



Macra na Feirme

Macra na Feirme's Submission on the referendum on housing



Macra na Feirme

September 2022

Submission on the referendum on housing

Introduction

Macra na Feirme welcomes the opportunity to feed in a written submission to the Commission on Housing regarding a referendum on housing. Macra na Feirme understand that the purpose of this public consultation is to inform the critical factors for consideration and make recommendations as to appropriate wording to be put to the people in a referendum. This response is formed on the back of extensive consultation within Macra na Feirme and significant work from the National Rural Youth Committee. The main aim of Macra na Feirme's Rural Youth sub-committee is to develop Macra na Feirme's role and image as an organisation for all young people. This sub-committee consults members, undertakes research and executes lobbying and public awareness campaigns on a wide range of issues that affect young people. Rural Youth devises policy on relevant issues for adoption by Macra na Feirme's National Council and pursues the implementation of these policies. The sub-committee is responsible for promoting Macra na Feirme's participation in local rural development initiatives and devising national policy on rural development.

This submission is in the context of record rent prices being paid by people across Ireland. This has a significant impact on young people, who in particular find themselves in the squeezed middle of being unable to afford to save a deposit for a house as their rent bills are so high. It also comes at a time when house availability for first home buyers is at a low and the availability of homes to rent in a disperse nature is also at a low. There is also the significant pressure that is the need for financial security and stability. Many Macra na Feirme members have come forward to explain how at 30 years of age they are moving back in with their parents to ensure that they can save money in order to afford a deposit for a home. It also places pressure on the willingness for young people to start a family or to become part of a community. With uncertainty regarding security of residence many young people are delaying starting a family because of the lack of security around housing requirements.

The Constitution of Ireland exists to protect the rights of all our people, but it does not mention a right to housing. Instead, it contains substantial and powerful protections for private property rights. Those property rights in Article 43 should be carefully consideration in the context of the right to housing and for the 'common good', but the Constitution is silent on what the 'common good' means in practice. In all considerations with respect to the right to housing it is crucial that the definition and in practice reality of the common good is clear. The prevention of the state from abolishing the right to private ownership within Article 43 of the constitution must therefore be carefully considered. The unintended consequences of removing this right may potentially have the opposite effect whereby ownership of an individual's home becomes a long-term issue. The security of ownership of the family home is something which must be protected but must also be afforded to across all in society.

The key question that must also be answered by the political establishment and the arms of the State is to why a referendum is required to facilitate the state to carry out its duty regarding looking after

Who are we?

Macra na Feirme is a voluntary organisation representing a thriving community of 10,000 young people from rural Ireland.

We advocate for, nurture and develop our members aged between 17 and 35 in a fun, inclusive and supportive environment.

Our programmes and activities encourage young people to play an active role in their local community, making rural Ireland an attractive place to live and work.

its citizens. The understanding of Macra na Feirme is that under our current constitution there are no barriers that exist to the state in it providing housing for its citizens. This observation is in the context of the referendum, noting that should the referendum provide the right to housing what are the main changes that will be implemented that are currently not being provided by the state? If there are significant changes foreseen what are the barriers that exist currently preventing the state from enabling these measures? The question must be asked as to why the state requires or desires a referendum in constitutional change to demand it to provide the basic requirements for living for its citizens.

Housing as a Basic Human Right

The broad consensus within Macra na Feirme is to support a referendum on the right to housing. It is considered a basic human right to have shelter and in a country with the wealth that Ireland has such a basic provision should be guaranteed. We must however be clear in what we are asking people to provide their vote on. Polarising the debate on whether people should be afforded a home or not is too simplistic of an approach. There are complex issues in relation to Article 43 of the Constitution but also in the context of land ownership regarding farmers and those that require the use of the land for their livelihoods. This also raises the question about the right to build personal housing on your own land. For several years now the planning laws have made it more difficult for those who own land to provide housing for themselves on this land. This referendum provides an opportunity to ensure the right to build on owned land, something which Macra na Feirme are in support of.

Home Vs House

Key to consideration must be the debate around a house versus a home, the understanding within Macra na Feirme is that,

- a.** Home as a financial investment – this relates to the capital value of the property and the financial stakes of owners, mortgage lenders, landlords, tenants, developers
- b.** Home as a physical structure – relating to the maternal shelter and accommodation provided by the home; the ‘bricks and mortar’ and the physical amenities that sustain and support occupiers and are often essential to their very survival
- c.** Home as territory – relating to security and control, a locus in space, belonging, rootedness, permanence (the permanent address), continuity, privacy, refuge from the outside world
- d.** Home as identity – shaping and reflecting self-identity, our ideas and value, and social identity – an indicator of personal status/avoidance of stigma
- e.** Home as a social and cultural unit – the locus for relationships with family and friends, a centre for activities and signal of social status

Reducing ‘home’ to ‘house’ fails adequately to reflect or recognise the empirical evidence of home meanings and the experiential nature of the home. These broader home meanings have been positively associated with basic psychological needs,¹⁰ health and human wellbeing: to be ‘at home’ means “to know where you are; it means to inhabit a secure centre and to be oriented in space.”

The importance of the home environment as the principal setting for the growth and development of children is well-established in the research literature.

Evaluation of the Long-Term Cost Implications

There is also a need for an extensive cost evaluation of this right to housing. The state has invested significant sums of money into the provision of housing, but the numbers of homeless people continue to rise along with a decrease in home ownership among younger people. A mapping exercise

comparing future predicted population numbers to the future cost of provision of housing is required to determine the financial requirement of housing for all citizens in the state. This will provide an indicative funding allocation that the state will need to provide and will ensure that the ideals of the right to housing are realised.

