, the regulations should stipulate that they are eligible for re-instatement to the waiting list should personal, family or other circumstances change.

When recipients are assessed in long term housing need, their accommodation preferences (e.g. for social as opposed to private rental)

⁵ Focus Ireland, Simon Communities of Ireland, Society of St Vincent de Paul, *Threshold Housing Access for All: An Analysis of Housing Strategies and Homeless Action Plans* (2002)

⁶ Mary Daly *Access to social rights in Europe* (2002) European Committee for Social Cohesion, Council for Europe Publishing

should be recorded. Reports should be released at regular intervals on the preferences of the recipients assessed and the extent to which placements matched those preferences. Traveller accommodation should be explicitly incorporated into RAS

5. Social Mixing

Unless controls are in place under RAS, arrangements with landlords (including PPP developments) could result in concentrations of rent supplement recipients thereby undermining the government's commitment to avoid social segregation. Standards need to be devised to prevent such outcomes.

Rents to landlords under RAS will reflect the cost of provision, in contrast to the situation for social housing under the current differential rent system. This creates an opportunity to promote greater social mixing under RAS. If non-profit organisations in PPPs were able to provide accommodation for both rent supplement recipients and others on modest incomes such as key workers, this would facilitate mixed developments, introduce more effective competition for private landlords and also help to counter negative perceptions of social housing.

6. Affordability

The commitment to incorporate the right to work in the Scheme is most welcome. However clarification is needed on how this will be achieved and how poverty traps will be avoided, for example, through repercussions for secondary benefits and other programmes or tax breaks.

Those designing the terms and conditions of the Scheme need to address other shortcomings of the application of rent supplement in relieving affordability problems. For example, the level of individual rent contribution required of parents who are not resident with their children and live in rental accommodation may not be affordable. Maintenance paid in respect of ex-partners and their children should be disregarded from income when assessing level of contribution to be paid from individual means.

7. Adequate Housing

The criteria used to determine what is adequate housing should reflect the fact that the accommodation is to meet need; it is the basis on which the rent supplement recipient builds a home and a life. In developing criteria for assessing what housing would be adequate for a recipient under the RAS both the physical attributes in terms of size, accessibility and quality of the dwelling and the local environment are pertinent [Appendix 1 provides examples of practical changes required].

The RAS must also acknowledge that changing life circumstances (such as violence in the home or finding a job in another location) can lead to recipients needing to change the size or location of their home. RAS should provide for a formal review of each long term recipient's situation every four years.

RAS is an excellent opportunity to ensure that all recipients have homes that meet or exceed minimum dwelling standards regulations. An approval system should be developed for the Scheme to which all participating landlords must subscribe. In addition to an undertaking to comply with health and safety legislation, this would include subscribing to public liability insurance, with planned maintenance on a cyclical basis and regular inspections by council officials. All tenants assessed in long term need should have the right to either an appropriate social housing placement or to accommodation owned by an approved private or non-profit landlord.

8. 'Additional' Needs Assessment

Assessment of additional need

The need for a holistic assessment of people's housing, health and other needs was deemed 'essential' in the Government's policy 'Homelessness – An Integrated Strategy'. The RAS offers a unique opportunity to meet the housing needs of people in emergency accommodation who have not been allocated local authority housing. Many persons, as has been seen by the success of the Access Housing Unit in Dublin, and by the various settlement projects throughout the country, do not need any additional support.

However, some of those accessing various types of emergency accommodation will need varying levels of support and access to other services such as mental health or addiction services in order to sustain independent living.

Others will need more immediate short-term support, 'settlement' support, including mediation with landlords, support in setting up home, and services specific to client groups such as legal advice and court accompaniment.

It is proposed that a number of pilot projects be operated during the first year of the operation of the scheme with a view to creating best practice in the area of settlement services and also in longer-term tenancy sustainment services.

These pilot projects should take place in a selection of local authority areas and across a number of different client groups, e.g. single men leaving emergency homelessness accommodation, people leaving domestic violence refuges, young people leaving care. Voluntary organisations would be happy to liaise with central and local government to assist in these pilots.

These pilot projects should have the following core elements:

- Where an applicant presents as having needs in addition to housing needs, an assessment of those needs should be carried out with the client, and with the relevant statutory and voluntary service providers.

- A care plan, detailing the needs identified, the appropriate service provider and the funding of those services should then be agreed, communicated to the client and acted on.
- The outcome of this needs assessment should be subject to the appeals mechanism detailed above.

