

## A Constitutional Right to Housing

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### Overview

Our housing sector is in crisis. All elements of it show signs of being broken. The private market has failed. Social housing construction in recent decades has halted. Mortgage debt and rents have spiralled. The results have had devastating consequences on the lives of hundreds of thousands of citizens. We are now one year on from the launch of the Government's Rebuilding Ireland plan. The situation is now worse than it was then. We need to re-write the rules and fundamentally rethink our approach to housing. At the core of that, acting as an anchor, we need to enshrine a constitutional right to housing in Bunreacht na hÉireann.

### Key Stats

- 7,680 people are living in hotels, B&B's and other temporary emergency accommodation;
- 138 people were recorded as sleeping rough in Dublin on April 4<sup>th</sup>;
- The price of monthly rent in the private sector has increased to €1,131;
- 33,000 mortgage accounts are in arrears of over two years.

### Impact of a Right to Housing

A constitutional right to housing would:

- a) Provide a clear floor of protection in respect of access to basic adequate housing for all and would provide a recognition that a home is central to the dignity of each person.
- b) Provide a legal mechanism for citizens to vindicate their right to housing before the courts.
- c) Oblige the state to reasonably protect and fulfil the right, in the spirit of its obligations, under the International Covenant on Economic, Social and Cultural Rights (ICESCR); and would provide a readymade legal framework from which the progressive realisation of the right to housing could be pursued.
- d) Provide a guide and legal safeguard against which all State housing policy and decision making can be measured and challenged.

### Key Considerations

Careful consideration needs to be given to the following concerns in advance of the inclusion of a right in the constitution:

- a) A constitutional right to housing would not instantly provide a key to a home for all citizens;
- b) How will the new right to housing be balanced against existing constitutional rights in particular private property rights? Where a conflict of rights occurs how will the constitutional commitments to the "exigencies of the common good" and the "principles of social justice" operate?
- c) What role will the courts play in protecting the right to housing?

### Conclusion

To meaningfully tackle this unprecedented housing and homelessness crisis and to prevent its recurrence we must do things differently. Providing constitutional protection of the right to housing does just that.