

Submission to the Department for Communities' Consultation on the Fundamental Review of Social Housing Allocations

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1. The Participation and the Practice of Rights (PPR) supports groups in using human rights based model to realise their economic and social rights. This model is currently being used by communities affected by inequality and deprivation in Northern Ireland and elsewhere on issues such as housing, mental health, urban regeneration, and children's play. PPR's interest in the current consultation thus lies most squarely with its work in relation to housing. It is on the basis of our support to the Equality Can't Wait (ECW) group¹ that we are contributing to this consultation.

I. Introduction

2. This Submission dated 21 December 2017² responds to the call for comment by the Department for Communities (DfC) on the "Fundamental Review of Social Housing Allocations"³ which contain 20 proposals amending how social homes are to be allocated in Northern Ireland. PPR recognises that the Northern Ireland Housing Executive's (NIHE) Housing Selection Scheme has been in place, largely unchanged, since 2000.

3. The draft Equality Impact Assessment (EQIA) of the Fundamental Review considers whether the proposals would have a differential impact and in particular, an adverse differential impact on the categories of persons listed in Section 75, and any subgroups within those categories. PPR likewise raises its EQIA-specific concerns in this Submission.

II. Overarching Concerns

4. PPR is deeply concerned that the proposals contained in the Fundamental Review are merely short term, stopgap measures that aim to restructure waiting list processes and procedures. Hence, PPR's overarching concerns may be summarised as follows. The proposals contained in the Fundamental Review:

¹ The ECW campaign is led by people on the waiting list, in hostels, and in poor housing from all over Belfast. Since 2006, ECW, supported by human rights organisation PPR, have monitored human rights abuses experiences by residents.

² Hereafter, "Submission."

³ Hereafter, "Fundamental Review."

- A. Focus on reducing the appearance of housing need, rather than resolving the housing crisis through building social homes and allocating these in line with objective need;
- B. Fail to recognise that the underlying problem with the allocation of social housing is ultimately due to the historical and current lack of adequate housing which the mere shifting and/or removal of points will not address; and
- C. Fall short of meeting state obligations in relation to economic, social, and cultural rights which are recognised and protected in international and regional human rights instruments.

5. **Focus on reducing the appearance of housing need.** – The proposals contained in the Fundamental Review focus on *reducing* the appearance of housing need, rather than *resolving* the housing crisis through building social homes and allocating these in line with objective need. Case in point, as discussed in detail in **par. 13**, the DfC’s justification for the proposed removal of intimidation points (**Proposal 7**) rests on their misleading assessment that the number of households awarded these points is “relatively small”⁴ without considering the NIHE’s well-documented reticence in awarding points in cases where the threshold is met.⁵

5.1. Similarly flawed reasoning was used in the removal of interim accommodation points (**Proposal 9**) based on a screening exercise showing that “almost all households with interim accommodation points are waiting longer than average”.⁶ It should be noted that the DfC itself acknowledges that “there may be reasons for this, such as housing supply and changing demographics.”⁷ This underscores that the goal of “a more accurate waiting list”⁸ will not be achieved where the issue of housing supply is not addressed.

6. **Fail to recognise lack of adequate housing.** – The second overarching concern stems from the issue discussed in **par. 5**. The proposals contained in the Fundamental Review fail to recognise the need to support the urgent building of more social housing, emphasised by the contradictory statements of policy quoted below, indicating that the waiting list will continue to be bloated which no artificial shifting or removing of points can realistically fix.

“Meeting housing need is the main priority. New social homes are of course needed, but the measures proposed in this document would give applicants more choice and help the waiting list move more effectively.”⁹ – Leo O’Reilly, Permanent Secretary, Department for Communities, Fundamental Review of Social Housing Allocations

⁴ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 55.

⁵ Please see for example newspaper clippings of the stories of young women in North Belfast on the social housing waiting list here <https://www.pprproject.org/housing-authorities-and-dsd-deny-problems-on-the-ground>

⁶ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 69.

⁷ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 69.

⁸ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 70.

⁹ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 7.

“Social housing may not always be the most effective way to meet an individual’s housing needs or the most efficient use of resources.”¹⁰ – Department for Communities, Fundamental Review of Social Housing Allocations

6.1. The issue of lack of housing supply is discussed the Analytical Services Unit (ASU) Research Paper on the social housing waiting list commissioned by the DfC where it states, significantly, that majority of vacancies arise in existing stock.¹¹ This strengthens the case to build new housing stock in areas where there is a particular demand for social homes and re-lets are infrequent.