Funding of settlement and sustainment services

In order to maximise the opportunities presented by the RAS for people who are currently homeless, the following elements will need to be in place:

- Clear, nationally agreed funding mechanisms for settlement and sustainment services.
- National best practice guidelines and service level agreements.
- Direct liaison with voluntary service providers in the assessment of 'additional' housing need, as identified above.

As noted earlier, sustainability issues are not confined to the settlement of homeless persons. Programmes developed to promote neighbour-friendly behaviour, to avoid rent arrears and other issues, in council estates should be adapted to suit this new form of social housing. Housing associations are a source of best practice in this area.

9. Conclusion

Our coalition of non-profit anti-poverty and social exclusion organisations consider the Rental Accommodation Scheme to be an opportunity to relieve housing deprivation impeding people on low incomes from participating fully in Irish society. We welcome the invitation to make a submission on key aspects in the new Rental Accommodation Scheme's implementation, and we would like to continue to be consulted as the RAS is developed and rolled out across the country. Monitoring the initial experiences with implementation should be shared so that learning and improvement can be maximised. Nonetheless we reiterate that RAS cannot be a substitute for a vigorous social housing investment programme.

APPENDIX 1

Illustrations of housing inadequacy to be addressed under RAS

- Safety is paramount for those who experience **violence in the home**. Experiences of violence, which are historical, will need to be taken into account to ensure that perpetrators are never housed near those whom they have abused. Information about the whereabouts of survivors of domestic violence must also be protected under the scheme's provisions. Similarly those who need to flee violent situations while tenants under the RAS must be accommodated appropriately and urgently. The expertise of the NGO members of the National Steering Committee on Violence Against Women, convened by the Dept. of Justice, Equality & Law Reform, should be sought in this regard.

- **Households headed by a lone parent** are over-represented on local authority lists across the country, particularly in large urban centres. Two-thirds of these families are made up of a lone parent with one child. Historically some of these families have been housed in 1-bedroom accommodation, particularly in parts of the capital, regardless of the gender(s) of the parent and child. It is critical that a minimum standard of two-bedroom accommodation is designated for these families under the new scheme. This will increase the likelihood for those families who are satisfied with long-term private-rented arrangements to remain in the RAS; and will have therefore the knock-on effect of reducing the housing waiting lists in some parts of the country.

- **Non-resident parents** who do not have full-time care of their children experience difficulties finding suitable accommodation in which they can care for their children on arrangement. Under rent supplement at present the principle of "over-accommodation" often prevented non resident parents from renting suitable accommodation in which to provide somewhere for their children to stay with them . This causes particular difficulties when children are in care or where parents need to seek access to children through the court system and cannot show evidence of having suitable accommodation for children.

- The Rental Accommodation Scheme should support sustainability by allowing scope for the acquisition of new private and non-profit **accommodation suitable for single persons** who at present have little chance of getting into social housing and rely heavily on emergency accommodation.

APPENDIX 2

Members of Rent Supplement Coalition

1. Threshold
2. Simon Communities of Ireland
3. Focus Ireland
4. Vincent de Paul
5. The Jesuit Centre for Faith and Justice
6. Irish Refugee Council
7. National Youth Council of Ireland
8. National Organisation for the Unemployed
9. Age Action Ireland
10. Children's Rights Alliance
11. Women's Aid
12. One Family
13. One Parent Exchange and Network (OPEN)
14. Irish Rural Link
15. Centrecare (A Project of Crosscare)
16. National Association of Tenants' Organisations (for Tenants and Residents)
17. The CORI Justice Commission
18. Union of Students in Ireland
19. Rape Crisis Network Ireland (RCNI)
20. The Irish Youth Foundation
21. National Women's Council of Ireland
22. European Anti-Poverty Network
23. The Community Workers Co-Operative
24. Free Legal Advice Centres
25. National Youth Federation
26. National Association for Parent Support
27. National Office for Victims of Abuse (NOVA)
28. Community Action Network
29. Victim Support
30. City Centre (Dublin) Citizens Information Service
31. National Traveller Women's Forum
32. The Refugee Information Service
33. Respond! Housing Association
34. National Network of Women's Refuges and Support Services
35. Galway Rape Crisis Centre
36. Irish Association of Older People
37. People with Disabilities in Ireland
38. Northside Community Law Centre
39. Merchants Quay Ireland
40. Tallaght Homeless Advice Unit
41. Donegal Travellers Project
42. Cope, Galway