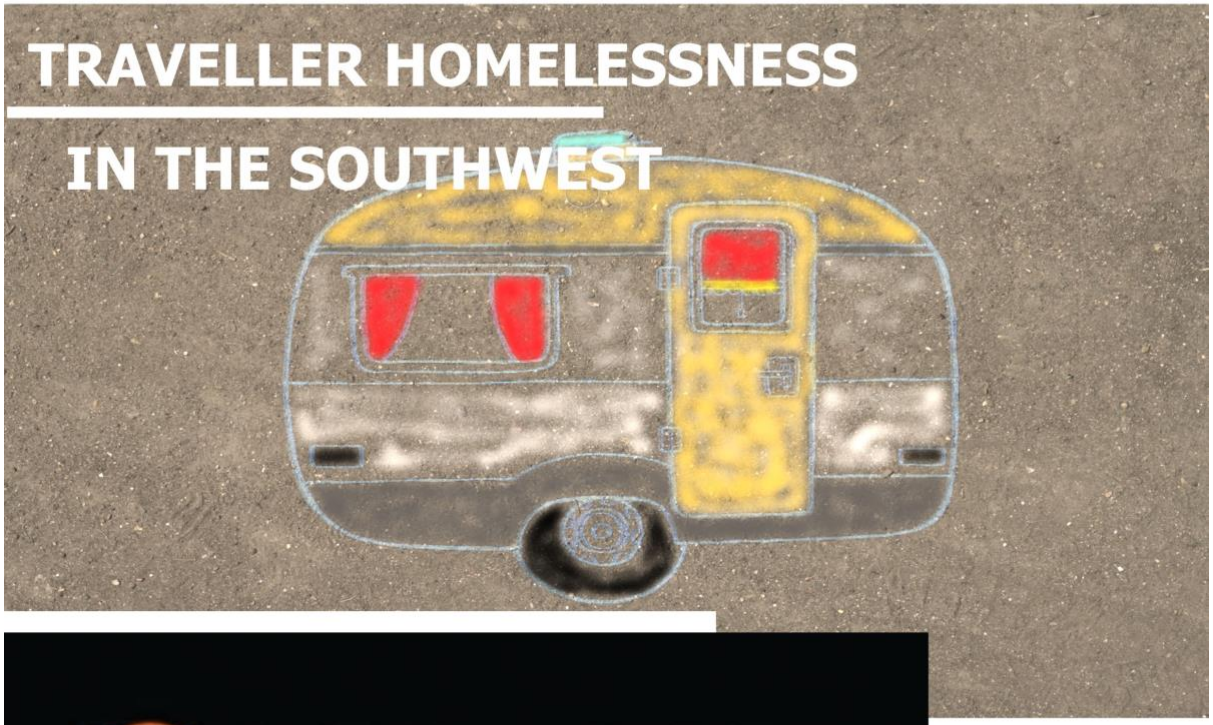
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TRAVELLER HOMELESSNESS IN THE SOUTHWEST



Cork & Kerry RTAWG

Securing Accommodation Rights for Travellers

A report investigating the causes and impact of Traveller Homelessness and Hidden Homelessness in the Region by **The Regional Traveller Accommodation Working Group of Cork & Kerry**

Traveller Homelessness in the South West



A report investigating the causes and impact of Traveller Homelessness and Hidden Homelessness in the Region

by

The Regional Traveller Accommodation Working Group of Cork & Kerry

This report highlights the causes and impact of hidden homeless on the Traveller Community in the South West of Munster (Cork City, Cork County & Kerry) using data collected in Spring/Summer 2018 with the assistance of the UCC School of Applied Social Studies and Dr. Samantha Morgan-Williams of the Traveller Equality and Justice Project.

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Cork Kerry Regional Traveller Accommodation Working Group

Cork and Kerry Regional Traveller Accommodation Working Group (RTAWG), is a collaboration between 6 Traveller-led community development organisations in the South West (Cork Traveller Women's Network, Traveller Visibility Group, Cork, West Cork Travellers, Travellers of North Cork, Kerry Travellers Health and Community Development Project and East Cork Travellers)

The RTAWG was set up in the aftermath of the fatal Carrickmines fire tragedy and in response to the state failure to provide adequate and safe accommodation for the Traveller community nationally, despite massive advocacy work done by Travellers and Traveller organisations.

The working group focuses on building new co-ordinated strategic regional responses to the Traveller accommodation crisis by giving visibility to Traveller experiences around accommodation and homelessness and proposing solutions to influence policy and practice. The working group complements and strengthens the accommodation support and advocacy work carried out by the local Traveller led community development projects by allowing information exchange, shared analysis and building shared responses on a range of strategic levels.

This report is presented by the Cork Kerry Regional Traveller Accommodation Working Group (RTAWG) to highlight the ongoing and proliferating effects of the housing crisis on Travellers experiencing homelessness in the South-West.

In providing an overview of the current structures in place for providing Traveller-specific accommodation, this report explores the causes of the generalised Traveller accommodation crisis and analyses the way this has created worryingly high levels of homelessness amongst the Traveller Community. In addressing the manner in which Travellers become homeless, this report recommends that changes must be made to Ireland's policies intended to address homelessness, in order to adequately respond to and provide for those hidden homeless who are currently not protected by the State.

Introduction

Ireland is in the midst of a severe and prolonged housing crisis which has affected every facet of society. However, the effects of this general housing crisis upon the provision and supply of Traveller accommodation has reached critical levels. Nationwide, increasing numbers of Travellers have been forced into homelessness at an alarming rate. Figures obtained by RTE report that 25% of homeless children living in emergency accommodation outside of Dublin are Travellers, and 13% of homeless adults are from the Traveller community. Nationally, Travellers make up at least 8% of homeless adults staying in emergency accommodation and 12% of homeless children.[1]

Furthermore, this data, based on figures from 27 of Ireland's 31 local authorities, most likely reflects an underestimate as some Travellers will not identify themselves to Council officials for fear of discrimination. Such high percentages of homeless Travellers are particularly shocking when one considers that Travellers are a minority group in Ireland and only make up around 1% of the population.[2]

Despite these bleak statistics, the reality is in fact much worse, as the Government's Homelessness Count statistics obscure the reality of homelessness and accommodation conditions within the Traveller community and fail to recognise that those having to live in overcrowded and highly unsuitable conditions are in fact homeless owing to their status as hidden homeless.

Those hidden homeless Travellers are often forced to live in severely overcrowded conditions due to the lack of available accommodation options – the aforementioned RTE survey noted that 10% of Traveller families share a halting site bay or a house with another household, however, this is considered by Traveller groups to be a gross underestimate as local authority data often makes reference to the number of

[1] RTE Investigates Lives on the Fringes https://www.rte.ie/news/investigations-unit/2018/1217/1017612-travellers-in-local-authorities-data/
[2] RTE Investigates Lives on the Fringes https://www.rte.ie/news/investigations-unit/2018/1217/1017612-travellers-in-local-authorities-data/

Travellers sharing houses and halting bay sites. In reality, sharing is a euphemism for Travellers living in chronic overcrowding. [3]

Pavee Point in particular notes the impact of such data and the overcrowding on many sites:

> *"The term basic service bays refers to sites that are often flooded, rat infested and lack sufficient facilities. The term unauthorised site refers to Travellers who are forced to live at the roadside due to lack of access to private rented accommodation, social housing and/or Traveller specific accommodation. These Travellers are in effect homeless but they are excluded from Government statistics on homelessness. This is wholly unacceptable. Travellers who are homeless need to be categorized accordingly and their housing and accommodation needs must be met in a timely manner".*[4]

Travellers living in this manner can be referred to as hidden homeless owing to their exclusion from Government data despite their inability to find permanent, safe and suitable housing. This report aims to highlight the causes and impact of hidden homeless on the Traveller Community in the South West of Munster (Cork City, Cork County & Kerry).

[3] Pavee Point, Traveller Accommodation Crisis https://www.paveepoint.ie/traveller-accommodation-crisis/
[4] Pavee Point, Traveller Accommodation Crisis, https://www.paveepoint.ie/traveller-accommodation-crisis/

A. Key Findings

- Key issues which both cause and perpetuate Traveller homelessness include: inadequate standards and provision of accommodation; the implementation gap between the Housing (Traveller Accommodation)1998 Act and Local Authority actions and evictions. Personal circumstances are an additional, contributory factor.
- The current policy framework and definition of homeless in Ireland is very limited in scope and application and needs reform in line with the European ETHOS Lite definition
- The failure of local authorities to provide suitable Traveller-specific accommodation options has resulted in a situation where Travellers are forced to live in overcrowded and unsafe conditions or be forced into homelessness.
- Local authorities have evicted Travellers into homelessness with no regard for their duty to provide alternative arrangements.
- Hidden homelessness is a growing problem for many Travellers. Hidden homeless Travellers are those without homes of their own, having to live in unsuitable and overcrowded conditions and/or those who are currently outside of the scope of the policy definition of homelessness and therefore cannot access supports.
- Many Travellers find it impossible to access private rented accommodation – those who do have to hide their identity and risk eviction when the landlord discovers that they are Travellers
- The current legislative definitions for overcrowded and homelessness are unfit for usage in the current context, contravene universal human rights standards and need to be amended and brought up to date in order to provide protection for accommodation rights holders and local authority tenants.

B. Recommendations

In seeking to highlight the homelessness crisis and the effect of this amongst the Traveller Community, the RTAWG has the following recommendations which we believe would both improve the situation for Travellers experiencing homelessness but would have wider policy implications nationally as well.

i. Definition of Homelessness

The current definition of homelessness provided by the State is not suitable and excludes a large number of those, including Travellers, who are homeless in effect from homelessness supports and structures. The RTAWG recommends that this policy definition be updated in line with the ETHOS definition of homelessness to fully reflect the sustained and proliferating homelessness crisis which Ireland is experiencing. Broadening the scope of the definition to the ETHOS definition will result in a much clearer scope for homelessness policy which will be more adequately placed to support those experiencing houselessness or living in overcrowded or inadequate conditions.

ii. Definition of Overcrowding

The current definition of overcrowding under s.23 of the Housing Act 1966 is unfit for purpose and out of line with accommodation rights and adequate standards of housing as recognised by international human rights standards. The proposed Overcrowding Bill 2018 with its definitions qualified through focus on sufficient room, space and facility provides a much improved clearer definition of overcrowding, and if enacted would strengthen penalties for property owners who build and manage overcrowded accommodation – the RTAWG therefore recommends that the 1966 Act be reformed in line with the proposed bill.

iii. Hidden Homelessness and lack of visibility

The RTAWG recognises the importance of a more inclusive definition of homelessness would have on those experiencing houselessness or severe overcrowding, who are in effect homeless but at present are not recognised as such by the current restrictive definition of homelessness. The Traveller accommodation survey, undertaken by RTAWG members in 2018 across the Cork and Kerry region,

clearly indicated that a majority of Traveller families surveyed, experienced homelessness, but many of these families are not included in official data. The above data reflects that the number of Travellers currently residing in overcrowded, unsafe, unsuitable conditions – or doubling up with family is at an all-time high and greatly outweighs those housed in emergency accommodation.

iv. Specific Traveller supports

The RTAWG stresses that there needs to be a culturally appropriate response for Traveller homelessness, along with a dedicated budget. While the needs of Travellers to culturally appropriate accommodation are recognised both nationally and internationally, this has not been realised within homelessness policy or provision of emergency accommodation. Despite State recognition of the damaging and unsustainable effects upon individuals and families, Travellers, officially considered to be homeless, must access generic supports. As the case studies above show, this is highly damaging and unsuitable for Travellers who are recognised as having specific cultural needs in reference to accommodation provision.