6.2. This failure to recognise lack of adequate housing goes against the recommendations of Raquel Rolnik, former UN Special Rapporteur on adequate housing, that the United Kingdom (UK) ‘renew’ its commitment to significantly increasing the social housing stock and a more balanced public funding for the stimulation of supply of social and affordable housing which responds to the needs.”¹²

7. **Fall short of human rights obligations.** –The proposals contained in the Fundamental Review fall short of meeting state obligations in relation to rights recognised and protected in international and regional human rights instruments, in particular by the International Covenant on Economic, Social and Cultural Rights (ICESCR), articles 2 and 11. The UK ratified this binding instrument on 20 May 1976 without reservations and, as such, Northern Ireland is obligated to take steps to ensure and sustain the progressive realization of the right to adequate housing, making use of the maximum of its available resources.

7.1. **Participation.** – If there is to be a change in the points system, it must be appropriately communicated not only to the staff processing homelessness applications but also to those on the waiting list to ensure that their rights are protected. This is a necessary step to ensuring participation. Participation in the policy-making process by the general public, not public officials, involves ordinary citizens sharing the authority and the responsibility, that was exclusive to the government in the past, toward the establishment of a cooperative relationship in the development and implementation of policies.¹³ In this sense, participation would necessarily involve two aspects: (1) participation in a process that can influence one’s own life is a fundamental right; and (2) increased quality of decision making and improvement in policy compliance from a policy-goal achievement perspective.¹⁴ Hence, Raquel Rolnik, former UN Special Rapporteur on the Right to Adequate Housing stated in relation to housing policy in Northern Ireland that:

¹⁰ DfC, ‘A Fundamental Review of Housing Allocations: Consultation on Proposals’ (Department for Communities, 2017), p. 34

¹¹ Analytical Services Unit, ‘Fundamental Review of Social Housing Allocations Analytical Research Paper: Social Housing Waiting List’ (Department for Communities, 2017) <<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-housing-allocations-waiting-list-analytical-research-paper.PDF>>.

¹² Raquel Rolnik, ‘United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and to Non-Discrimination in This Context: Media Statement’ (United Nations, 2013) <<https://thedetail-website.s3.amazonaws.com/files/336/original/SR%20housing-%20UK-%20press%20statement-%20FINAL-10092013%20%282%29.pdf?1378889692>>.

¹³ Yukyung Park and others, ‘Public Participation in the Process of Local Public Health Policy, Using Policy Network Analysis’, *Journal of Preventive Medicine and Public Health*, 47.6 (2014), 298–308 <<https://doi.org/10.3961/jpmph.14.029>>.

¹⁴ Park and others.

“Participation is an essential component of an effective and integrated housing system and an activity that should be present in the design, implementation and monitoring of housing policy.”¹⁵

7.1.1. PPR has, since 2006, worked directly to support the homeless and other vulnerable groups in aligning their knowledge and experience with international human rights law to create change, work which was recently highlighted by the United Nations as international best practice¹⁶. In this regard, great expertise in terms of experience of the waiting list resides with the homeless and other vulnerable groups, for whom, given the high levels of need and increasing inequality, changes in housing policy are felt most acutely. Residents in North Belfast, for example, have consistently articulated their experience of the waiting list¹⁷ and there is an obligation on the DfC in their assessment of available data to go beyond relying on their own data or data commissioned on behalf of the DfC or NIHE.¹⁸

7.2. **Obligation to continuously improve conditions.** – If there is to be a change in the points system, such changes should neither weaken existing housing rights protections, such as the awarding of interim accommodation or intimidation points, nor worsen conditions particularly on the categories of persons listed in Section 75, and any subgroups within those categories. The DfC and the NIHE have a “specific and continuing obligation” to move as expeditiously and effectively as possible towards the full realisation of all substantive rights in the Covenant. The requirement to continuously improve conditions is reiterated in Article 11 (1) regarding the right to adequate living conditions, including food, clothing and housing.¹⁹ According to this provision:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

7.2.1. The obligation to continuously improve conditions as required by Article 2(1) ICESCR applies to all substantive rights contained in the Covenant. The violation of human rights – such as economic, social, and cultural rights – due to “acts of omission” is well established in international law.²⁰ If States Parties must take continuous steps forward towards the full realisation of the Covenant’s rights, then the passivity of States in the case of a decline in the protection of these rights due to external circumstances may be considered a violation of the Covenant.²¹

7.3. **Prohibition against deliberately retrogressive measures.** – Progressive realization represents a strong presumption against retrogressive

¹⁵ Seven Towers Residents’ Group, *The Right to Housing: A People’s Inquiry* (Belfast, Northern Ireland: Participation and Practice of Rights, 2010) <https://issuu.com/ppr-org/docs/the_right_to_housing_a_people_s_inquiry_recommenda>.

