



Submission to the Public Consultation on a Referendum on Housing in Ireland

Introduction

Fórsa Trade Union represents 80,000 members across the Civil Service, Health & Welfare, Education, Local Government and Local Services, Municipal, and Services & Enterprise divisions. Many of our members not only work in the housing and homelessness sectors but are experiencing the emotional and economic strain of housing exclusion, homelessness, and living in inadequate, unsafe, insecure or overcrowded accommodation. Fórsa understands the importance of a home as the fundamental social and economic infrastructure of our society. As members of both the Home for Good and Raise the Roof coalition campaigns, we are pleased to support the Department of Housing, Local Government and Heritage and the Housing Commission to progress the referendum with a positive wording that will lead to a Constitutional right to housing in Ireland.

Urgency for a Clear Timeline for a Referendum on the Right to Housing

Fórsa calls for an urgent commitment to a clear timeline for a referendum on the right to housing following the closing of this consultation and the publication of the upcoming report due from the housing commission. The severity of the housing crisis demands that a referendum on the right to housing occurs swiftly. Since the national homeless and housing crisis was declared in 2018 by Tánaiste Leo Varadkar TD, progressive legislation on housing policy has struggled to pass in the Dáil. While the insertion of a right to housing in the Constitution is not a catch all solution to the current crisis, it will give greater balance to the Constitution that will expand policy makers options for ambitious policy design.

A Right to Housing & Balancing the Constitution

Fórsa recommends that the referendum on housing become a referendum to enshrine the right to housing in the Constitution. A right to housing will shift the responsibility of housing and homelessness to the state instead of relying on the market, which has no obligation to provide affordable housing to citizens. Additionally, this change will rebalance the Constitution which currently contains two articles, Article 40.3 and Article 43, that exist to support each other on the protection of private property. Yet the Constitution contains no articles of equal strength that support citizens in their right to adequate housing.¹

¹ Keyes, "Briefing Paper: Property Rights and Housing Legislation", Oireachtas Library and Research Service, 2019. Available here: https://colettekelleher.ie/wp-content/uploads/2020/01/Enquiry-2019_715-Property-rights-and-housing-legislation.pdf

Progressive legislation against the housing crisis is repeatedly prevented in the Dáil by citing articles 40.3 and 43. An “Oireachtas Research Paper” published in 2019 revealed 12 instances in which pending housing legislation proposed by policy makers was thwarted as unconstitutional under the rights of private property. Despite the existence of Article 43.2, which stipulates that private property can be regulated according to the principles of social justice, progressive housing policy continues to bank under Constitutional scrutiny. With the rates of homelessness and housing insecurity quickly growing in Ireland, there cannot continue to be barriers to implementing transformative policy. Rebalancing the Constitution with a right to housing creates a pathway for policymakers to address the crisis with long term, affordable solutions.

Public support for a right to housing in the Constitution is strongly positive. Research commissioned by the Irish Human Rights and Equality Commission published in 2020 discovered that 64% of citizens believe the right to housing should be written in the Constitution.² Additionally, a positive referendum on the right to housing ensures Ireland upholds its commitments as outlined in the European Social Charter and the Universal Declaration of Human Rights.³

Affordability is Key, Empowering Local Government

A right to housing in our Constitution provides every level of Government with a guiding principle and a commitment to ensure there are sufficient homes for all. Local Authorities possess important responsibilities in the development of affordable housing, such as the planning and provision of infrastructure and mixed-use developments on public lands and land banks⁴. However, increasing reliance on the private market to produce affordable housing on public lands over the last 40 years has decimated affordability and public housing efforts.⁵ With 61,880 on the public housing wait lists, 10,325 in homelessness, and 166,000 vacant homes throughout the country, there is a severe lack of progressive housing policy which empowers Local Authorities to produce affordable housing. A Constitutional right to housing will open pathways for policy makers to assist Local Authorities in the development of more affordable homes that the people of Ireland desperately need.

Conclusion

Fórsa Trade Union calls for a timely referendum for the people of Ireland that will result in the right to housing. Our Constitution in its current form is deeply unbalanced, leaving too many facing housing insecurity to depend on legislation that has no structure for legal support. Housing insecurity and affordability is a multi-generational emergency damaging the physical, mental, and economic wellbeing of our society. The referendum on housing must become a referendum on the right to housing to finally remove the legislative barriers to transformative housing policy that could end the housing crisis.

² Irish Human Rights and Equality Commission, 2020. Available here: [Overwhelming Public Support for Human Rights Protections as Ireland Marks Human Rights Day - IHREC - Irish Human Rights and Equality Commission](#)

³ European Social Charter, 1997. Available here: [1680799c4b \(coe.int\)](#)

⁴ Universal Declaration of Human Rights, 1948. Available Here: [Universal Declaration of Human Rights | United Nations](#)

⁵ Murphy, P “Democracy Works if you let it” Forsa Trade Union, 2019. Available here: [Report: Democracy Works If You Let It - Forsa](#)