The RTAWG therefore recommends that each local authority must, as a matter of urgency and in recognition of their human rights duties and the unique cultural needs of Travellers, adopt appropriate policies and practices regarding Traveller homelessness. Such actions could include family-specific hubs complete with family supports, serviced halting sites for temporary and emergency accommodation for young couples (in Kerry in particular) which could be used as emergency accommodation, and increased usage of emergency powers available to Local Authority County Managers to provide emergency accommodation to the high number of families living on roadsides in the South West Region. It could also include a toleration policy of caravans/mobiles in relative's yards, allied with the provision of appropriate supports and inter-agency co-operation (irrespective of whether the yards are in public or private ownership).

v. Eviction into Homelessness

It is still the case that a considerable number of Travellers experiencing homelessness are homeless as a result of local authority actions/inactions. Local authorities may

remove Travellers from overcrowded sites, stating fire safety and other health and safety concerns. Traveller families are at heightened risk of such evictions in situations of doubling-up and overcrowding.

The RTAWG recognises the importance of correct fire-safety management and minimising risk to health and safety on local authority sites and accommodation generally. Local authorities have also evicted Travellers from unofficial sites/encampments into homelessness. The local authorities must recognise however, that due to the shortage of Traveller-specific accommodation options, many Travellers have nowhere else to go, and that by evicting them, the local authority is making such individuals homeless. Following the Carrickmines tragedy and the subsequent fire and safety audits of Traveller accommodation, the Department told local authorities that the audits should not lead to forced evictions[5], but in reality it did. The RTAWG recognises the need for improved Traveller accommodation stock and availability, yet urges the local authorities to act in line with their human rights duties by not evicting individuals into homelessness without finding an adequate alternative option.

vi. The RTAWG recognises the need for a right to housing to be inserted into the Constitution

Recognition of the socio-economic right to housing within the Constitution (to include forms of Traveller accommodation outside a narrow definition of the term `housing`) would create a strong legislative and policy framework which would go beyond the statutory right to housing currently afforded to Travellers under the Housing (Traveller Accommodation) Act 1998. Recognition of the right to housing would encourage and necessitate safeguards for communities such as Travellers who are vulnerable to discrimination in provision of accommodation both with the private and social housing sectors.

vii. Repeal of Section 24 the Housing (Miscellaneous Provisions) Act 2002 which criminalises nomadism

Section 24 of the Housing (Miscellaneous Provisions) Act 2002 criminalises nomadism. Nomadism played a vital role both historically and culturally for Travellers

[5] https://www.irishtimes.com/news/social-affairs/nearly-one-fifth-of-travellers-lack-proper-accommodation-1.2653741

in the past. Section 24 makes stopping on both public and private lands a criminal offence. When the Act was implemented it had a notable and immediate effect on those Travellers who had a nomadic way of life, with a surge of evictions, prosecutions and seizing of property.

The RTAWG recommends the repeal of the Section 24 of the 2002 Act in recognition of the disproportionate effect which the act has on Travellers, and in order to promote the need for transient sites, as necessitated under the Housing (Traveller Accommodation) Act 1998. At present there are no active transient sites in the South West Regions of Cork and Kerry, although the RTAWG believes there is a demand for these – the recent 2019-2024 Traveller Accommodation Programmes stress that there is currently either no demand from the Traveller Community for such transient sites, or the provision is the responsibility of festival organisers (as noted in the Kerry Traveller Accommodation Programme) or are silent on the provision of same. Data gathered by the RTAWG directly refutes this, as does data gathered by Cork City Council itself[6].

The RTAWG supports the development of a transient site system, akin to the negotiated stopping arrangements facilitated in Leeds, UK.[7]

[6] Cork City Council: Traveller Accommodation Programme 2019 – 2024 (p25); https://www.corkcity.ie/en/media-folder/housing/adopted-tap-2019-2024.pdf

[7] 'Pioneered over a decade ago in Leeds, a practical agreement can be drawn up by councils, Gypsies and Travellers and residents for people to stop on suitable unused land for a specific length of time to live side by side. Without the threat of eviction, people can access services, get an education and feel safe'. 'Negotiated Stopping Campaign About,' https://www.negotiatedstopping.co.uk/#:~:text=Pioneered%20over%20a%20decade%20ago,an%20education%20and%20feel%20safe.

C. Defining Homelessness

Key legislation relating to homelessness in Ireland includes the Health Act, 1953 and Childcare Act, 1991, the Housing Act 1988 and most recently the Housing (Miscellaneous Provisions) Act 2009.

Section 2 of the Housing Act, 1988 provides the Irish definition of homelessness, and states that a person should be considered to be homeless if:

> a) there is no accommodation available which, in the opinion of the authority, they can reasonably occupy or remain in occupation of or b) they are living in a hospital, county home, night shelter or other such institution and are so living because they have no accommodation of the kind referred to in paragraph (a) and cannot provide accommodation from their own resources. [8]

Ireland is recognised within Europe as being one of a minority of member states with a definition of homelessness included in both legislation and policy designed to address homelessness. However, the Irish definition is widely recognised by those working within housing rights and specifically within Traveller accommodation rights as failing to include the full scope of ways by which many currently find themselves homeless. This is because the above definition clearly does not account for those in overcrowded, unsafe, or precarious accommodation.

The Simon Community defines homeless as:

> *"sleeping rough, staying in emergency hostels or shelters, staying in temporary bed and breakfast accommodation or staying with friends and relatives when there is nowhere else to go. Homelessness is all of these things. For people*

[8] "While the 1988 Act 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. Specifically, authorities may house homeless people from their own housing stock or through arrangement with a voluntary body. The Act also enables the local authority to provide a homeless person with money to source accommodation in the private sector. In addition to the provisions relating to direct responses to people presenting as homeless, Section 10 of the Act enables local authorities to provide funding to voluntary bodies for the provision of emergency accommodation and long term housing for people who are homeless".
https://www.homelessdublin.ie/info/policy

experiencing homelessness it is about a lack of security, a lack of belonging and often about being cold, sick and isolated."[9]

Focus Ireland breaks this down further in core types of homelessness as follows:

> ***Visible homelessness**: Rough sleeping is the most visible form of homelessness but most people who are homeless stay in State-funded emergency accommodation (hotels, B&Bs, emergency residential facilities, or hostels). Only people staying in these forms emergency accommodation are included in the monthly figures. The Dublin Region Homeless Executive conducts counts of rough sleepers in Dublin twice a year…*
>
> ***At risk of Homelessness**: This includes people who may have housing now but are at risk of losing it due to economic difficulties, leaving State care or losing their tenancy.*[10]

Focus Ireland further defines hidden homelessness as those who are sleeping in insecure accommodation with relatives or friends.[11] Hidden homeless includes all of those without a home or accommodation of their own and in the case of Travellers includes those doubling up, sharing accommodation, staying with friends or family and sleeping in cars. As those experiencing this type of homelessness are not included in the Government or specific Local Authority counts, they are hidden statistically and are therefore called hidden homeless.

The best practice definition of homelessness is considered to be the **European Typology on Homelessness and Housing Exclusion** (ETHOS). ETHOS recognises that many definitions of homelessness both in policy and legislation fail to recognise the full extent through which an individual may find themselves homeless. Drafted by the European Observatory on Homelessness operating with FEANTSA (the European Federation of National Organisations Working with the Homeless) ETHOS was developed as a means of improving understanding and measurement of

[9] https://www.simon.ie/Homelessness/Homelessness.aspx
[10] Focus https://www.focusireland.ie/get-involved/schools/student-resources/what-is-homelessness/
[11] Focus https://www.focusireland.ie/get-involved/schools/student-resources/what-is-homelessness/

homelessness in Europe, and to provide a common "language" for transnational exchanges on homelessness. This typology was launched in 2005 and is used for many different purposes - as a framework for debate, for data collection purposes, for policy purposes, monitoring purposes, and in the media.[12]

As homelessness is perceived and tackled differently according to the varying member states and legal orders across Europe - ETHOS was developed through a review of existing definitions of homelessness and the realities of homelessness which service providers are faced with on a daily basis in order to create a full definition which covers all living situations which amount to forms of homelessness across Europe.[13]

ETHOS classifies living situations that constitute homelessness or housing exclusion in a way which is often lacking from commonly used definitions of homelessness, such as the Irish state's definition – with the effect that those who are experiencing homelessness outside of these State definitions are excluded from many of the supports available to those visible homeless. The ETHOS definition attempts to rectify and eradicate these gaps in common definitions of homeless,

ETHOS identifies 4 main categories of living situation – which goes much further than the Irish definition and largely covers all living situations which amount to forms of homelessness across Europe:

- Rooflessness (without a shelter of any kind, sleeping rough)
- Houselessness (with a place to sleep but temporary in institutions or shelter)
- Living in insecure housing (threatened with severe exclusion due to insecure tenancies, eviction, domestic violence)
- Living in inadequate housing (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).[14]

[12] https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion
[13] https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion
[14] The ETHOS approach to defining homelessness covers most of the ways which Travellers can become homeless – the four groups are explained in more detail here: https://www.feantsa.org/download/ethos2484215748748239888.pdf

Image source: FEANTSA, ETHOS Light

OPERATIONAL CATEGORY		LIVING SITUATION		DEFINITION
1	People living rough	1	Public spaces / external spaces	Living in the streets or public spaces without a shelter that can be defined as living quarters
2	People in emergency accommodation	2	Overnight shelters	People with no place of usual residence who move frequently between various types of accommodation
3	People living in accommodation for the homeless	3	Homeless hostels	Where the period of stay is time-limited and no long-term housing is provided
		4	Temporary accommodation	
		5	Transitional supported accommodation	
		6	Women's shelters or refuge accommodation	
4	People living in institutions	7	Health care institutions	Stay longer than needed due to lack of housing
		8	Penal institutions	No housing available prior to release
5	People living in non-conventional dwellings due to lack of housing	9	Mobile homes	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence
		10	Non-conventional buildings	
		11	Temporary structures	
6	Homeless people living temporarily in conventional housing with family and friends (due to lack of housing)	12	Conventional housing, but not the person's usual place of residence	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence

In recognition of the gaps in many European states policies intended to address homelessness, the European Social Policy Network (ESPN) recently completed its report on homelessness and housing exclusion in Europe.[15] This is a comparative study which compares current homelessness policy across the region with the purpose of highlighting existing policies which contribute to alleviating homelessness and highlighting those that are ineffective or contribute to furtherance of the regional homelessness crisis.