¹⁶ Please see:

<http://www.ohchr.org/EN/NewsEvents/Pages/IndicatorsestablishmentofHR.aspx>

¹⁷ Please see for example newspaper clippings of the stories of young women in North Belfast on the social housing waiting list here <https://www.pprproject.org/housing-authorities-and-dsd-deny-problems-on-the-ground>

¹⁸ With with the exception of Housing and Communities’ Inequalities in NI Report (Wallace, Alison, University of York, June 2015).

¹⁹ M. Magdalena Sepúlveda, *The Nature of the Obligations Under the International Covenant on Economic, Social and Cultural Rights* (Intersentia nv, 2003).

²⁰ M. Magdalena Sepúlveda, *The Nature of the Obligations Under the International Covenant on Economic, Social and Cultural Rights* (Intersentia nv, 2003).

²¹ M. Magdalena Sepúlveda, *The Nature of the Obligations Under the International Covenant on Economic, Social and Cultural Rights* (Intersentia nv, 2003).

measures in the protection and promotion of human rights. According to its ordinary meaning, the term 'progressive' means 'making continuous forward movement' thus State Parties are required to continuously take steps forward in order to achieve the full realisation of the rights recognised in the Covenant.²² Hence, the DfC cannot move backward without offering a strict, evidence-based justification of the need to take such measures and without having weighted various alternatives. Most importantly, Governments must put in place effective safeguards to protect the most vulnerable sectors of society if such decisions are made. Hence:

"Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." – Article 2, IESCR

III. Specific Concerns

8. We have examined the Fundamental Review of Social Housing Allocations and our main points of contention are that the proposals and, ultimately, the main thrust of the policy itself does the following:

- A. Promotes unregulated private rented housing;
- B. Applies a punitive approach;
- C. Removes points for homelessness;
- D. Abolishes intimidation points;
- E. Subverts the principle of objective need; and
- F. Restricts "reasonable" offers.

9. For ease of reading and brevity, we have grouped our comments together into the stages identified by the Fundamental Review, namely: (a) throughout the process, or at any stage of from application to the allocation of social housing; (b) application and assessment, or how someone applies for a social home and how the selection scheme measures need; and, last, (c) allocation, or how homes are allocated.

Throughout the Process

10. **Promotes unregulated private rented housing.** – The proposals for instituting an "independent, tenure-neutral" housing advice service (**Proposal 1**) and allowing the NIHE to meet its statutory duty to homeless applicants by further utilising the private rented sector (**Proposal 4**) is problematic given the lack of security of tenure and rent control together with poor property conditions and management standards often encountered in this largely unregulated sector. Relevantly, UN Special Rapporteur on adequate housing, Raquel Rolnik, during her mission to the UK in 2013, recommended that the government implement a system of regulation for the private rent sector, including clear criteria about affordability, access to information, and security of tenure.²³ Moreover, while advice can help people

²² M. Magdalena Sepúlveda, *The Nature of the Obligations Under the International Covenant on Economic, Social and Cultural Rights* (Intersentia nv, 2003).

²³ Raquel Rolnik, 'United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and to Non-Discrimination in This Context: Media Statement' (United Nations, 2013) <<https://thedetail->

navigate a complex allocation system, it does not replace the building of much needed houses.

