



Submission to the Expert group in relation to review of the Traveller Accommodation Act 1998

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Do you agree that the Traveller Accommodation Act, 1998 has helped provide the legislative basis to meet to current and future accommodation needs of Travellers?

It could be argued that the legislative basis was provided through the Act, but two developments conspired to ensure that efforts to meet the accommodation needs of Travellers were completely ineffective:

1. Provisions (especially as they related to the role of local authorities in responding to Traveller accommodation needs), were never monitored or reviewed in any meaningful way. There was never any accountability.
2. Section 24 of the Housing (Miscellaneous Provisions) Act 2002 prohibiting nomadism was not only contradictory to aspirations underpinning the Traveller Accommodation Act. It has also helped to ensure that efforts to meet accommodation needs in any meaningful way were destined to failure.

What do you think has worked well with the implementation and operation of Traveller Accommodation in the last 20years?

Implementation and operational procedures introduced under the Act allowed for involvement and engagement of the Traveller community in determining and responding to Traveller accommodation needs. This is, in itself, is to be welcomed. However, the absence of any real accountability to meeting targets, coupled under delivery of targets, has reduced such 'consultation' and participation to the level of tokenism.

What do you think the key barriers to improving Traveller Accommodation are?

The current solutions are outdated. There is a blind commitment to continue with a strategy that has failed to deliver over three decades. Any commitment that there are 'on paper' to recognise Traveller culture has never translated into an effective accommodation response. Living conditions

have disintegrated and population growth has not been met and no acknowledgement of same. The big barriers remain in relation to:

- Local political opposition is the major barrier to advancing Traveller specific accommodation. Yet Elected Councillors in each Local Authority are represented on Local Traveller Accommodation Consultative Committees (LTACCs) and charged with overseeing the research and assessment of need by Local Authority officials and for developing a Traveller Accommodation Programme (TAP)
- There are no sanctions on local authorities for non or under delivery or of underspending budgets and specifically for non-delivery of Traveller specific accommodation.
- There are no operational or systematic alerts leading to a dedicated response to emerging issues for example, the growth in population and the emergence of a crisis in Traveller homelessness.
- There is no proper monitoring of delivery at national level, offset against targets attached to sanctions / governance checks.
- There is no motivation at national level to allocate protection of private lands ring-fenced for Traveller specific development.
- The failure of the mechanism available to Local Authority County Managers to use their emergency powers to provide emergency accommodation to families living on roadside encampments pending permanent accommodation.
- The failure of the mechanism available to Local Authority County Managers under Section 24 of the Housing (Traveller Accommodation) Act 1998 allowing them to exercise their powers in an emergency to carry works necessary for the provision of a reasonable standard of accommodation for any person, including Travellers, in an emergency - to alleviate hardship and create adequate living conditions.
- Trends and crises in general housing provision – and especially the over-dependence on the private rented sector. This continuously reduces the chances of Traveller families accessing accommodation because of discrimination, especially in accessing emergency accommodation, and has contributed to increasing and unprecedented levels of homelessness. Travellers are 11 times more likely to become homeless and 22 times more likely to be discriminated by landlords⁽¹⁾
- A lack of motivation by local authorities to address and remedy immediate needs of families be carried out via a refurbishment programme which would prioritise some of the worst sites and group housing schemes in the country and bring a significant amount of families into a higher standard of living.
- **The underspending by local authorities which has driven and effected an under estimation of need at national level, predicated on inadequate monitoring procedures which should otherwise trigger an alert to a lack of spend linked with under delivery, which is prevalent across local authorities.**
- The continuing negative effects of the prohibition of nomadism, adding further to the homelessness crisis we are facing.
- A failure to evaluate performance, a refusal to accept failure, and a continued adherence to policy and practice that does not work.

Since the first Traveller Accommodation Programme (TAP) 2000, the five-year mandatory plan in each LA to provide accommodation for Travellers, there has been widespread delivery failings. Analysis of outcomes in the seventeen-year period to 2017, prove nationally there has been

- low targets set for developing Traveller specific accommodation, halting sites, group housing and transient sites and in some instance no targets, despite ministerial directions in this regard
- higher targets set and over delivery of Standard Housing.
- lack of adequate planning for population growth.
- inaction on overcrowding and homelessness
- no delivery of Transient Accommodation to facilitate Nomadism

What areas do you think the Traveller Accommodation expert review group should priorities in terms of improving the provision of accommodation for Travellers in the country

3. Establish an acknowledgement of the reality that the current response is not working – and is in fact contributing to the accommodation faced by the Traveller community.
4. Recommend an in-depth consultation process – facilitating the direct involvement of Travellers in articulating their own needs. A new policy and legislative direction needs to be based on the results of this consultation.
5. Allocation of adequate funding to meet the needs identified, as well as interim measures to ensure that resources made available for Traveller accommodation are accessed and spent in an appropriate manner.
6. That the following specific areas should be prioritised:

- **Change the delivery model; Establish an independent statutory body, to be known as the Traveller Accommodation Agency** to draw up, in consultation with local authorities a National Programme for the provision of Traveller specific accommodation.

This agency would monitor, assess, advise on and secure the implementation of the annual building and refurbishment programmes of local authorities and Traveller Accommodation Programmes. It would review local development plans, advise the Minister for the Environment, drawn down funding, and oversee the national assessment of need. Instil compliance and rectify breeches occurring. Fundamentally, it would consult nationally and locally with Traveller interests and ensure Traveller inclusion.

