



Senator Mary Fitzpatrick,
Seanad Eireann,
Leinster House,
Kildare St.,
Dublin 2.

2nd of September 2022

I make the following submission supporting the proposal to hold a referendum on Housing on behalf of the Fianna Fáil Parliamentary Party.

A referendum on Housing should be held to secure support from the citizens of Ireland to amend Bunreacht na hÉireann to include in it a constitutional right for every citizen to secure and adequate housing.

Please note that on June 4th, 2021 the following motion which I proposed on behalf of Fianna Fáil was passed in Seanad Eireann:

MOTION

that Seanad Éireann believes that:

- a secure home is a basic human right.
- Covid-19 highlights the essential protection a secure home provides.
- far too many of our citizens are homeless.
- essential middle-income workers are struggling to secure an affordable home.
- young people should expect to secure an affordable home.
- the State has responsibility to protect citizens right to a home.

acknowledges:

- the Government's historic housing and homeless prevention budget.
- the Government's radical and ambitious Affordable Housing legislation which will see the State, under this Government, lead the provision of social, affordable, and affordable cost rental homes.
- the statutory establishment of the Land Development Agency to work with local authorities and other stakeholders to maximise the use of State lands to sustainably develop social and affordable homes for purchase and rent.
- that historically the State provision of housing was determined by prevailing and changing political will.
- that post-Covid Ireland aspires to a society where everyone has a safe place to call home.
- that Bunreacht na hÉireann explicitly protects private property rights in Articles 43 and 40.3 but does not include a corresponding right to a secure home.

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- a constitutional right to housing would permanently assert the State's responsibility to ensure access for all to adequate, safe, and affordable housing.
- a constitutional right to housing would permanently propel the State to sustainable housing policies designed to ensure access for all to secure housing.
- a constitutional right to housing would not guarantee everyone a free home.
- that the Programme for Government 'Our Shared Future' commits to establishing a Commission on Housing to examine issues such as tenure, standards, and sustainability in the provision of housing.
- that the Programme for Government commits to holding a referendum on housing.

and calls:

- on the Government to exercise every resource to achieve a sustainable post-Covid future where every Irish citizen has a safe and secure home.
- for all Irish citizens to be given the opportunity through a constitutional referendum to mandate future Governments to pursue sustainable housing policies which ensure every citizen has a secure home by amending Bunreacht na hÉireann to include a right to housing.
- for Article 43 of Bunreacht na hÉireann to be amended as follows:
 - 'The State recognises, and shall vindicate, the right of all persons to have access to adequate housing.
 - The State shall, through legislative and other measures, provide for the realisation of this right within its available resources.'
- on the Minister for Housing, Local Government and Heritage to advise on the holding of such referendum to allow the Irish people insert a constitutional protection to secure housing for every citizen in Bunreacht na hÉireann.

END

The motion received almost unanimous support in Seanad Éireann and asserts the shared belief that a secure home is a basic human right that should be championed in our constitution.

We believe that every person should expect to secure an affordable home in our country and that the State has responsibility to protect our citizens' rights to a home.

We acknowledge the current Government's unprecedented housing and homelessness prevention budget and its radical and ambitious affordable housing legislation, which will see the State, under this Government, lead the provision of social, affordable, and affordable cost-rental homes.

We also acknowledge the statutory establishment of the Land Development Agency, LDA, to work with local authorities and other stakeholders to maximise the use of State lands to sustainably develop social and affordable homes both for purchase and rent.

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We acknowledge that, historically, the State provision of housing was determined by the prevailing and changing political will and that, in post-Covid Ireland, we aspire to be a society where everyone has a safe place to call home.

Bunreacht na hÉireann explicitly protects private property rights in Article 43 but it does not have a corresponding right to a secure home.

We believe a constitutional right to housing would permanently assert the State's responsibility to ensure access for all our citizens to adequate, safe, and affordable housing.

A constitutional right to housing would permanently propel the State to implement sustainable housing policies designed to ensure access for all to secure housing.

A constitutional right to housing would not guarantee everyone a free home.

We believe a constitutional referendum on the right to housing would give the citizens of Ireland their opportunity to mandate not just this Government but future Governments to pursue sustainable housing policies, which ensure that every citizen has a secure home by amending Bunreacht na hÉireann to include a right to housing.

We specifically propose to amend Bunreacht na hÉireann to include two provisions:

- i. namely, that the State recognises, and shall vindicate, the right of all persons to have access to adequate housing
- ii. that the State shall, through legislative and other measures, provide for the realisation of this right within the available resources.

Everyone today recognises the crisis in housing that is gripping our society and country. We consider it unacceptable that more than 10,000 people are homeless. Thousands of working people cannot afford to own their own home and/or are renting in unaffordable situations with insecure tenure. Too many teachers, nurses, gardaí, artists, entrepreneurs and others are either locked into unaffordable rents or locked out of owning their own home.

It is important for society generally, our children, grandchildren, and future generations that our current Government has made housing a top priority and is doing everything that can be done to fix the housing crisis.

However, to ensure all future Governments give it equal and sustained importance we must go beyond this Government. We must look to Bunreacht na hÉireann, our Constitution, to guide and compel future governments. Bunreacht na hÉireann captures the values to which we aspire for our society and want to champion and deliver for our citizens into the future.



Bunreacht na hÉireann can compel the State to take the lead permanently in ensuring that it delivers on the right for people to have access to secure and affordable homes. Morally, politically, economically, socially and in every other respect, the right thing to do is to provide a right to housing in our Constitution. Only when people have a stake, have a place to call home do they truly feel they belong. We want to have a sustainable society in post-pandemic Ireland, one which reflects our shared values.

Most Irish people, if not all, believe that a right to housing is a basic human right. On a European stage, we must accept that Ireland is lagging behind our European neighbours in this regard.

Finland, Belgium, the Netherlands, Sweden, and other countries already have constitutional protections and provide for the right to a home. Germany, France, Austria, and Luxembourg have all legislated for such a right. The United Nations International Covenant on Economic, Social and Cultural Rights calls for such a right, the European Social Charter commits to it and the United Nations sustainable development goals to which we have signed up require us to ensure that every citizen has access to a secure and affordable home.

This issue boils down to a fundamental question. Do we believe that access to a home is a basic human right?

This is not just a question only for politicians to answer. It is a question for the whole of society. For that reason, we support the holding of a referendum to amend Bunreacht na hÉireann to include in it a right to housing.

A handwritten signature in black ink that reads "Mary".

Senator Mary Fitzpatrick