10.1. A 2016 report by the Equality Commission NI entitled “Statement on Key Inequalities in Housing and Communities in Northern Ireland” found that households living in the private rented sector experience greater vulnerability, particularly in terms of substandard housing and the likelihood of increased poverty after the deduction of housing costs.²⁴

10.2. A 2016 publication by Housing Rights Service entitled “Review of the Private Rented Sector” highlighted that there are various concerns surrounding the sustainability of relying on the private renter sector “principally because of the short (often 6 months) and insecure tenancies offered by private landlords.”²⁵

10.3. Further, DfC’s proposal to employ **Proposal 1** as an implied mitigating measure to proposals involving the removal of intimidation and interim points and those adversely impacted due to the new rules on anti-social behaviour is insufficient.²⁶ PPR has previously expressed concerns about the suitability of private sector developments being used for social housing in areas such as Belfast City Centre under a proposal by the NIHE for Belfast City Centre Waiting List in November 2011. This proposal and the equality screening document which accompanied it, did not pay due regard to the needs of families and elderly/disabled people for whom the apartments available from the private sector would represent unsuitable accommodation. PPR reiterates these concerns here and urge the DfC to act to ensure that the needs of the most vulnerable including those with families, with mobility issues, or the elderly are considered and met not dismissed.

11. **Applies a punitive approach.** – The DfC proposes making more people ineligible for social housing based on “unacceptable behaviour at any time” before allocation of a social home (**Proposal 2**), while proposals based on the perception of those in need of social housing being “points-chasers” is evidenced by the recommended removal of the award of intimidation points (**Proposal 7**) from the selection scheme. This punitive approach also underlies the proposals abolishing interim accommodation points (**Proposal 9**), affecting policy succession (**Proposal 17**), and the proposed set of vaguely worded circumstances which a social landlord may rely on to withdraw an offer (**Proposal 16**). PPR’s experience is that people often receive fewer points than they are entitled to, and efforts should be taken to facilitate applicants receiving their full entitlement, rather than seeking to reduce the points on offer. PPR is concerned that these proposals will leave vulnerable people with less access to social housing.

website.s3.amazonaws.com/files/336/original/SR%20housing-%20UK-%20press%20statement-%20FINAL-10092013%20%282%29.pdf?1378889692>.

Raquel Rolnik, ‘United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and to Non-Discrimination in This Context: Media Statement’ (United Nations, 2013) <<https://thedetail-website.s3.amazonaws.com/files/336/original/SR%20housing-%20UK-%20press%20statement-%20FINAL-10092013%20%282%29.pdf?1378889692>>..

²⁴ Equality Commission for Northern Ireland, ‘Statement on Key Inequalities in Housing and Communities in Northern Ireland’ (Equality Commission for Northern Ireland, 2016) <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Housing-KeyInequalities_DraftStatement.pdf>.

²⁵ Housing Rights, ‘Social Housing Allocation Consultation Underway’, *Housing Rights*, 2017 <<https://www.housingrights.org.uk/news/social-housing-allocation-consultation>> [accessed 7 November 2017].

²⁶ DfC, ‘Fundamental Review of Social Housing Allocations: An Equality Impact Assessment’ (Department for Communities, 2017) <<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/social-housing-allocation-eqia-web.pdf>>.

11.1. In 2014, a group of 13 long-term homeless people took their cases to the NIHE when launching the Homeless Action Charter. Each of them had spent between 6 months and 30 months in cramped hostel accommodation where they had fewer than 80 housing points each. Since the action, the NIHE have reviewed their erroneous allocation of points. The “priority need” status was immediately granted in two cases where it had previously been denied. Moreover, additional housing points were awarded in 5 cases.²⁷

11.2. In 2016, PPR supported people in poor housing through the use of human rights appeal letters to review their housing points. 699 extra housing points were awarded to 32 families, 28 were given new offers of housing, 22 were rehoused, and the long-standing maintenance issues of 17 families were finally addressed.

Application and Assessment Stage

12. **Removes points for homelessness.** – The proposal to remove interim accommodation points (**Proposal 9**) from the selection scheme merely reduces the appearance of housing need and contravenes state commitments to significantly increase the social housing stock and prioritise meeting housing need. Proposal 9 does not actually alleviate the root of NI’s housing crisis which is the shortage of decent accommodation needed to support Northern Ireland’s growing population.

12.1. Every single point matters in terms of social housing allocation. Therefore, there is no substantive purpose to remove interim accommodation points awarded to homeless applicants who have been in NIHE-arranged temporary housing for at least six months because data shows that people are waiting for up to two years before finding permanent accommodation.²⁸

12.2 According to the ‘Fundamental review of Social Housing Allocations, Annex B’ 56% of applicants with interim housing points on the waiting list are Catholic and 15% are Protestant, with Catholics waiting 26 months to be housed compared to 18 months for Protestant. No action to mitigate this is set out in the Draft EQIA.

