



**Submission to the
Department of Housing,
Planning, Community &
Local Government
concerning its Strategy for
the Private Rented Sector**

November 2016

About FLAC

FLAC (Free Legal Advice Centres) is a non-governmental, voluntary organisation which exists to promote the fundamental human right of access to justice. As an organisation, FLAC focuses on the use of law as a tool for social change and on the right of equal access to justice for all. We work particularly on the protection of economic, social and cultural rights. FLAC is an affiliate member of the FIDH.

In our work, we identify and make policy proposals on how the law excludes marginalised and disadvantaged people, principally around social welfare law, personal debt & credit law and civil legal aid. We advance the use of law in the public interest and we co-ordinate and support the delivery of basic legal information and advice to the public for free and in confidence. We also engage in strategic litigation. PILA, a project of FLAC, operates a pro bono referral clearing house which seeks to match the legal needs of social justice NGOs and private practitioners.

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Overview of Recommendations

Recommendation 1: Public Sector Duty

Ensure that the Public Sector Duty is considered in the development, implementation and monitoring of the Strategy for the Private Rented Sector.

Recommendation 2: Discrimination against social welfare recipients in the provision of private rented accommodation

Initiate an information campaign, in conjunction with relevant bodies such as the Irish Human Rights and Equality Commission and the Workplace Relations Commission, about the new prohibition on discrimination in the provision of housing on the basis of being in receipt of rent supplement or other social welfare payments.

Introduction

FLAC welcomes the opportunity to provide this submission to the Department of Housing, Planning, Community and Local Government, which is intended to inform discussions on the development of the Department's Strategy for the Private Rented Sector. FLAC is of the view that consultation with relevant stakeholders, interest groups and individuals should form a very valuable element of the strategy development process.

Public Sector Duty

The Irish Human Rights and Equality Commission Act 2014 contains a new provision which seeks to mainstream human rights and equality through the creation of a positive duty on a broad range of public and statutory bodies to promote equality of opportunity and protect the human rights of their staff and the persons to whom they provide services to. The public sector duty is a stand-alone mandatory requirement which applies to government departments, including the Department of Housing, Planning, Community and Local Government, to take cognisance of human rights and equality standards in their work; to ensure compliance with those standards; and to promote the development of those standards in a proactive way.

The duty covers any activities undertaken pursuant to a power or duty and also many of the operational aspects of the work of the relevant public body. This means that the Department's Strategy for the Private Rented Sector would fall within the ambit of the duty.

As an initial step towards meeting the requirements of the public sector duty, the Department should identify the human rights and equality issues relevant to the strategy, plans and actions that are already in place or proposed to be put in place to address these issues.

<p>Recommendation 1: Ensure that the Public Sector Duty is considered in the development, implementation and monitoring of the Strategy for the Private Rented Sector.</p>

Discrimination against social welfare recipients in the provision of private rented accommodation

The Equal Status Acts were amended in 2015 to include a prohibition on discrimination in the provision of accommodation on the basis of receipt of rent supplement, housing assistance payments and other social welfare payments. As a result, landlords can no longer discriminate against tenants or prospective tenants on the basis of being in receipt of a social welfare payment. Furthermore, landlords, letting agencies, and property advertisers can no longer discriminate in advertising on this ground.

While welcome, awareness of this important legislative change appears to be low. This is worrying given the implications for landlords, tenants, letting agencies and other organisations advertising the availability of accommodation. In this regard, it is relevant to note that complaints of discrimination in the provision of private rented accommodation can be brought to the Workplace Relations Commission, which can make a maximum award of €15,000.

Recommendation 2: Initiate an information campaign, in conjunction with relevant bodies such as the Irish Human Rights and Equality Commission and the Workplace Relations Commission, about the new prohibition on discrimination in the provision of housing on the basis of being in receipt of rent supplement or other social welfare payments.