Community Law & Mediation

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James Browne TD
Minister for Housing, Local Government and Heritage
Department of Housing, Local Government and Heritage
Custom House Dublin 1
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By post and by email: minister@housing.gov.ie

10th October 2025

Re: Impact of emergency accommodation on children and recommendations for child-centred protections in the Housing Act, 1988.

Dear Minister,

I write on behalf of Community Law & Mediation, an independent community law centre established in 1975. Located in Dublin (Coolock) and Limerick, we provide free legal, mediation and education services in communities impacted by social exclusion and inequality.

On the occasion of *World Homeless Day*, we write to draw urgent attention to the serious and lasting impact that inappropriate emergency accommodation is having on children. There are currently 16,353 people who are accessing emergency accommodation in Ireland, 5,145 of whom are children.

With housing in such short supply, many of the cases we see in our community law centres relate to homelessness and the urgent need for emergency accommodation. However, we are also encountering more and more cases that reveal the lasting harm caused by unsuitable emergency accommodation.

Too often, families are confined to single hotel or hostel rooms with no facilities for cooking, study or play. In some cases, children cannot even be discharged from hospital because the emergency accommodation available to their family is inadequate to meet their basic needs. Families are also routinely offered placements in locations that are wholly inappropriate for children, including in areas where parents have expressed serious concerns about safety due to drugs or anti-social behaviour. Placements can be far removed from extended family, medical services and schools. Once there, families are often left languishing in unsuitable accommodation for years, with no offers of social housing supports.

In one case, we were approached for help by a mother and her five children, plus a grandchild, who had been sleeping in one hotel room for a period of 5 years and 7 months with no offer of social housing

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support, despite having medical priority status on the housing list owing to one of the children's health. The space was not appropriate to meet the developmental needs of the children. Basic needs such as space to play, complete homework and develop independence were lacking.

In another case, we were approached for help by a mother and her seven children who had been sleeping in one hostel room in grossly overcrowded conditions for a period of approximately 15 months. The eldest child had ADHD and suffered with depression and anxiety, which was exacerbated by the living conditions. There were no safe play areas for the children, no privacy for teenage children and no areas where they could study or do their homework.

Recent reports by the Joint Oireachtas Committee on Children and Youth Affairs, the Irish Human Rights and Equality Commission, Mercy Law Resource Centre and the Ombudsman for Children have highlighted the impact on families living in emergency accommodation and family hubs. The latter noted the negative effects on "*parenting, individual and family privacy, children's ability to rest, sleep, learn and study, children's health, well-being and development, opportunities for play and recreation, freedom of movement, and children's ability to maintain relationships with family and friends*."[1]

Recommendations

The ongoing review of the Housing Act 1988 (the 1988 Act) presents a significant opportunity to overhaul a system which is not fit for purpose, and to fully embed the best interests of the child through the introduction of specific child-centred protections.

At the outset, we urge the Department of Housing to engage in a robust, open and meaningful public consultation in its review of the 1988 Act with all relevant stakeholders (including with the Irish Human Rights and Equality Commission), to ensure the experiences of people, families and children who are experiencing homelessness, hidden homelessness or are at risk of homelessness, and of those who advocate on their behalf, inform any proposed amendments.

Child-centered amendments, for example, include:

- introducing a statutory obligation on local authorities to have regard to the best interests of the child when considering households with children;
- introducing a statutory maximum stay in emergency accommodation, particularly hotels/ B&Bs for families with children, after which suitable, longer-term housing must be provided; and
- introducing regulations or a legislative amendment to provide for the type of emergency accommodation in which families can be accommodated.

More broadly, we recommend that:

- any proposals to introduce a residence condition for access to emergency accommodation be abandoned;
- a statutory duty on local authorities to provide emergency accommodation be introduced;
- the definition of homelessness is expanded to capture all forms of homelessness, to include, for example, those sleeping in insecure accommodation, those living under threat of violence and those living in unfit, substandard housing;
- minimum standards for emergency accommodation be introduced; and

[1] Ombudsman for Children, "No Place Like Home": https://www.oco.ie/app/uploads/2019/04/No-PlaceLike-Home.pdf

- a specific statutory obligation to give reasons for a decision in respect of emergency accommodation, along with a standardised, accessible and independent appeals mechanism, is introduced to ensure any new system is grounded in principles of natural justice and fair procedures.

The above list of recommendations is not exhaustive and is provided to illustrate the potential for meaningful and child-centered reform of the 1988 Act. We re-iterate our strong view that a full and transparent consultation process is needed to ensure any such reform ultimately supports the resolution of the homeless crisis.

We would welcome the opportunity to meet with you to present our recommendations for reform in greater detail.

Yours sincerely,

Aoife Kelly-Desmond
CEO, Community Law & Mediation