In particular, the report focused on hidden homelessness and how this isn't included in homelessness statistics as a direct result of large discrepancies in the current definitions of homelessness within the majority of member states. They emphasise that these definitions need to be changed to reflect the fact that people living temporarily with family and friends due to lack of housing constitute a large number of

[15] ESPN Homelessness Report https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9456&furtherNews=yes and synthesis report https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8243&furtherPubs=yes

those experiencing homelessness yet are rarely recognised as such in State policies.[16]

The ESPN report notes these forms of hidden homelessness are not visible to the public as people may have temporary housing but lack the stability of having a permanent address and they are not the same as staying with family or friends out of choice.[17] They further explain that homelessness is an extreme manifestation of poverty and social exclusion; it reduces a person's dignity as well as their productive potential and is a waste of human capital – this recognition of the effects of homelessness on mental health and a person's dignity is crucial to a human rights based response to homelessness. They also emphasise that defining homelessness in a manner which includes hidden homelessness is important:

> *"Because the wider definition of homeless, the wider the range of services and supports that tend to be provided…where homelessness is just defined as people living rough only a relatively small range of services is required…if the problem is seen as encompassing hidden homelessness there are more women, more families and a much wider range of homeless people more generally."*[18]

As a result, they recommended that the ETHOS definition should be adopted by all states and applied consistently as ETHOS recognises that many definitions of homelessness both in policy and legislation fail to recognise the full extent through which an individual may find themselves homeless. By including those currently considered hidden homeless in Ireland – the ETHOS definition of homelessness would

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[16] ESPN Homelessness Report https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9456&furtherNews=yes and synthesis report https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8243&furtherPubs=yes

[17] European Social Policy Network, Thematic Report on National strategies to fight homelessness and housing exclusion: Ireland (2019) https://ec.europa.eu/social/BlobServlet?docId=21604&langId=sl#:~:text=Homelessness%20as%20a%20problem%20is,parliament%20over%20the%20last%20years.&text=The%20general%20strategy%20in%20place,rehousing%20programme%2C%20and%20supportive%20services

[18] European Social Policy Network, Thematic Report on National strategies to fight homelessness and housing exclusion: Ireland (2019) https://ec.europa.eu/social/BlobServlet?docId=21604&langId=sl#:~:text=Homelessness%20as%20a%20problem%20is,parliament%20over%20the%20last%20years.&text=The%20general%20strategy%20in%20place,rehousing%20programme%2C%20and%20supportive%20services

create an expanded scope for homelessness policy in Ireland and would create policy which would allow for more members of the Traveller Community to avail of vital supports.

In their national policy paper on Ireland, ESPN were highly critical of the failure of the State to create adequate policy to prevent, rather than just respond to, homelessness:

> *"Homelessness as a problem is generally well recognised in Ireland and has been one of the foremost social concerns of the parliament over the last years. Ireland has both an operational definition of homelessness (although it is narrow and contested) and also a national strategy on homelessness. Housing vulnerability is much less recognised, which among other things means that prevention is not prominent in the Irish approach….Homelessness has long been a problem in Ireland but the numbers keep growing. At the last count – in March 2019 – there were over 10,000 people counted as homeless including 3,821 children. The growing presence of the latter indicates a change in the composition of homelessness in Ireland with family homelessness a growing problem. If we take those placed on the housing waiting lists as an indicator of housing exclusion, then over 71,000 households were judged as being in such need in June 2018 (in addition to the 10,000 counted as homeless)."*[19]

The ESPN report further stressed that the core issues lie with the definition of homelessness in Ireland, the lack of available housing and resources and problematic data recording:

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[19] European Social Policy Network, Thematic Report on National strategies to fight homelessness and housing exclusion: Ireland (2019) https://ec.europa.eu/social/BlobServlet?docId=21604&langId=sl#:~:text=Homelessness%20as%20a%20problem%20is,parliament%20over%20the%20last%20years.&text=The%20general%20strategy%20in%20place,rehousing%20programme%2C%20and%20supportive%20services.

> *"At present there is statistical obfuscation if not corruption. It is recommended that Ireland adopt the ETHOS Light classification and use it to create the foundation for a bespoke data system. Prevention is another key weakness. To rectify this means enhancing homeless and general housing support services and much stronger rent control measures as well as regulation of the private-rented housing sector with a particular focus on tenant protection and rights. The low stock and insufficient supply of social housing (currently at 8% of total stock) is another issue of concern and arguably the fundamental issue. A suggested improvement in the supply of local authority homes would be to allow local authorities and approved housing bodies to combine their property portfolios for the purpose of leveraging finance to increase their capacity to build and manage social housing."*[20]

The growing number of hidden homeless amongst the Traveller Community has created much cause for concern for the RTAWG. In the South West region there are increasing numbers of young people and young families having to rely on couch surfing, staying with family in already overcrowded conditions and doubling up on overloaded halting sites and in relatives` yards, as well as roadside camps, due to the inability of the Local Authorities to supply sufficient levels of Traveller accommodation regionally. The development of de-facto unauthorised sites in the backyards of Traveller families` homes is a common occurrence in Cork and Kerry. Whilst these de-facto unauthorised sites provide family support, they lack proper and safe facilities. In addition, these families are very insecure as they require the ongoing consent of other family members and are at risk of eviction by authorities or landlords due to potential breach of planning or other regulations.

[20] European Social Policy Network, Thematic Report on National strategies to fight homelessness and housing exclusion: Ireland (2019) https://ec.europa.eu/social/BlobServlet?docId=21604&langId=sl#:~:text=Homelessness%20as%20a%20problem%20is,parliament%20over%20the%20last%20years.&text=The%20general%20strategy%20in%20place,rehousing%20programme%2C%20and%20supportive%20services.

RTAWG therefore recommends that the States definition of Homelessness be expanded and implemented to align with the ETHOS definition, as recommended by the ESPN report of September 2019.

D. How Do Travellers Become Homeless?

As an ethnic minority group with specific accommodation needs, Travellers in need of accommodation, for example due to unemployment or health issues, are reliant upon Local Authorities to fulfil housing and accommodation need under the Housing (Traveller Accommodation) Act 1998 which places the statutory duty for provision of Traveller-specific housing with local councils. However, decades of insufficient and weak policies aiming to provide Traveller accommodation have been further weakened by a lack of political will and financial support to provide Traveller-specific accommodation options.

Local elected members of local authorities have very substantial control over the final approval of proposals for Traveller-specific accommodation, e.g. through the decision-making functions on Part VIII applications and land disposal. This control over delivery has been criticised for many years by many groups as being overly-politicised (in response to pervasive local opposition to the development of new Traveller-specific accommodation). It has also been a significant contributor to the delay and, ultimately, the failure to deliver Traveller-specific accommodation.[21]

The failures of such policies are clear when one looks at data on overcrowding on existing sites and the proliferating number of Travellers currently on the housing lists nationally. This lack of available Traveller-specific housing is further compounded by the inability of many Travellers to access the private rental market. In areas where Housing Assistance Payment schemes are in place, the value of allocated HAP payments is often far below the average rental value of the majority, if not all property.

[21] During the consultation process for this report, many of those consulted note that decisions on planning proposals for Traveller-specific accommodation must be removed from the Part VIII process. This would mean that local Elected Members would no longer have a decision-making role in the case of Traveller-specific accommodation within the Part VIII process, thus removing the process from public influence.

In Cork City for example, there were no 2-bed properties available within the limits of HAP in December 2021 – in fact the only one available property is located far beyond the City Council catchment area[22]

This is further stymied by the inability of many Travellers to even access the private rental sector as many landlords will avoid renting to Travellers where possible, despite this being in contravention of the Equal Status Acts 2000-2018, with an RTE survey revealing that 82% of landlords will not rent to Travellers.[23] It is not surprising then that Travellers are one of the most likely ethnic groups in Ireland to become homeless despite accounting for less than 1% of the population.

The recently published Report of the Expert Group on Traveller Accommodation, recognised this, noting that:

> *"Travellers are more likely to be homeless than the general population. There were 517 Travellers counted as homeless in Census 2016; this equates to 7.5% of the total number of homeless persons counted in the Census, and 2.5% of the recorded Traveller population*."[24]

The same census data reflects that homeless Travellers are slightly more likely to be female as women accounted for 56% of homeless Travellers. This is reflected in the most recent homeless data available – for example on October 31st 2018 there were a total of 504 homeless Travellers in emergency accommodation in Dublin City and County including adults and children.[25] This included 100 families with children, which is approximately 9% of the total number of families and 9% of the total number of children in emergency accommodation at this time.

The picture of Traveller homelessness in other parts of the country is less clear, but some research exists which indicates this is a significant problem in other regions. The Expert Review Group on Traveller Accommodation highlighted data received from the

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[22] Figures correct as of Daft.ie on 10th of January 2022
[23] https://www.rte.ie/news/investigations-unit/2018/1217/1017612-travellers-in-local-authorities-data/
[24] Expert review of Traveller Accommodation (2019) https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p15
[25] https://www.homelessdublin.ie/info/figures

Offaly Traveller Movement which found that 19.1% of people who presented themselves as homeless to the local authority in 2015 were Travellers.[26]

Submissions to the Expert Group from several Traveller representative organisations also argued that these data may underestimate the scale of homelessness among Travellers, because

> *"Travellers may experience difficulties in accessing emergency accommodation if they move between local authority operational areas – these data gaps are also compounded by the numbers of Travellers who are currently not considered homeless by the State, and who do not identify as Traveller. These submissions serve therefore to highlight that data on households in homelessness accommodation fail to capture the extent of hidden homelessness which is widespread among Travellers."*[27]

The annual Report Card of the Children's Rights Alliance has given the government the worst possible mark in terms of children`s homelessness in 2019 and 2020. The 2020 CRA Report Card notes

> *"This grade reflects sustained inequalities in the accommodation circumstances for Traveller and Roma children. Little has been done to address that fact that Traveller families are disproportionately affected by the housing crisis. While Traveller families make up less than one per cent of the population, they make up nine per cent of the homeless population and face the highest levels of discrimination when accessing housing"*[28]

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[26] Expert review of Traveller Accommodation, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf

[27] Expert review of Traveller Accommodation, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p15

[28] Children's Rights Alliance: Report Card 2020; https://www.childrensrights.ie/content/report-card-2020

Currently, there are no specific homelessness supports for Travellers. Instead, Travellers experiencing homelessness must engage with standard homelessness supports. Traveller ethnicity statistics relating to homelessness are also not readily made available, creating invisibility within the system. Additionally, any available figures do not reflect the hidden homelessness amongst Travellers as highlighted as a recommendation in the Expert Review document in section 3a (page vii).

