



# **ASW Seminar 2014: Social Housing Advocacy and Homelessness**

**15 October 2014**

**2pm to 3pm**

# Introduction to MLRC

- Set up in 2009
- Free legal advice and representation, befriending service, policy work and education and training in housing and related social welfare law
- Only two solicitor-referrals must be agreed in advance and are by appointment only;
- Since 2009, we have provided advocacy work, including Court and Tribunal representation to 279 clients, predominantly in the area of housing law. We have provided legal advice to 2070 clients.

# Case work

- Access to Housing.
- ASB (anti-social behaviour)
- Equality
- Evictions
- Repairs/Standards of Local Authority Housing
- Lack of Fair Procedures
- Transfers
- Social Welfare

# Getting background information

- Freedom of Information Acts
- Data Protection Acts

# Other legal help

- Legal Aid Board

If questions re remit: FLAC useful resource as expertise

- Ombudsman

# Important overarching law

- Fair procedures
- European Convention on Human Rights

# Housing law

- Applicable law: Housing Acts; Social Housing Assessment Regulations
- Guidelines and circulars must not impose more than this and must comply with this

To access social housing – must be on housing list: must be eligible; must have need

# Eligibility for housing list

- Right to reside
- Income threshold
- No rent arrears or plan to repay arrears
- Availability of alternative accommodation



# Priority on the housing/transfer list

- Exceptional medical circumstances
- Exceptional social grounds

# Issues re applying to be placed on housing list

- 52 weeks employment...
- Family/relationship breakdown where family home
- Difficulty in establishing local connection
- Separated fathers

# Housing Assistance Payment

- Introduced by Housing (Miscellaneous Provisions) Act 2014 – replaces rent supplement except for short-term need
- Under Act, housing need is considered met when receive HAP i.e. taken off housing list but can apply to go on transfer list

# Homelessness

- Definition of homelessness
- No express right to housing...

# Standards of housing

Applicable law:

- Regulations
- Constitution
- Health and safety etc.
- Duty of care
- Equal status obligations
- Contract

# Anti-social behaviour

- Definition: Housing (Miscellaneous Provisions) Act 1997 as amended by the Housing (Miscellaneous Provisions) Act 2009. This definition includes:
  - Making, importing, selling, supplying or possessing illegal drugs.
  - Behaviour which causes (or is likely to cause) significant or persistent danger, injury, damage, alarm, loss or fear to anyone living or working near council housing.
  - Violence, threats, intimidation, coercion, harassment or serious obstruction.
  - Preventing someone's enjoyment or use of their home.
  - Damaging or defacing property.
- S 62 eviction
- Excluding orders

# Evictions

- S62
- Ejectment civil bill
- Housing (Misc Provisions) Act 2014

# Equality

- Prohibition of discrimination – 9 grounds
- Discrimination, indirect discrimination
- Reasonable accommodation re those with disabilities



# Case studies

## Case study 1 part 1

A client has applied to local authority for a transfer as he and his family had been subjected to physical attacks, harassment and intimidation by certain local residents in and around his family's home. He had applied to be given a priority transfer under the authority's Allocations Scheme on the basis that there were "exceptional social grounds" for doing so. The Council refused the application.

The local authority refused transfer application. The Council did not give reasons to the client for this decision initially. How would you advise the client?

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# Case studies

## Case study 1 part 2

In response to your request for reasons, the Council gave as the reason for the refusal: “It is a matter for the Gardai to deal with incidents of law and order and, in general, such incidents are not within the scope of the Exceptional Social Grounds Scheme.”

How would you advise your client in light of this?

# Case studies

## Case study 3

A client tells you that he had recently separated from his wife and unfortunately there was no prospect of reconciliation. The couple had been living in a house provided by a voluntary housing association but in April 2012 the client left the family home. Since then, he has been living in emergency accommodation with his son. He has been denied rent supplement as he is not on the housing list.

How would you advise this client?



**Thank you!**