12.3. Surveys carried out among more than 100 residents in Simon Community hostels last year found that 62% had been homeless for more than six months. These latest developments show that the manner in which the NIHE is dealing with homeless individuals is prolonging their homelessness by denying people the support they are entitled to.²⁹ According to FOI disclosures by the NIHE, the average length of stay in temporary housing, such as placements in hostels and shelters, was 260 days.³⁰ Proposal 9 will impact homeless individuals and families, who are already particularly vulnerable and disenfranchised. Hence, rather than remove interim points, the DfC and the NIHE should revise and reform the way in which points are awarded to ensure housing need is captured accurately, and

²⁷ PPR, ‘Rapid Improvements for Hostel Residents Asserting Their Right to a Home | Participation and the Practice of Rights’, *Participation and the Practice of Rights* <<https://www.pprproject.org/rapid-improvements-for-hostel-residents-asserting-their-right-to-a-home>> [accessed 15 November 2017].

²⁸ Andrew Madden, ‘Homeless People Waiting up to Two Years for Permanent Accommodation’, *The Irish News* <<http://www.irishnews.com/news/2016/12/12/news/housing-executive-s-two-year-homeless-housing-waiting-list-830320/>> [accessed 15 November 2017].

²⁹ PPR, ‘Rapid Improvements for Hostel Residents Asserting Their Right to a Home | Participation and the Practice of Rights’.

³⁰ Andrew Madden, ‘Homeless People Waiting up to Two Years for Permanent Accommodation’, *The Irish News* <<http://www.irishnews.com/news/2016/12/12/news/housing-executive-s-two-year-homeless-housing-waiting-list-830320/>> [accessed 15 November 2017].

address the shortage of homes which is at the root of the DfC and NIHE's attempts to mitigate the appearance of need.

13. **Abolishes intimidation points.** – The DfC's justification for the proposed abolition of intimidation points (**Proposal 7**) rests on their assessment that the "number of households awarded intimidation points is *relatively small*"³¹ despite the fact that data shows that the numbers are "small" due to NIHE's inaction, problematic implementation of the allocation scheme, and poor enforcement mechanisms. Moreover, PPR finds the rationale that the points should be scrapped because it is unfair to domestic violence victims bizarre as these proposals do nothing to assist that group, rather they act to disadvantage even more groups. The rationale also misses the point that gender-based violence could easily be included in the criteria for the awarding of intimidation points thus addressing the very real need among domestic violence survivors for a secure home.

13.1. According to the Detail, there were 1,842 cases where people presented as homeless due to various forms of intimidation from 2012 to 2015. There were 1,292 cases for paramilitary intimidation; 214 for anti-social behaviour; 48 for sexual orientation; approximately 10 for disability.³² Information held by PPR shows flaws in the assessment process. In 2014 to 2015, Base 2, a Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) funded project which "provides support and mediation services to individuals and families at risk of violence or exclusion from their community" sent 697 intimidation reports to the NIHE but only 590 were received and intimidation points were awarded only in 383 cases.

13.2. PPR is concerned by the implication that those presenting as homeless due to intimidation are "points chasers." PPR's experience of assisting people made homeless through intimidation is that the process of assessment often leads to individuals not receiving intimidation points despite reaching the required threshold of risk. Case in point, after more than three years after being forced to flee their home in Tigers Bay following racist attacks, Mohammed Idris, Darelsalaam Yaquob and their three children were not awarded intimidation points. According to the NIHE, the family did not reach the threshold for intimidation points because "their home was not destroyed or seriously damaged, nor was the family at serious and imminent risk of being killed or seriously injured."³³

13.3 The 'Fundamental Review of Social Housing Allocations Annex B' shows that the religious profile of those with intimidation points largely matches that of the waiting list as a whole (44% Catholic and 36% Protestant). However, although by median, Catholic applicants with intimidation points wait longer than Protestants (16 months to 10 months). Furthermore, of those with intimidation points only 32% of those awarded homes were Catholic and 42% Protestant. It is unclear why in the Draft EQIA states: "In terms of religion, such households [intimidated households] are more likely to be of unknown religion, and those allocated are more likely to be of no or unknown religion"

Allocation Stage

³¹ DfC, 'A Fundamental Review of Housing Allocations: Consultation on Proposals' (Department for Communities, 2017), p. 55.