Generic homelessness supports in the State are threefold and take the basis of income supplementation with rent, a housing and rehousing programme, and various supports. According to a 2019 report, over 80,000 people receive income support with rent, with much of this rental allowance (now the Housing Assistance Payment/HAP) for private sector tenancies.[29]

The Rebuilding Ireland strategy from 2016[30] outlines the state's main approach to homelessness and housing policies. Rebuilding Ireland, focuses on housing provision to address homelessness and demand for housing, in order to increase the public housing stock. However, a recently emerging reliance on acquisition from the private sector has meant that there has been a downturn in newly built local authority social housing. This overreliance on private rented housing creates further access issues for those already discriminated against.

The main form of homelessness supports in Ireland is in the form of supported service provision for emergency housing, provided by voluntary bodies – yet such bodies have become acutely underfunded.[31] This means that supported and flexible services are not available in the volume needed to properly address the housing crisis.

Travellers experiencing homelessness must seek supports through their local authority and various other agencies, if they are available in their area, such as Simon, Threshold, Focus, Vincent de Paul and local supports such as food charities and homeless support charities such as Edel House in Cork. Procedures vary between

[29] 'Social Housing in Ireland' (2019) https://www.cso.ie/en/releasesandpublications/ep/p-hhwl/socialhousinginireland2019-analysisofhousingassistancepaymenthapscheme/
[30] Action Plan for Housing and Homelessness, Rebuilding Ireland (2016) https://www.ipav.ie/sites/default/files/rebuilding_ireland_action_plan_for_housing_homelessness.pdf
[31] M. Daly, European Social Policy Network (ESPN) 'Social Europe National strategies to fight homelessness and housing exclusion Ireland' (2019) https://ec.europa.eu/social/BlobServlet?docId=21604&langId=sl

Councils e.g. In Cork City, emergency homeless supports cannot be accessed until a housing application has been submitted and approved, and housing applications are not being processed, until all the information for the application is complete. This includes provision of birth certificates and PPS numbers for all household members and requires the countersigning of the application by another three agencies, leading to unnecessary delays and creating additional barriers for Travellers experiencing homelessness in accessing appropriate and timely support.

Furthermore, requirements to access other support services, such as community welfare can be problematic for Travellers experiencing homelessness, with a proof of address often needed. In other instances, families can be separated when part of the emergency accommodation provision provided for by the State with men and women with children often being placed in separate locations.

This has a hugely detrimental effect on Traveller families, for whom the family unit is crucial. In some instances Traveller organisations in the South-West consider that the offer of emergency accommodation, which separates women and children from their male partners, is made as a strategy to discourage them from presenting and qualifying as homeless. Furthermore, the damaging and long-lasting effects of emergency accommodation in the form of B&Bs and hotels has consistently been proven to be acute for those in the Traveller Community:

> *Case study: "My partner and I and the 3 small children have been living in hotels for the past 18 months. At first we were grateful for the room and the bed, but it's almost like a prison – I can't have my mother or sister here – the hotel makes us eat breakfast separate to the guests and when there's weddings or events we've been asked to stay in our room. The children are going mad, kept in a hotel room all day. I miss cooking for my family and being able to play without worrying about annoying people. We've been on the housing list for years, I hope something comes up soon – my partner is losing his mind."*

E. Causes of Traveller Homelessness

There are a further number of factors which the disproportionate rate of homelessness amongst the Traveller Community can be attributed to, such factors include the current gaps and lack of suitable Traveller-specific accommodation as well as general policy and legislative framework failings.

As an ethnic minority group with specific accommodation needs, the social position of Travellers in Irish society reflects a stark reality which reflects the hardship and widespread systemic discrimination which Travellers have had to endure at the hands of State policy. Travellers are one of the most discriminated groups in Irish society with an 80% unemployment rate and a suicide rate that is six times the national average.

A Behaviour & Attitudes study from 2017 found that 46% of all Travellers nationally, who participated in the survey, found that their accommodation had got a lot worse in the last five years, but that this figure was at its highest in the Munster region at 55%.[32]

Attempts to assimilate Travellers into the settled way of life, alongside an acute failure to both respect and realise Traveller-specific accommodation rights has meant that Travellers have been stuck in an accommodation crisis for decades, despite clear solutions and a special fund allocated to provide Traveller-specific accommodation which has been routinely underspent.

The Behaviour & Attitude study found an attitude of avoidance towards Roma and Travellers at 35% of the general public - double the percentage of the next 'least favoured minority group' (Muslims), while Roma & Travellers are least likely to be accepted as neighbours.[33] The issue therefore is compounded by systemic discrimination and political denial of the culturally appropriate needs of Travellers.

i. Eviction into homelessness

As outlined above, many Travellers are unable to access the private rented sector. Travellers are recognised as the ethnic group most likely to experience discrimination

[32] Behaviour & Attitudes - Traveller Community National Survey (2017); https://www.communityfoundation.ie/images/uploads/pdfs/National-Traveller-Survey-2017.pdf
[33] Behaviour & Attitudes - Traveller Community National Survey (2017); https://www.communityfoundation.ie/images/uploads/pdfs/National-Traveller-Survey-2017.pdf

in accessing private rental accommodation. Many landlords will avoid renting to Travellers where possible, despite this being in contravention of the Equal Status Acts 2000-2018, with an RTB survey revealing that 82% of landlords will not rent to Travellers.[34] It is not surprising then that Travellers are one of the most likely ethnic groups in Ireland to become homeless. The RTAWG is aware that it is commonplace and considered necessary for Travellers to hide their identity, in order to rent from private landlords, for fear of discrimination. – In other instances, Travellers have been evicted often with no notice, once the landlord has discovered that the tenants are Travellers. With nowhere to go these Travellers often find themselves homeless and attempting to access emergency accommodation.

> *Case study: "We managed to get a small apartment, we didn't tell him we were Travellers as we didn't want any trouble and we had the money and everything. One day I met him when I was leaving with the baby. He was angry and stopped me and asked if we had lied and were we Travellers? I didn't answer, I was too scared. When we came home he had changed the locks and won't answer our calls. Everything we own is in there – I don't know what to do."*

In other instances, the Local Authority may decide that there is too much overcrowding in a particular residence or family unit. This is often the case where young adult or teenage Travellers have moved into their parents or families yard. In such situations, the Local Authorities have been known to evict Travellers without providing adequate options or ensuring that such Travellers have somewhere to go. As a result, many Travellers who find themselves in this situation find themselves sleeping in cars or with other family. Sometimes people in this situation may end up in emergency accommodation.

Such evictions are yet another example of how Local Authority policies can directly cause homelessness: "We have a situation where for the first time in the history of

[34] RTE Investigates Lives on the Fringes https://www.rte.ie/news/investigations-unit/2018/1217/1017612-travellers-in-local-authorities-data/

this State we have local authorities who are targeting those Travellers through the Trespass legislation and rendering them homeless".[35]

Many young Travellers, who historically would have travelled after marriage, are forced to reside with their family in already overcrowded conditions, many pulling a trailer (if available) into a yard or the driveway of the house. Those who do so however, are frequently targeted by the Council who in Cork City have to date taken numerous families and individuals to Court for living in family members driveways. Recently a couple were threatened with the trailer being impounded if it was not disposed of and barred from staying with family on the particular Council property in question. The Court accepted that doing-so resulted in unsafe and overcrowded conditions and granted the Council the order. The result of this however, was that the young couple had to reside in their car as they were unable to find housing elsewhere. The Council knowing that the couple had no alternative accommodation offered them HAP for a one-bedroom premises, of which there were none available within the range available to them through the HAP scheme.[36] Despite ongoing and severe health issues the couple resided in their car for months. The effect of this being that the Council had essentially evicted this couple into homelessness.

> *Case study My story is I am a mother of six children, four of whom are school going and living with us. We had been in private rented accommodation when the landlord gave us notice to leave. It was impossible to find other rented accommodation because there is so little available and I believe when they knew we were Travellers, that made it so much harder even though we had very good references. It is the different tone of voice or the silence that you just know they have reacted negatively.*

[35] Catherine Joyce of the Blanchardstown Traveller Development Group told RTÉ Investigates RTE Investigates Lives on the Fringes https://www.rte.ie/news/investigations-unit/2018/1217/1017612-travellers-in-local-authorities-data/

[36] Approving a family for HAP cannot be considered as an offer of accommodation as the family have to still find themselves a HAP property despite the well-known barriers to Travellers in accessing private rented accommodation.

We ended up in holiday accommodation for weeks, living out of suitcases as the agreement with the rental company was only on a week by week basis. The children suffered and every morning before going to school they would ask me 'where would we be sleeping tonight" and I will never forget the stress of it all. Not knowing what was going to happen or where we would go was absolute hell.

The local council kept insisting that we would need to move to another town as there was no accommodation locally. They were saying we had to have a 4 bedroomed house, even when we were happy to stay local and in a three bedroomed house. I kept refusing to move to another town on the basis that I didn't drive, my younger children were getting extra support and doing really well in school and that my teenage boy had great support, lots of friends, was happy to attend school and my partner was working locally too.

The council does not take all these important aspects of life into account. My mental health was suffering and I was exhausted trying every day to find accommodation for my family, knowing that there was a new social housing estates being built locally and that we weren't even being considered for them.

I really believe it was the fact that I got great support from my local Traveller organisation and two local TD's who wrote letters to the housing authority in support of me and my family that we were granted one of the new houses.

The difference having our own home now is amazing, I can't describe how happy and secure we feel now. I just wish that the council would understand the discrimination we face and make it easier to apply to be on the housing list first of all and then be more helpful when looking for accommodation.

It always feels like we are doing something wrong

ii. The Housing (Traveller) Accommodation Act and its Deficiencies

The legislative framework which provides for Traveller accommodation is the Housing (Traveller Accommodation) Act 1998. Unfortunately, there is a growing implementation gap between the lived-experience of Travellers and the responsibilities of Local Authorities to provide 'culturally-appropriate' accommodation, as provided for under the Act (1998 Act).