Understanding the Need

A clear understanding of what exactly the right to housing must also form part of the discussion and be included in the referendum. It cannot be the case where the right to housing is understood to mean one thing but, is a different experience for people. Some of the considerations are outlined below,

1. Right to build on own land be that farm or otherwise
2. Access to affordable rent in a location that is suitable to your living circumstances,
3. Rent in a house suitable to needs,
4. Provision of right to afford to buy a house,
5. Access to support service for people with additional needs,
6. Changes in housing infrastructure needs as people age and where the responsibility to meet these needs lies,
7. Requirements on those providing homes for rent to the market in respect of living conditions and terms of residence,
8. Geographical provision of houses to ensure proximity to local needs for people,
9. Equality in provision of services across the country,
10. Demand led provision or provision of housing ahead of demand.

It is obvious from the consultation with Macra na Feirme members that there is no one size fits all policy or right that can provide housing for all. It is therefore the practical implication of a right to housing that will be the difficult challenge. It is therefore necessary to set an expectation and set out the legal requirements in relation to this along with the referendum in order to give people a clear view of the pathway ahead.

Ownership Vs Right to Housing

In relation to the right to ownership versus the right to housing there can be a distinct difference that is worthy of consideration. One's ability to land ownership often stems from the ability to repay loans etc whereas the ability to access housing is often based on socio economic factors that extend beyond the ability to work. The right to housing can therefore be based on need and ability. When carefully considered it is clear that more and more young people are finding themselves in circumstances where a couple that are working full time are still unable to afford to purchase a home. This is a situation that should not and cannot materialise further. The basic desire of the majority of young people is for security and a place to call home is a basic requirement of this. There are also countless studies and peer reviewed literature that clearly demonstrate the importance of stability and security in young children's lives in determining future prosperity.

Needs of Transient Dwellers

A consideration that must also be recognised is that of transient housing needs. For example, the need to provide suitable student accommodation is an important aspect of many young people's college years. We are currently seeing young college students commuting up to 4 hours daily to travel to college. With leaving cert results not due for a number of weeks this reality will only be experienced by many more young people. An equal opportunity in access to education is something which is enshrined in Irish culture and law. Young people particularly in rural areas are now seeing that the lack of housing for their needs in larger towns and cities is a huge barrier to them accessing third level education. With this in mind it is therefore an integral part of the referendum to understand and provide a pathway of provision of suitable housing for the college students of the future.

There is also a need to look at potential future inward mass migration. With the world continuing to be a volatile place ensuring that there is additional capacity in the system to provide housing for those coming from conflict regions or fleeing persecution. The war in Ukraine has highlighted the lack of infrastructure to meet this need in Ireland but also across our EU counterparts.

Right to Build and Reside

As it currently stands planning uniformity is an issue across the country. There is currently no uniformity in the planning system across county boundaries or even within county boundaries. In rural areas with older houses or with new houses people may or may not get planning based on the perceptions of individual planners. Planners vary on decisions in terms of house design with no uniform approach or consistent application of planning requirements and frameworks. With the referendum dealing with the right to housing consideration needs to be given to the right to build and what the requirements are to build. A situation whereby two similar applications in a locality to build are refused or accepted on perceptions as opposed to implementing a standard framework is simply not consistent or fair.

There is also a need to access what those living in marginalised communities' needs are and what provision of housing these people require. Those with disabilities will require a different housing provision to those with sensory needs or to those coming from a different ethnic background. The provision of specialised housing to meet these needs must also be understood and where the burden of responsibility to provide these needs lies under and future constitutional amendment.

Conflict with Article 43

Under article 43 of The Constitution property rights are enshrined, amendments to housing rights may delimit this right according to political sources over the past number of months. To this end it is critical to ensure one doesn't contradict the other, both should work in tandem, there is a need for clearer definition of what housing is or what the governments interpretation of housing provision should be.

The question needs to be answered prior to any referendum on housing as to whether the rights can be separated or does there need to be a reassessment of the property right in light of the right to housing?

This also begs the question as to whether a house is an asset or investment. The Revenue commissioners and public policy would dictate that a home is an asset. This is highlighted by the property tax and in how home sales and family home transfers are dealt with by the Revenue Commissioners. It is quite clear that for those renting or leasing a house that it is a financial investment however for those who are paying down a mortgage it is an investment in their future in order to provide security into the future. If a referendum to deal with the right to housing conferred the right to all to housing, how is it proposed to deal with property tax on the family home? Surely this is contrary to enshrining the right to housing. It could not be the case where a right is enshrined in the constitution and at the same time the state charges people for the privilege of exercising that right.

This also raise questions about the taxation system around family home transfer and the sale of the family home. If the right to housing is enshrined how is the practical implication of tax liabilities on transfers and sales going to be dealt with by The Revenue commissioners?

European examples

There are 7 countries in the EU including Spain and Belgium that have the right to housing enshrined in their constitution. The precedent is set by our European counterparts. However, issues remain in these countries in respect to homelessness and in relation to tax. What is required is an assessment of the success and failings of their policies and how we can best learn from their mistakes. We must also be cognisant that the social attitude to housing in Ireland regarding ownership is greatly different

to that of those on continental Europe for reason of our historical annals. This historical story must also be considered when we deal with the right to housing and the right to ownership is hugely important socially to Irish people.

Conclusion

Overall Macra na Feirme are in support of a referendum on housing but there are many factors and aspect that need to be considered prior to the development of a wording so that all citizens needs are enshrined prior to the referendum. It cannot be the case that the right is enshrined and there is no identified pathway to deliver for the needs of all citizens. There is also a need for cost evaluation to determine the states potential liability into the future so as budgetary processes can take this into account into the future.