³² Steven McCaffery, 'Paramilitaries in Northern Ireland Forcing Hundreds from Their Homes Each Year', *The Detail*, 2015 <<http://www.thedetail.tv/articles/paramilitaries-in-northern-ireland-forcing-hundreds-from-their-homes-each-year>> [accessed 15 November 2017], p. 57.

³³ 'Family Still in Temporary Home Years after Racist Attack', *ITV News*, 2017 <<http://www.itv.com/news/utv/2017-06-21/family-still-in-temporary-home-years-after-racist-attack/>> [accessed 19 December 2017].

14. **Subverts the principle of “objective need”.** – Proposals that allow landlords to multi-offer “difficult to let” properties to a number of applicants regardless of their points allocation (**Proposals 12-14**), encourages acceptance of properties that are likely to be in poorer condition, and subverts the principle of “objective need.”

14.1. The NIHE was established in 1971 following the Cameron Report into the civil disorder breaking out in the 1960s, which concluded that inadequate housing provision and unfair allocation contributed to a “rising sense of continuing injustice and grievance” and pointed to a “misuse in certain areas of discretionary power of allocation of houses in order to perpetuate Unionist control of the local authority.”³⁴ As such, the principle of awarding housing in accordance with need lies at the very heart of the NIHE’s creation and existence, and should not be breached.

14.2. Despite this, people already suffer what the Equality Commission NI has called “differing experiences of waiting lists for social housing, with a particular impact upon Catholic and other religions.”³⁵ This is particularly the case in locations where there is a shortfall in new social housing supply such as North Belfast. The NIHE should be endeavouring to improve their record on awarding housing according to need, not seeking to abandon the principle altogether.³⁶ The former UN Special Rapporteur on adequate housing, Raquel Rolnik, stated that population groups which continue to face inadequate access to affordable housing are Catholics in Northern Ireland, specifically in North Belfast. She stated that the current allocation scheme was created to be fair and open, and to allocate accommodation on the basis of meeting the housing need of people. Her main concern is that “full equality has not been achieved yet” in relation to the right to housing.³⁷

14.3. Despite this, statistics cited in the ASU research paper show that by mean, Catholics allocated a home have waited longer, i.e., 640 days compared to 477 days for Protestants. For those with dependents, it is 705 days for Catholics and 477 for Protestants.³⁸ Statistics cited in the ASU research paper show that Protestants between 25 to 34 with dependents wait 448 days. There are 2,383 of them. Catholics between 25 to 24 with dependents wait 756 days and, significantly, there are at least 3,400 on the waiting list.³⁹ Notably, regarding this, and points made in 13.3 and 12.2 nowhere in the draft EQIA does it state that Catholics may be adversely impacted by proposals tackling the waiting list.⁴⁰

14.4. It remains pertinent for PPR to note, again, the consistent use of median, instead of mean, as the measure of central tendency with regard to waiting time for housing allocation is problematic. The Department has drawn upon the NIHE’s equality impact assessment on the Housing Selection Scheme (EQIA 2007) and NIHE’s strategic guidelines for the Social Housing Development Programme (EQIA 2011), documents which have been questioned by PPR in prior consultations for using median as a summary measure of waiting time. For any statistical

³⁴ ‘Cameron Report on Unrest in Northern Ireland (1969)’, *Northern Ireland*, 2017 <<http://alphahistory.com/northernireland/cameron-report-unrest-northern-ireland-1969/>> [accessed 19 December 2017].

³⁵ Equality Commission for Northern Ireland, ‘Statement on Key Inequalities in Housing and Communities in Northern Ireland’ (Equality Commission for Northern Ireland, 2016).

³⁶ David Capener, ‘Belfast’s Housing Policy Still Reflects Deep Division | David Capener’, *The Guardian*, 3 October 2017, section Housing Network <<http://www.theguardian.com/housing-network/2017/oct/03/northern-ireland-shared-communities-economic-inequality-religion-neighbourhood>> [accessed 17 November 2017].

³⁷ Rolnik.

³⁸ Analytical Services Unit.

³⁹ Analytical Services Unit.