The 1998 Act places the onus upon Local Authorities to provide Traveller accommodation, however, owing to the current structure of the planning system and in particular, Part VIII, this is often stymied by local councillors as a result of public pressure and backlash against new Traveller accommodation being built. The findings of the Traveller Accommodation Expert Review Group recognised this noting that it is largely a lack of political will which has created the current implementation gap. This lack of political will has resulted in significant underspend on Traveller accommodation budgets. The Expert Group review also concluded however that this lack of political will is compounded by the weaknesses in the Act which allow for these influences to prevent provision of Traveller accommodation.

> *"The arrangements established by the 1998 Act have significant strengths and have enabled the delivery of significant amounts of accommodation for Travellers, but they have failed to meet the full scale of accommodation need among this community"*[37].

The Group highlighted that these failures have further compounded the increasing issue of Traveller homelessness by forcing many into homeless or hidden homelessness through overcrowding:

> *"This is evidenced by the extremely high rate of Traveller homelessness, the increase in numbers of Traveller households sharing accommodation and living in overcrowded conditions, and the uneven record of delivery of Traveller-specific accommodation among local authorities and also approved housing bodies.*

[37] Expert review of Traveller Accommodation (2019) https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p3

> *Therefore, it is time to overhaul the Housing (Traveller Accommodation) Act, 1998 and other relevant legislation and policies which impact on accommodation provision for Travellers."*[38]

Former Minister of State at the Department of Housing, Damien English, said his department was "particularly concerned" about councils' underspend of money earmarked for Traveller-specific accommodation, i.e. halting sites and group housing[39]. In the period 2008 to 2017, local authorities across Ireland were allocated €157 million for Traveller accommodation but failed to spend €52m:

> *"Last year, almost half of the €9m allocated for the refurbishment and build of Traveller-specific accommodation was left unspent. Facilities at many Traveller accommodation schemes are in a poor state of repair and could do with new investment."*[40]

Since 2017, a further € 25 million was allocated for the provision of Traveller accommodation in 2018 and 2019, of which less than € 15 million was drawn down and spent by local authorities[41]. From 2020 onwards the Department no longer makes allocations available to individual local authorities, while considered a positive step, this does prevent any analysis of an underspend at a local level.

iii. Ineffective Housing Policies

It is further widely agreed by Traveller rights groups, and most recently by the aforementioned Expert Group on Traveller Accommodation[42] that a key cause of Traveller homelessness is attributable to a general failure amongst research and policy to include specific measures designed to combat Traveller homelessness and the nuances of how and why Travellers become homeless. In particular, standard

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[38] Expert review of Traveller Accommodation, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p3

[39] Joint Committee on Housing, Planning and Local Government, Thursday, 8 Mar 2018

[40] Joint Committee on Housing, Planning and Local Government, Thursday, 8 Mar 2018

[41] Houses of the Oireachtas, Parliamentary Question (1222, Deputy Catherine Murphy, May 2020); https://www.oireachtas.ie/en/debates/question/2020-05-13/1222/#pq_1222

[42] https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf

social housing allocations were amended in 2011[43] when significant changes in determining social housing allocations were introduced. As a result of this amendment, local authorities will take account of applicant's time on the waiting list in allocating social rented dwellings.

While the Expert Review Group stresses that the measure is not currently used in every local authority it is currently used in Cork City, and its usage is sure to develop particularly in urban local authorities where social housing is in short supply. In a recent assessment of current social housing, 'the Future of Council Housing' Norris and Hayden recognised that local authorities generally welcomed this new approach,[44] as it was perceived by interviewees as being fairer on the grounds that it is fairer and brings a broader spectrum of households into the sector. The benefits of this were highlighted as follows:

> *"What's happening with the social housing waiting list is that it's based on length of time on the list as opposed to before, where people were able to manipulate the points systems that were in place across the country. So you would have got the same demographic going into a lot of the council estates when they were built in the eighties and the nineties, whereas now it's based on length of time on the list and what we're seeing now coming into any social housing scheme is a broad spectrum of the community, you've got family units, non-family units, you've got mixed family set-ups coming in and it's not manipulated, the list isn't manipulated anymore, it's a length of time for people."*[45]

The Expert Group recognised that while this approach has significant benefits from the perspective of efficiency and equity in the allocation of social housing, that this measure could potentially impact negatively on Travellers' access to social housing. This means that local authorities may be prevented from taking action to prevent

[43] SI No. 84/2011
[44] M. Norris, A. Hayden, 'The Future of Council Housing, An analysis of the financial sustainability of local authority provided social housing' (2018) https://researchrepository.ucd.ie/handle/10197/10401
[45] M. Norris, A. Hayden, 'The Future of Council Housing, An analysis of the financial sustainability of local authority provided social housing' (2018) https://researchrepository.ucd.ie/handle/10197/10401 at 77

homelessness in some cases and that disadvantaged groups such as Travellers, will not benefit from targeted approaches to priorities housing allocation. Traveller families and individuals who are at risk of homelessness because those living in overcrowded or inadequate accommodation no longer receive priority.[46]

iv. The Choice Based Letting System.

A further example of policies which indiscriminately affect Travellers in securing accommodation lie with the Choice Based Letting system (CBL)CBL is a method that can be used for the allocation of social housing, whereby available social housing is let by being openly advertised, allowing qualified applicants to bid for or register an interest in available homes. Rather than waiting for a local authority to make an offer of support as is the case under the traditional direct letting model, CBL involves applicants having to respond to adverts and "bid" for dwellings that they would like to live in.[47] The dwelling is then allocated to whichever of these applicants is highest placed on the councils scheme of letting priorities for allocating dwellings. Local authorities may use a choice-based lettings to speed up the allocation of social rented dwellings.

The CBL system has been in operation in Cork City since November 2015, in Cork County since November 2016 (North Cork) and March 2017 (West & South Cork), while it is currently being introduced in County Kerry. Standard social housing either directly provided by the local authority, or through Approved Housing Bodies are advertised on a weekly basis on a dedicated webpage, and approved housing applicants can submit electronic `bids` on all available properties (though the applicant will only be considered for a property with the appropriate number of bedrooms). Other specialised housing stock (Traveller-specific accommodation, dedicated housing for older or disabled people, etc.)

Proponents of the CBL system claim it has a greater degree of transparency compared to the old manual system of housing allocations. It is true to say that CBL has greater

[46] Expert review of Traveller Accommodation, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p22

[47] Rebuilding Ireland, https://rebuildingireland.ie/news/choice-based-lettings/

transparency at the point of showing the available social housing stock on a weekly basis, and it provides some greater control to an applicant to `bid` on available housing (rather than a housing official deciding on the suitability of a property to offer to meet the needs of an applicant family). However, the improved transparency ceases at this point, and the system becomes considerably less transparent thereafter.

All CBL bids submitted are being assessed electronically via an algorithm. "At the end of the CBL bidding period, an Excel file of all completed expressions of interest is downloaded from the system, ordered based on credit time." according to a presentation by Cork City Council to the local Traveller organisations in Cork in June 2021 by Cork City Council. The same presentation stated that one property received 1225 expressions of interest.

Cork City Council has adopted an Allocation Policy for social housing allocations. This is a reserved function of the elected members of the local authority. The existing policy is in place since April 2017. It was adopted after the introduction of CBL and it references the CBL system. It is a nuanced document, outlining a variety of considerations city officials have to take account of, including the current accommodation of the applicants, years on the housing list, any criminal records or unspecified `estate management` reasons. It also has a list of priorities in allocations, with homeless applicants being afforded the highest priority, followed by Traveller applicants as the second highest priority.

There is no ambiguity on this issue, with city officials responding to a media query concerning a family sleeping in a car :

> *"Our allocation scheme provides the means for determining the order of priority to be given in the provision of housing supports. Those who are homeless are accorded the highest priority, with members of the Travelling community coming as the next highest priority group."*[48]

The RTAWG however believes that official, adopted housing allocation policy should give Traveller applicants the second highest priority for consideration of an allocation, and a homeless Traveller family should be close to the very top of the list. However,

[48] 'Family fighting to find a home,' Cork Independent, 16 September 2021
https://www.corkindependent.com/2021/09/16/family-fighting-to-find-a-home/

the electronic system in operation gives top weighting to the years on the housing list (while the years on the list feature in the allocation policy, but without any priority being accorded to it). As a result the CBL system seriously undermines the proper allocation of social housing according to City council`s own allocation policy.

> *Case study: A Traveller family with 22 certified years on the housing list in Cork city, was found to have been discriminated against, following an Equal Status complaint to the Workplace Relations Commission. Following the complaint, the family has been housed, and Cork City Council was subsequently ordered to pay compensation and to undertake an equality review of its CBL system.*

The CBL cannot be considered in isolation from other elements of the housing allocation process however. Issues pervade every level of the social housing system including the management of housing files, and deferrals from the housing list. This form unwieldy barriers to those vulnerable, homeless families seeking social housing supports. These barriers and the impact which these have upon children and their families was recognised in a May 2021 report, 'No End in Site', by the OCO . Though unnamed in the report, it has been widely reported that the investigation concerned Cork City Council and one of its Traveller sites. The OCO findings are stark, with the report noting:

> *"The significance of accurate record keeping is essential in circumstances where the Local Authority's allocations scheme lists medical needs, overcrowding, and length of time waiting to be rehoused as a key criteria for priority in the allocation of housing.'*

The Local Authority's system for record keeping, as observed by the OCO, lacked transparency and accountability with the result that families on the housing waiting list may have been denied access and/or priority" (Finding 3, 6.12) leading to the OCO recommendation:

> "The Local Authority should immediately review the housing applications and complaints made by the 11 families. If there were any administrative errors that may have adversely them and their children, then redress should be provided including an acknowledgement of same."

RTAWG members have long experiences of Traveller housing applications being unilaterally closed by Cork City Council (without even notifying the applicant family concerned), files not being updated in terms of new-born children, or medical information handed into the Housing Office to be added to an applicant`s file being lost. In the projects` experience this is not confined to the one site investigated by OCO, but is a common occurrence for Traveller housing applicants across the city.

As CBL `bids` are primarily being considered on the basis of the years on the housing list, repeated closures of housing files and the associated loss of years on the list severely disadvantages Traveller applicants from being allocated housing via CBL, leading to extended periods of Traveller homelessness. While there is meant to be `Credit Review of Years on the Housing List', such a review consists of a desk exercise internal to City Council, mostly undertaken by the same people who closed the housing application in the first place, and with no formal opportunity for the applicants to present their case – the outcome is almost inevitably upholding the original decision of the loss of years on the housing list.