- **Propose an amendment to the Planning and Development (Housing) and Residential Tenancies Act 2016 to be introduced immediately to circumvent the Part 8 process away from the local political system and invested in an *An Bord Pleanála*.** This would apply to proposals from Approved Housing Bodies and local authorities with both developing full planning applications to the Bord. This proposal includes for the continuation of the approval of development/other plans, TAPs and standard social housing developments by the local political system as currently exists but with a recommendation for review after a 5-year period.
- **Respond to the crisis of Travellers in need of emergency accommodation.** There are 5 times the number of families sharing facilities since legislation came into effect - accounting for 4,460 people in overcrowded halting sites and in standard housing. ⁽²⁾
- **Redress the Inadequate assessment of need and address homelessness** – Persistent disparity between the needs on the ground as determined by the community and the perceived needs of Local Authorities. Embed an ethnic identifier across the homeless services sector to capture an accurate picture of need and to measure and monitor service response.

- **Redress the Inconsistent and non-standardised data analysis**, where recording and monitoring at LA level has impeded proper national monitoring and provide now a new single integrated cross local authority monitoring structure aligned to targets, outputs and spends.
- **Include Traveller accommodation in the Social Housing Construction Pipeline Report** and track on a quarterly basis where Traveller accommodation is in the Pipeline?
- **Repeal Criminal Trespass Legislation 2002**
- **On planning and procurement:** A review of allowances on costing limits for Traveller specification new builds. To enact across all city and county councils a Fast Track Procurement mechanism currently being used in Cork City Council.
- **Amendment of the Planning Act to fast track land zoning for Traveller Specific Accommodation** and or a directive to Local Authorities which would provide for a pre identification of sites suitable for new builds to speed up the Part 8 process and avoid failure to identify lands in the advanced pre development stages.
- **Create a statutory provision whereby Approved Social Housing Bodies** allow a percentage of existing stock be made available for Traveller rental supply, to address discriminatory practice in the private rental market.
- **A a temporary measure when existing (non Traveller specific) vacant properties become available** that pro rata a percentage of these be made available for Travellers awaiting Traveller specific accommodation

If you know of good examples of international best practice in the provision of accommodation for nomadic communities, please comment.

Are you aware of other legislation that Impacts on the provision and delivery of Traveller-specific accommodation, including transient accommodation

In 2002, in advance of a general election, Section 24 of the Housing (Miscellaneous Provisions) Act was brought into law making it a legal offense to be on private or public lands.

In practice Travellers are no longer able to travel (be nomadic) for fear of imprisonment, loss of their family home which has affected their social, cultural and economic rights since the introduction of section 24 of the (Housing Traveller Accommodation Act 1998).

Successive Traveller Accommodation Programmes over 18 years have failed to provide for nomadism and legalisation has curbed a central component of Traveller ethnicity, making it a legal offense.

Travellers have been forced to accept forms of accommodation more politically acceptable and which have not met their needs as a minority ethnic group.

The Housing (Traveller Accommodation Act) 1998 recognised the need for transient sites as one of a range of accommodation options for Traveller families. The Act reflects the recommendations contained in the Report of the Task Force on the Travelling Community 1995, which recommended a network of one thousand units of transient sites throughout Ireland. The Report stated, “transient accommodation should be provided simultaneously with the other types of accommodation”.

Currently there are fewer than 50 Transient sites in the republic and almost all are in use for emergency accommodation.

The Irish Traveller Movement has consistently called for Transient Accommodation to be provided as an integrated part of a National Traveller Programmes, however this has been met with a lack of political will at local and national level.

What is Needed Now?

- Repeal of Section 24 of the Housing (Miscellaneous Provisions) Act 2002 prohibiting nomadism, a core element of Travellers cultural and way of life.
- The provision of a network of transient halting sites in each local authority area for short stays that would be exempted under Section 4 of the Planning and Development Act 2000.
- Transfer arrangements between Traveller families that are negotiable with the relevant local authorities.
- The Irish Traveller Movement call for greater supports and assistance for families negotiating their own accommodation on private lands/ sites.
- The identification of public land for temporary camping purposes for families during different times of the year.
- In recognition of the fact that homelessness is 11 times higher in the Traveller community (3) and the complexity of this issue, we have come up with five recommendations that would improve Traveller quality of life, and redress the immediate needs of people awaiting permanent accommodation:
 1. Traveller-specific emergency accommodation “hubs” in each local authority area, in recognition of the high level of discrimination experienced by the Traveller community (50 times more likely to be discriminated by landlords in accessing private rented or emergency accommodation).
 2. Additional facilities for Traveller families sharing and in overcrowded Traveller accommodation, to be brought up to standard requirement in relation to sanitation and facilities. 4,460 Travellers are sharing in overcrowded halting sites and in standard housing.
 3. A refurbishment programme that will prioritise some of the worst sites and group housing schemes in the country. This refurbishment Programme would bring a significant amount of families into a higher standard of living.
 4. Traveller accommodation “out of use” in recent years to be reopened and refurbished by local authorities in consultation with the Traveller community.
 5. Local Authority County Managers to use their emergency powers to provide emergency accommodation to families living on roadside encampments pending permanent accommodation.

- Amendment to the Planning and Development (Housing) and Residential Tenancies Act 2016 to be introduced immediately to circumvent the Part 8 process away from the local political system and invested in an *An Bord Pleanála*.
- Establishment of an independent Traveller accommodation agency – taking responsibility away from local authorities.
- Most importantly, there is a need to accept the evidence and admit failure. A new start is needed, and this must begin by listening to Travellers. Giving Travellers what other people think they need has not worked.

References

1. Discrimination and Inequality in Housing in Ireland June 2018 Irish Human Rights and Equality Commission
2. Department of Environment, Heritage and Local Government Annual Counts 2000-2017