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Minister James Browne, TD
Department of Housing, Local Government and Heritage
Custom House
Dublin
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8th July 2026

Re: Housing and Residential (Miscellaneous Provisions) Bill 2026

Dear Minister

Our letter of 9 June outlined our serious concerns with the Housing and Residential (Miscellaneous Provisions) Bill 2026 (the '**Bill**') as then presented, which remain extant. We are deeply disappointed that rather than pause the legislative process to allow appropriate consultation and scrutiny, as we and many others advocated, the Department has instead proposed the addition of substantial amendments to the Housing Act 1988 (the '**1988 Act**') at the 11th hour. **The amendments, published yesterday and to be debated today, will have far reaching practical and legal consequences and create a real risk of on-street homelessness for children and other vulnerable groups.**

Given the extremely short time to consider the amendments, we cannot address all of the profound legal and human rights issues arising. However, we in particular wish to highlight the following:

- Section 10A (3) and (4) appears to restrict the discretion of homeless authorities to provide humanitarian shelter to people refused access to homeless supports under Section 10A to a maximum of two night's 8pm-8am accommodation. In the absence of clarity as to what is to happen to people who remain homeless after those two nights, **the unavoidable conclusion is that vulnerable people including children and those with disabilities will be at direct risk of on-street homelessness.** Further, front line housing officers will be disempowered from helping them even if they judge it appropriate and accommodation is available.

In this context, it is difficult to welcome the otherwise positive proposal under Section 10(12) to introduce consideration of the 'best interests of the child' to aspects of homeless service provision. Our hesitation in welcoming this measure is that section 10(12) as drafted appears to exclude consideration of the best interests of the child from decisions on eligibility for accommodation under Section 10A. What child is more vulnerable than one being denied access to basic emergency accommodation? **The added dimension that children impacted by Section 10A are more likely to be from minority groups presents a bleak picture of a**

statutory framework that treats some children as less worthy of protection.

- The failure to make any provision for the exercise of discretion to accommodate vulnerable groups such as victims of domestic violence and victims of trafficking, the latter of which have specific entitlements to shelter under the EU Anti-Trafficking Directive, is a fundamental flaw.
- The Section 10A(1) requirement for all members of a household to meet residency requirements in order to access homeless supports **creates the possibility of homeless children, including Irish citizens, being unable to access basic shelter because of the deemed residency status of a family member.** The policy rationale for this is wholly unclear.
- The Section 10B appeal mechanism does not include decisions to refuse to provide emergency accommodation. This forces a situation where the only remedy for a person impacted by the application of Section 10A will be judicial review in the High Court.

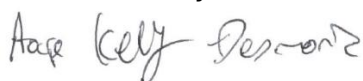
This is by no means an exhaustive list of our concerns. Other serious issues with this Bill were outlined in our last letter. Further issues with the latest amendments which time does not allow us to address include the proposal for a convoluted and punitive ‘retrospective’ disqualification mechanism under Section 10A(5).

These amendments completely change the nature and character of the Bill, which did not initially address the 1988 Act. Social housing and homeless supports are separate and distinct statutory regimes that raise different policy, legal and practical concerns. The tabling of substantial complex amendments at late Committee Stage has been robustly criticized by the Irish Human Rights and Equality Commission in other contexts. We understand that amendments to the 1988 Act have been under consideration by the Department since at least 2022 so the reason for the delay in publication is unclear. The amendments fly in the face of the recommendations of the Joint Committee on Housing following pre-legislative scrutiny of the General Scheme of the Bill to expressly exclude emergency accommodation from its scope. No explanation has been given for not only disregarding this recommendation but going substantially further in restricting access to emergency accommodation.

In simple terms, the Department’s approach to this legislation does not promote a robust democratic process.

We urge you once again to pause the legislative progress of this Bill to allow proper democratic engagement and scrutiny and to prevent significant harm to vulnerable people.

Yours sincerely



Aoife Kelly-Desmond
CEO