If an applicant Traveller family is possibly being considered for an allocation, the next hurdle is a `pre-allocation interview`, involving intrusive questioning and garda checks. While the standardised housing application asks about specific convictions under specific legislation in the last 5 years (part 11 of the form), the pre-allocation interview seeks information well beyond this. Cork City Council`s internal `Housing Applicant Interview Procedure` states "Has the applicant ever been arrested, charged, convicted, or in any way come to the attention of the Gardai?" Applicants have to sign the interview form, including a confirmation that they have been advised of the "provision of the 1997 act and its possible implications regarding deferral/cancellation of my/our housing application for non-disclosure of information or in the interest of good estate management'.

Clearly this practice goes beyond relevant convictions in a 5-year period, to disclosure of any contact with gardai during an applicant`s lifetime, without any consideration of any existing legislation on spent convictions. As a result the local Traveller

organisations are aware of fairly regular refusals of allocations and/or deferrals from the housing list of Traveller families, sometimes leading to `rolling deferrals`.

The difficulties with CBL and associated allocation policy are as follows:

- CBL requires access to the internet
- CBL requires a fair degree of IT skills and internet proficiency, well beyond the use of social media
- The CBL system can be user-unfriendly, requiring frequent password changes every couple of month (and preventing a user from re-using a previous password)
- There is no way to access standard social housing outside of the CBL system
- Housing officials encourage newly approved housing applicants to start `bidding` on CBL straight away, but when they do without any success and contact City Council about this, they are told they could not reasonably expect to be successful with less than seven years on the housing list. Housing officials do not see a contradiction in these conflicting messages, and applicants may have given up on the CBL system by the time they have the required years on the list.
- Housing allocation policy and the operation of CBL should be assessed for its compliance with local authorities` statutory `positive duty` under the Public Sector Equality and Human Rights Duty, but City Council has consistently ignored any query from Traveller organisations on this matter
- The key determinant for allocation prioritisation on the CBL system is years on the housing list, even though Cork City`s own allocation Policy sets different priorities
- Many Traveller housing applicants have their housing application unilaterally closed by Cork City (unbeknownst to themselves), leading to loss of years on the housing list, which seriously disadvantages them in their engagement on the CBL system
- There is no transparent system for ‘Credit Review of Years on the Housing List,’ and the review is sometimes undertaken by the same person, who implemented the decision in the first place

- Traveller housing applicants are to have second highest priority in housing allocations in Cork City, but City Council has no system of ethnic identification, and therefore cannot systematically apply this prioritisation to Traveller households
- There is both formal and informal contact between City Council and the Gardaí about Traveller housing applicants. This information exchange frequently goes beyond a 5-year period of conviction. In the experience of local Traveller organisations this includes possible charges, alleged anti-social behaviour of an 11-year old, or convictions of an ex-partner who is not part of the housing application.
- Any of the above are likely reasons for a non-allocation plus possible deferral from the housing list – a severe obstacle on engaging with CBL as maximum years on the list are crucial determinants of the CBL system.
- Travellers are over represented in the Criminal Justice system, due to an anti-Traveller bias in the system. This bias has direct negative consequences for Travellers in housing allocations via CBL. Being denied equitable access to social housing increases the real risk of Traveller homelessness
- Deferrals seem to be part of a housing allocation management system, where demand always significantly outstrips the supply of social housing, and deferrals afford an opportunity to temporarily reduce the demand pressures. Traveller families, sometimes affected by `rolling deferrals` are disproportionately affected by this.

The Expert Review Group note that Choice-based lettings has been very positively evaluated from the perspective of the efficiency and speed of social housing allocation, and a recent National Oversight and Audit Commission (2017) report on Local Authority Housing Management [49] recommends that it should be adopted more widely. However, Breda O'Donoughue of the Cork Traveller Visibility Group and Anne Burke of the Southern Traveller Health Network have stressed the barriers which CBL

[49] Report 12: NOAC Local Authority Housing Management and Maintenance Review
https://noac.ie/noac_publications/noac-local-authority-housing-management-and-maintenance-review/

presents to Travellers' access to social housing.[50] Suggesting that choice-based lettings, a service which requires internet access, a computer and based computer literacy skills is not suitable for families who are not computer literate and in many cases do not have access to basic utilities such as electricity, never mind computers access.[51]

The CBL system is particularly problematic as it presents access barriers for those residing in caravans without internet access or access to personal computers – this inability to keep abreast of the properties on the CBL system has been recognised by many Travellers as being anti-Traveller given these significant resource and accessibility issues. Even for those, who manage to overcome access issues with CBL, there is still no guarantee of an equality of outcome. According to Cork Traveller Visibility Group, there are examples of a Traveller family with 22 certified years on the housing list in Cork city, still being unsuccessful on CBL, when official data states that 7 – 10 years should suffice to be housed. The RTAWG welcomes a recent decision of the Workplace Relations Commission which found Cork City Council's CBL system to be discriminatory and has ordered an equality review of the CBL system.[52]

It is clear from policies such as the current homelessness approach and housing allocation tools, that such practices are not suitable to overcome the significant barriers faced by Travellers, often doing more harm than good, further pushing Travellers into homelessness. There are clearly a number of additional issues with the delivery of Traveller accommodation and failure to recognise the specific strains placed by the housing crisis on Traveller-specific accommodation provisions. In particular, issues remain with the method in which social housing is allocated to those on the housing lists and issues with how Travellers interact with systems such as Choice Based Letting (CBL)[53] , in Cork City and County.

[50] A Burke, B O'Donoghue, 2016 National Traveller Accommodation Conference, UCC.
[51] Cork Traveller Women's Network, Traveller Visibility Group Ltd, West Cork Travellers Centre, Travellers of North Cork, Kerry Travellers Health and Community Development Project, Southern Traveller Health Network (undated). How the Government Can Solve the Crisis In Traveller Accommodation, Cork: CTWN
[52] *James McCarthy v Cork City Council* -ADJ-00018849 (2020).
[53] An IT system, where housing applicants bid on available, vacant social housing options on a weekly basis.

v. Overcrowding

An official definition of overcrowding is defined by Section 63 of the Housing Act, 1966. The 1966 Act notes that a dwelling shall be deemed to be overcrowded at any time when the number of persons ordinarily sleeping in the dwelling and the number of rooms either:

> *(a) are such that any two of those persons, being persons of ten years of age or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room, or*
>
> *(b) are such that the free air space in any room used as a sleeping apartment, for any person is less than four hundred cubic feet (the height of the room, if it exceeds eight feet, being taken to be eight feet, for the purposes of calculating free air space), and overcrowding shall be construed accordingly.*

It is clear from the above, that this definition is massively out of date, notwithstanding this, it is also clear that according to the 1966 Act that the majority of Traveller accommodation is overcrowded, yet to date the majority of legal claims under the Act have been unsuccessful. In one particular high profile case in Killarney, the judge held that a family of 5 living in a one bedroom chalet did not constitute overcrowding as their 3 children were all under the age of ten. [54]

At present, landlords are free to exploit the housing crisis in creating accommodation which imposes unsafe and deeply substandard accommodation on those desperate to find somewhere to live. While fire safety legislation can be used to address issues such as overcrowding, it does not cover all possible forms where overcrowding may occur and does not encompass the quality of life standards or provide a clear and robust framework for complaints against breaches of this within Irish law.[55] Speaking

[54] Family in one-bedroom house not overcrowding, Irish Times, 15th July 2008, https://www.irishtimes.com/news/family-in-one-bedroom-house-not-overcrowding-1.825892

[55] Where someone believes that a property is being made available to let in breach of the standards, for example through overcrowding, the matter should be referred to the relevant housing authority. Any person who neglects or refuses to comply with requirements under the Act is guilty of an offence. Fines for non-compliance with the Housing (Standards for Rented Houses) Regulations 2017, which came into force on 1 July 2017, have been increased, with the maximum fine having gone up from €3,000 to €5,000 and the daily fine for a continuing offence increased from €250 to €400

about issues with the current framework, former Threshold Chair, Dr Aideen Hayden notes:

> "*Often dangerous housing is occupied by the most disadvantaged and vulnerable in our society and this must be addressed. One of the greatest fire safety risks in private rented accommodation is overcrowding, which is not covered under current minimum standards laws. At the moment we are reliant on the provisions of the fire and safety regulations and planning law. This lack of clarity means some landlords are taking advantage of the housing shortage. Not only are renters being exploited financially but their lives are being put at risk. Threshold is urgently calling for emergency legislation to be put in place introducing a legal definition of overcrowding to prevent unnecessary deaths as a result of poor living standards."*[56]

In light of this outdated statutory definition, Fianna Fail progressed an Overcrowded Housing Bill[57] in the last Daíl. The 2018 Bill would have updated the current legislative definition of overcrowding, to one which is more suitable to the modern context and would have also served to introduce penalties for those who exploit the rental crisis. It would have modernised and strengthened the law to make it fit for purpose. The Bill would have addressed :

> *"…. a grave deficiency in current law, which is completely out of date and out of touch with the reality of life in Ireland today. The law needs to be modernised and strengthened to make it fit for purpose, particularly given the fact that overcrowding is a growing problem in the rental market as we know it. The aims of this Bill are to provide clarity to ensure that landlords cannot exploit the current rental crisis and impose unsafe and substandard living conditions; and to counteract what is, in many cases, unsafe and substandard living*

[56] Foreward by Dr. Aideen Byrne, Security and Agency in the Irish Private Rental Sector, Threshold, June 2020 https://www.threshold.ie/assets/files/pdf/security_and_agency_in_irish_private_rented_sector_july2020.pdf
[57] https://www.oireachtas.ie/en/bills/bill/2018/11/

accommodation. This Bill sets the basic minimum space requirements for tenants."

If the bill had been enacted the new proposed definition would classify a dwelling as overcrowded where the number of persons sleeping in the dwelling is such as to contravene— a room standard, a space standard or a facility standard. In defining the room standard, the bill proposes that this would be contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that more than two persons must sleep in the same room and further qualifies this with reference to children under the age of five, providing an much expanded age-qualifier than the 1966 Act. The space standard would be contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

The facilities standards prescribe the minimum space required in a dwelling to ensure the following requirements are met in relation to living arrangements

(a) all members of the household can comfortably spend time together in the same room that is not a bedroom,

(b) there is adequate space to prepare and cook food, and

(c) there is adequate space to store essential items.

If successfully passed, it is clear that the new definitions of overcrowded provided for by the Overcrowded Housing Bill 2018 would provide enhanced statutory protection for Travellers forced to reside in overcrowded and unsuitable accommodation.