⁴⁰ DfC, ‘Fundamental Review of Social Housing Allocations: An Equality Impact Assessment’.

distribution with extreme upper-end values, using the median will yield a smaller value⁴¹ and, thus, obscure the extent of inequality. Case in point, in the Review of social housing allocations policy screening form,⁴² the median waiting time (not allocated) would be 23 months for Catholics and 20 for Protestants. On the other hand, the median waiting times at the point of allocation would be 15 months for Catholics and 9 months for Protestants. This use of median, and the resulting findings, have been used to erroneously argue that there is “no strong evidence of an unmitigated differential impact of the current scheme in terms of waiting times...[w]hen each religious category is examined, it is clear that each has a similar proportion (of total allocations to that religious category) going to those in housing stress.”⁴³

15. **Restricts “reasonable” offers.** – The policy states that if the two offers are refused, no further offers will be made for one year after the date of the last refusal (**Proposal 15**). A one year suspension from the waiting list would be applied if an applicant refuses two reasonable offers. Not only does this proposal fail to consider refusals based on substandard housing, issues regarding what the NIHE deems as “reasonable” have historically been a point of contention.

15.1. The negative impact of this change on applicants WILL NOT be balanced by the increase of choice they will have over the areas where they would wish to live if the current scarcity of social housing remains. (**Proposal 5**). PPR has assisted residents who are allocated housing deemed “reasonable” by NIHE which are in very poor conditions, e.g., pigeon waste from communal landings, sewage systems which frequently overflowed through baths and sinks; as well as campaigned for changes in multimillion pound plans which ignored residents’ needs and the re-housing of the majority of families into more suitable accommodation.⁴⁴ Unless the current practice around what is a reasonable or unreasonable offer is clarified then the current due process problems will continue to arise.

15.2. Moreover, the Section 75 Screening Form states that “widening the number of geographical areas that applicants may choose should provide more options for applicants”⁴⁵ yet fails to consider that in practice applicants are limited by availability of housing stock and areas where they may live. Case in point, the Screening Form notes that for ethnic minorities areas in South Belfast, for example, while regarded as safer, still pose problems because “rents are high in the private sector and social housing is in short supply.”⁴⁶

IV. Policy Recommendations

16. Instead of abolishing interim and intimidation points, the DfC and NIHE should instead revise and reform the manner in which points are awarded, including providing for the needs of survivors of domestic violence.

17. The application of a punitive approach to social housing should be abandoned for being antithetical to the two complementary state obligations to: (a) continuously improve conditions; and (b) abstain from taking deliberately retrogressive measures. Hence, proposals that undermine effective safeguards to protect the most

⁴¹ Mark Dynarski, ‘Comments on Social Housing Development Programme Strategic Guidelines’, 2011.

⁴² Hereafter, “Section 75 Screening Form.”

⁴³ DfC, ‘Fundamental Review of Social Housing Allocations: Section 75 Policy Screening Form’.

⁴⁴ PPR, ‘Right to Housing’, *Participation and the Practice of Rights* <<https://www.pprproject.org/right-to-housing>> [accessed 17 November 2017].

⁴⁵ DfC, ‘Fundamental Review of Social Housing Allocations: Section 75 Policy Screening Form’.

⁴⁶ DfC, ‘Fundamental Review of Social Housing Allocations: Section 75 Policy Screening Form’.

vulnerable sectors of society, with a particular focus on those most vulnerable and disenfranchised, should be scrapped.

18. Instead of promoting the unregulated private rented sector to address the housing crisis, policy and planning should focus on the provision of new build social housing. Instead, policy proposals should reflect state commitment to significantly increasing the social housing stock and a more balanced public funding for the stimulation of supply of social and affordable housing.

19. The restriction of offers needs further examination because unless the current practice around what constitutes “reasonable” and “unreasonable” changes then issues surrounding poor quality housing will continue to arise.

V. Concluding Remarks

20. The distinct issues of housing supply and allocation cannot be divorced. The need for a major increase in social housing building programmes has been repeatedly stressed by many communities in areas of consistently low supply and high demand, such as in North and West Belfast.

21. While the Fundamental Review indicates that “meeting housing need is the main priority”, none of proposals and their expected outcomes address the urgent need for new build social housing, particularly in the areas where poverty and deprivation are at its highest. If unchecked, housing policy in Northern Ireland will focus on simply reducing numbers on the waiting list rather than providing new-build social housing for those with the most acute need.

22. The guarantee of social and affordable housing is through a large programme of direct delivery funded by the State and not the creation of artificial means, such tackling the waiting lists, without addressing supply bottlenecks. **The DfC and the NIHE are reminded that the UK, hence including Northern Ireland, is a state party to the ICESCR and, as such, have a legal obligation to respect, protect and fulfil economic, social and cultural rights and are expected to take progressive action towards their fulfilment.**

21 December 2017