While the new Programme for Government - Our Shared Future commits itself to "Ensure that the housing needs of the Traveller Community are met by local authorities and ensure that existing funding is fully drawn down and utilised", as well as stating that "Reducing and preventing homelessness is a major priority for the Government"[58],

[58]'Our Shared Future,' https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/

it does not name any specific action to address Traveller accommodation or Traveller homelessness, nor the Overcrowding Bill.

At present however, the impact of the lack of Traveller specific accommodation options have resulted in huge numbers of overcrowding within Traveller accommodation. In halting sites in particular, families feel that they have no choice but to double-up and stay on the same bays as their parents or families. Doubling up, refers to family members sharing housing by moving additional caravans into halting bays or driveways or families doubling up in caravans or houses. The numbers of those doubling up has worsened as overcrowding has reached critical levels. This has been further compounded by the inability of Travellers able to afford accommodation in the rental market and the long delays for those on social housing lists. This is common at all sites in Cork and Kerry and at a crisis level at sites such as Spring Lane.

vi. Criminalisation of Nomadism

In the past, young Travellers and newlyweds would travel for work, family commitments etc. but the impact of the Housing (Miscellaneous Provisions) Act 2002 (Trespass Act) has created a barrier to the traditional nomadic way of life. Section 24 of the Housing (Miscellaneous Provisions) Act 2002 criminalises nomadism.

Nomadism played a vital role both historically and culturally for Travellers in the past. Section 24 makes stopping on both public and private lands to be a criminal offence. When the Act was implemented it had a notable and immediate effect on those Travellers who had a nomadic way of life, with a surge of evictions, prosecutions and seizing of property.

As a result, many end up staying in family bays and where possible, bringing another trailer or caravan into the bay. A direct consequence of this is that many halting sites are severely overcrowded and in breach of fire and safety regulations as set out by the Department of Housing and the Environment, however, when there is nowhere else to go, many feel that they have no other option.

The increased levels of overcrowding and the resulting practice of doubling up can be directly attributed to policy failings, where insufficient accommodation options are provided to meet the needs of the growing Traveller population:

Many Traveller families are trapped couch surfing, in severely overcrowded houses, or living in caravans in parents yards and driveways or other unauthorised areas without facilities.

Statistics from the 2019 Annual Traveller Count indicate that the number of Traveller families sharing housing and doubling up has doubled since 2011, as 933 Traveller families are now in shared housing, up from 451 families in 2011.[59] The local authorities often do not consider those doubling up or living with family members in their homeless count, despite their lack of housing.

Case study: *"My partner and I had to move into my parents bay with the young baby and three kids. We're on the housing list for 9 years but have no idea how far up the list we are. We were living at the side of the road but we kept getting moved on. We lived in the car for a while and were in hotels. We decided to move back here as the hotels weren't right for children. All of us in the one room on top of each other. There are now three families living in the one bay. You can imagine how busy it gets on school mornings. The children can't have friends over and they're embarrassed. We just want our own space."*

In their submission to the European Social Rights Committee as part of No. 100/2013 *European Roma Rights Centre (ERRC) v. Ireland* the European Roma Rights Centre notes that the 2002 Act fails to explicitly restrict the carrying out of evictions to exceptional circumstances and is phrased in vague and uncertain terms,[60] meaning that it is disproportionate in that it purports to criminalise those who have no alternative due to the failure of the State to provide Traveller specific accommodation, but to enter onto lands not owned by them.

Evictions from the roadside are also an ongoing issue for Travellers who cannot find a place in a halting site to pull up to. Currently, Section 24 of the Housing (Miscellaneous

[59] Department of Housing Planning & Local Government : 2018 Estimate All Categories of Traveller Accommodation; https://www.housing.gov.ie/housing/special-housing-needs/traveller-accommodation/2018-estimate-all-categories-traveller

[60] No. 100/2013 *European Roma Rights Centre (ERRC) v. Ireland* https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-100-2013-european-roma-rights-centre-errc-v-ireland?inheritRedirect=false

Provisions) Act makes it a legal offense to be on private or public lands meaning that Travellers who pull up on the roadside and camp even temporarily are trespassing. This hugely undermines an important facet of Traveller heritage and culture which is their traditionally nomadic lifestyle.

The ITM notes the importance of Traveller Nomadism and it's vital role, in who and what Travellers are, and the social & economic part this plays in relation to Traveller Culture. The effects of the 2002 act were swift and widespread, despite assurances from the then Minister many Traveller families were evicted from public lands and their homes confiscated, rendering them homeless and facing prosecution.[61]

vii. Substandard Accommodation & Accommodation Shortages

Under the Housing (Traveller Accommodation) Act 1998, Traveller accommodation provided for by local authorities must be of the same standards as standard social housing. Despite this provision, the standards of accommodation for those living in halting sites and in caravans in the South West have in many cases become increasingly substandard and dilapidated. Numerous families live in mobile homes which have holes in the roof and in the floors and have rodent infestations and damp problems. Unfortunately, these families are unable to provide new mobile homes for themselves and are reliant on the Local Authorities.

In their finding against Ireland in 2016, the European Social Rights Committee recognised the lived-experience of many Travellers living in such conditions and noted that not an insignificant number of sites for Travellers are in an inadequate condition.[62]

According to "Why Travellers Leave Traveller-specific Accommodation"[63] almost one third of Traveller specific accommodation is more than 25 years old, 23% of accommodation was identified by local authorities as needing refurbishment 20% of

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[61] ITM Submission to Dublin County Council Draft TAP 2019-2024 available in Appendix 4 at: https://councilmeetings.dublincity.ie/documents/s23946/150%20Draft%20Dublin%20City%20Council%20Traveller%20Accommodation%20Programme%202019-2024.pdf

[62] No. 100/2013 *European Roma Rights Centre (ERRC) v. Ireland,* *https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-100-2013-european-roma-rights-centre-errc-v-ireland?inheritRedirect=false*

[63] 'https://www.housingagency.ie/sites/default/files/23.%20Experiences-of-Travellers-in-the-Private-Rented-Sector_1.pdf http://www.housingagency.ie/sites/default/files/publications/43.%20Why-Travellers-Leave-Traveller-Specific-Accommodation_FINAL.pdf

this requiring complete redevelopment. 22% halting sites were identified as needing some work, 25% halting sites needing extensive work and 25% complete redevelopment. Further it found that one of the reasons that Travellers leave Traveller specific accommodation was due to issues related to site location design and management and the general inadequate state of facilities.

Furthermore, the 'All Ireland Traveller Health Study' 2010 found that "the majority of Traveller families have basic household amenities such as flush toilets, running water and postal and rubbish services. Nevertheless, in a 21st century developed economy, there remain Traveller families without such amenities, in disproportionately greater proportions than the general population."[64] The study noted that major problems included lack of water, insufficient hot water and drainage, poor or no refuse collection, and problems with flooding and sewage. Damp and water ingress were reported to be a constant problem.

Such issues are common on sites across Cork City, County and Kerry including on sites such as Nash's Boreen and Spring Lane (Cork City) which are in a constant state of disrepair with many without adequate sanitation facilities. In Cork County, a number of sites including Ballydineen and Mitchelstown are highly dilapidated in places with unsafe walkways, exposed wires and mobile homes. These sites experienced further damage in the storms of 2017 & 2018 and repairs were very slow.

viii. Potential Conflicts of Interest within the system

Local authorities are charged with addressing homelessness through the provision of both permanent and temporary accommodation, while also being charged, with the assessment whether housing applicants or existing tenants are homeless. This creates a clear potential conflict of interest. An authority charged with the duty to address and reduce homelessness, clearly may have an amount of self interest in minimising the degree of homelessness in its functional area, to keep the overall number of homeless people, and of people in need of accommodation down. In the South West, there is anecdotal evidence of homeless Travellers being sent from the

[64] https://www.gov.ie/en/publication/b9c48a-all-ireland-traveller-health-study/

homeless office to the housing office and back again several times. It is difficult to interpret this practice as achieving anything other than to frustrate applicants to present themselves as homeless.

In view of this, the assessment of homelessness situations should ideally be removed from local authorities, and be transferred to a state body, independent of local authorities. At a minimum homeless families and individuals should have access to an immediate external appeals mechanism, should an application of homeless-status be denied.

ix. Other factors contributing to Traveller Homelessness

In addition to the structural, housing system-related issues above, there are other individual factors, contributing to Traveller homelessness. These include addictions, relationship breakdown, domestic violence, people being released from prison, stigma associated with coming out as LGBT and mental health issues. While these factors are not unique to the Traveller Community, their existence presents a need for intersectional approaches which take into account risk of homelessness and prevention of this. Such actions could be included within broader public health services for addiction or mental health, as addiction and mental health issues can result in loss of housing for a number of factors. The prevalence of these cross-cutting issues highlights the acute need for structured and culturally-appropriate supports for Travellers to create proactive interventions to help prevent homelessness.

F. South-West Regional Data (2019) on Homelessness & Hidden Homelessness

Although up to date figures are not yet available the 2019 count notes 42 families in unauthorised sites, and 129 families sharing housing in Kerry, Cork City and Cork County[65]. County Kerry had a combined figure of 132 families on unauthorised sites or sharing housing in 2017, with the combined figure for 2019 adding up to 171. Kerry County Council unilaterally changed its methodology for the annual count in 2018, which explains this sudden drop, rather than any drastic, positive impact on Traveller homelessness and overcrowding from 2017 to 2018. Furthermore the Cork City figure for unauthorised sites, 12, does not include Traveller families on the Spring Lane Halting Site. The 10-bay site is occupied by 35-40 families, most of whom live in ramshackle self-made bays on the periphery of the official site. The figure for unauthorised bays on Spring Lane alone exceeds the total of families living on unauthorised sites for all of Cork City.

While this presents a worrying increase in numbers of Travellers experiencing homelessness it is widely agreed that this number does not reflect the many Travellers who are not included in this data, such as those doubling-up, sleeping in cars, rough sleeping or accessing temporary accommodation through local groups.

Submissions to the Expert Group from several Traveller representative organisations argued that this data underestimates the sheer scale of homelessness among Travellers.[66] Such inaccuracies are further compounded by the unique logistical issues which many Travellers face, as many Travellers may experience difficulties in accessing emergency accommodation if they move between local authority operational areas. The available data on Traveller homelessness clearly fails to capture the full extent of hidden homelessness. As local authority Traveller counts obscure the reality faced by many Travellers, adopting language such as sharing or cohabiting rather than doubling up or overcrowding. As Pavee Point notes:

[65] Department of Housing Planning & Local Government : 2018 Estimate All Categories of Traveller Accommodation; https://www.gov.ie/en/publication/6f4e1-2019-estimate-all-categories-of-traveller-accomodation/
[66] https://itmtrav.ie/wp-content/uploads/2020/07/PDF-ITM-Traveller-Accommodation-Programme-Analysis.pdf

These numbers obscure the reality of homelessness and accommodation conditions within the Traveller community. The term sharing of houses and halting bay sites is a euphemism for Travellers living in chronic overcrowding."[67]

In actuality the number of Travellers facing homelessness and living in hidden homelessness who are afraid to identify themselves to the Council, means that these figures are probably much higher.

Total homeless across the region

In 2018 the RTAWG commissioned data collection in the form of surveys to Travellers within their catchment area of which 397 family units responded to the survey. The following data is therefore not a complete overview of the region – but rather forms a basis through which to analyse the extent of homelessness amongst those surveyed, how many of these have health issues, or disabilities and how many of these are homeless under the ETHOS Lite broadened definition of homelessness, by including those living in overcrowded accommodation, temporary accommodation or in unstable accommodation such as those camped at the roadside.

Broken down regionally, there were 9 homeless family units in Cork City recorded in the survey, one family unit in West Cork, six in North Cork and 16 in Kerry. In total, 32 family units out of the 397 family units in the survey self-identified as homeless, using the narrow, official definition of homelessness. This amounted to a total of 88 individuals and included 40 minors under the age of 18. 18 of these minors were under the age of 5, 16 of those surveyed were aged 5-12 and 6 of these were aged 13-18. 48 adults were identified as homeless, with two of these being over the age of 60.

Of those classified as homeless, 14 had been on the social housing list for between 6-10 years. 14 had been on the list for under 5 years and one had been on the housing list for over 10 years. Furthermore, of those 32 homeless family units who were classified as homeless, 12 had at least one member with a disability, 7 family units

[67] Expert review of Traveller Accommodation, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf p15

with at least one member with a significant health concern and 4 family units need specialised housing due to a disability or heath concern.

Under the ETHOS Lite definition those living at the roadside in unstable accommodation or in overcrowded accommodation; those recognised as hidden homeless, would be included in an expanded definition of homelessness. It is important to therefore recognise that the 44 family units who said they lived at the roadside, and the 207 of those surveyed who said they lived in overcrowded accommodation means that of those surveyed family units, that 339 of 397 surveyed would qualify as homeless under the expanded definition of homeless under ETHOS lite.

Under the Irish State definition of homelessness 88 individuals of 397 respondents qualified as homeless, which is 22.2%. However, as aforementioned, this definition fails to recognise those in overcrowded, or temporary accommodation such as roadside encampments as homeless. Whereas the more inclusive ETHOS Lite definition recognises the deep and sustained effects of living in overcrowded and temporary accommodation, and the recognition that this houselessness should be recognised as the new, broadened definition of homelessness. **Taking the ETHOS definition, the figures of those homeless in the South West rises to 85.6%.**

The above data, although limited, in that it is not a complete survey of the South West Traveller population in full is still extremely worrying when the amounts of those experiencing homeless and hidden homeless are recognised. The RTAWG therefore notes that the current definition of homelessness provided by the State is not suitable and excludes a large number of those, including Travellers, who are homeless in effect from homelessness supports and structures. The RTAWG recommends that this policy definition be updated in line with the ETHOS definition of homelessness (outlined on page 9) to fully reflect the sustained and proliferating homelessness crisis which Ireland is experiencing. Broadening the scope of the definition to the ETHOS definition will result in a much clearer scope for homelessness policy which will be more adequately placed to support those experiencing houselessness or living in overcrowded or inadequate conditions.

Conclusion

In completing this report, the intention of the RTAWG was to fully explore the scope of official homelessness and hidden homelessness as experienced by the Irish Traveller Community in the Cork/Kerry region. While, the RTAWG recognises that nationally there is a homelessness & housing crisis, the additional negative effects of this on Travellers has been ongoing since the 1963 of the Commission on Itinerancy. Despite years of assimilation policies, criminalisation of nomadism, and the consistent and entrenched failure of local authorities to provide Traveller-specific, culturally-appropriate accommodation the RTAWG believes that there are solutions to these issues.

In line with the Expert Group Recommendations, the RTAWG believes that first and foremost, the issue is lack of political will. The gross underspend by local authorities is one of the key factors which underpins the lack of Traveller accommodation in Ireland, yet the cause of this is the lack of political impetus to address the issue of Traveller accommodation and to execute their duties under the 1998 Act in actually providing accommodation options.

We therefore support the findings of the Expert Group that enforceability and sanctions are needed to commence progress in the supply and management of adequate Traveller accommodation options, based on cultural and personal preferences such as:

- Group Housing
- High quality serviced halting sites
- Standard Local Authority housing or other options currently being explored by the Traveller approved housing body, CENA

In particular, the homelessness crisis facing Travellers is compounded by the above systemic discriminatory policies and implementation gap. The result being that many of the Travellers experiencing homelessness are often forced into situations of acute overcrowding for prolonged periods.

Furthermore, a growing number of Travellers can be considered to be hidden homeless, those who are homeless in effect, but not recognised as such by state and policy definitions, or those who chose not to identify for the reasons outlined above.

Postscript

During the finalisation of this report, the Covid 19 crisis hit Ireland, with an extended lockdown of the country, starting in mid-March 2020. Within days the Traveller Accommodation Unit in the Department of Housing Planning & Local Government had issued a circular to all local authorities stating that

> *"some members of the Traveller community, particularly those living on sites with limited facilities, may be particularly vulnerable and extra measures may need to be put in place to protect Travellers living in Traveller specific accommodation in each local authority"*

and requesting

> *"that every effort should be made to find prompt and practical solutions on existing sites".*

As a result the Department offered

> *"additional mobile accommodation / space where there is overcrowding" (among other additional facilities on offer), and a promise that "any such requests will be prioritised within 24 hours".*

The pro-active, urgent approach by the Department, was not met by any such urgency in the three local authorities in the Cork & Kerry region. It has taken weeks and months for local authorities to get around to apply for a just handful of mobile homes to alleviate chronic overcrowding, and support Traveller families attempting to socially distance and/or self-isolate during the lockdown, once again an opportunity to ease some of the worst overcrowding and houselessness on sites was lost by this inaction at local level.

Storm Ellen in August 2020 changed a number of mobile homes on Spring Lane in Cork City from dilapidated to unliveable. A week later no application had even been submitted to the Department for emergency replacement mobile homes.



TVG

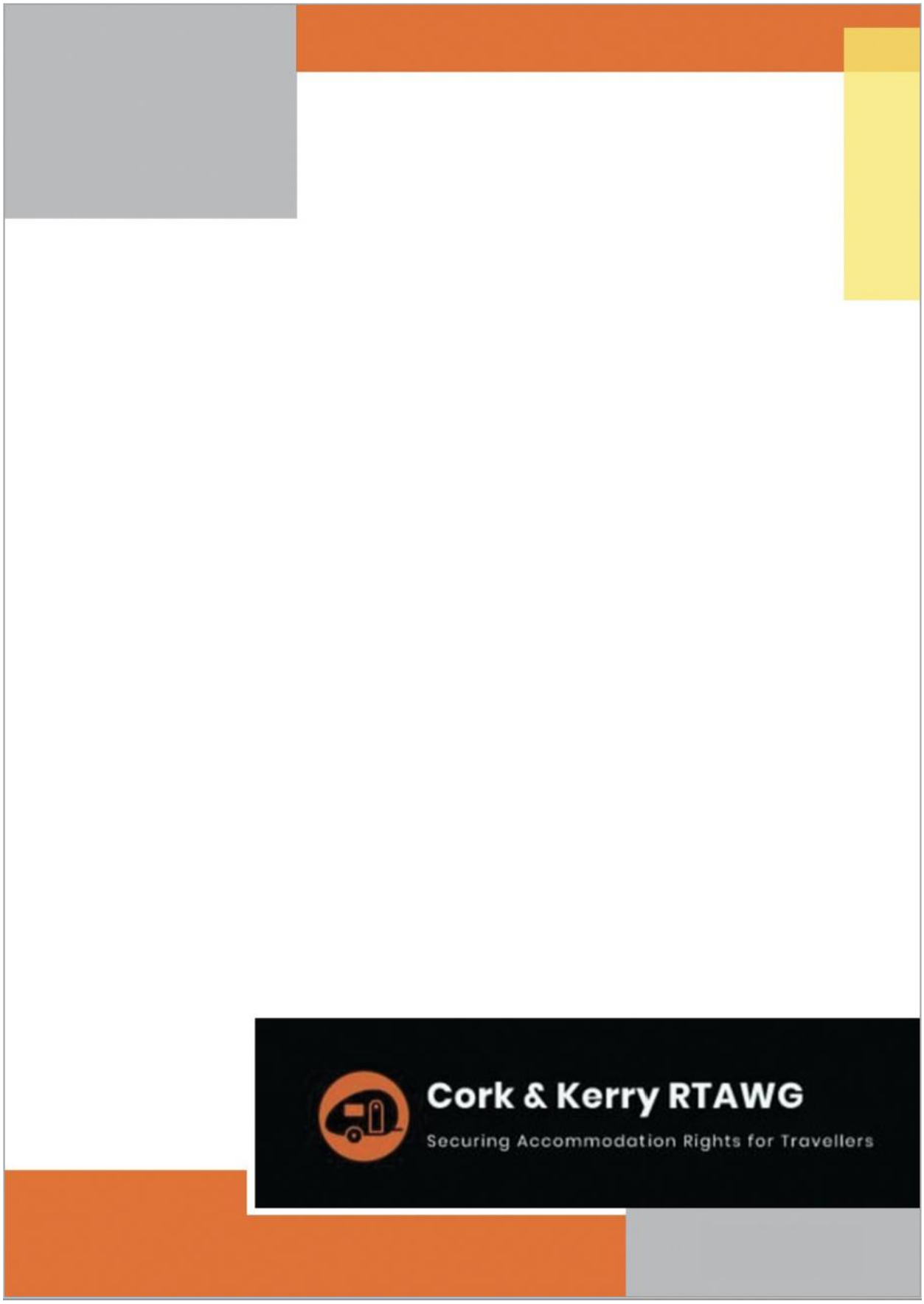
West Cork Travellers

Cork Travellers' Women's Network

KERRY TRAVELLERS
Health & Community Development Project

Travellers of North Cork
TNC Ltd.
T.N.C
TRAVELLERS OF NORTH CORK LTD.
Promoting Traveller Rights and Culture

ssgt | st.stephen's green trust


Cork & Kerry RTAWG
Securing Accommodation Rights for Travellers