

**An Coiste Comhairleach Náisiúnta  
ar Chiníochas agus Idirchultúrachas**

**National Consultative Committee  
on Racism and Interculturalism**

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**Submission to the Department of Environment,  
Heritage and Local Government**

**On the Private Residential Tenancies Bill, 2003**

**October 2003**

The National Consultative Committee on Racism and Interculturalism (NCCRI) is a partnership of government departments, agencies and non-government organisations. It was established by the Department of Justice, Equality and Law Reform in July 1998.

The overall aim of the Committee is to provide an ongoing structure to develop programmes and actions aimed at developing an integrated approach against racism and to act in a policy advisory role to the government. The development of such an approach goes hand and hand with the promotion of a more participative and intercultural society which is more inclusive of groups such as refugees, Travellers and other minority ethnic groups.

### **1. Introduction**

In Ireland accommodation is recognised as a central part of any approach to the integration of ethnic minority groups. As one TD recently put it: ‘housing and accommodation is perhaps one of the most important things to get right as we work towards integrating refugees into our communities’.<sup>1</sup> As such accommodation has emerged as a key element in a number of broader integration and anti-racism strategies. For example housing was a central issue in the consultation process on the National Action Plan against Racism (NPAR).

Given the current market conditions minority ethnic groups tend to be concentrated in the private rented sector.

### **2. Discrimination**

Despite a lack of official data, qualitative research and anecdotal evidence suggests that discrimination and racism is a serious problem in the private rented sector in Ireland. This takes two broad forms: (1) discrimination by landlords in relation to access to private rented accommodation, and (2) racist incidences in residential environments.

Harassment, verbal abuse and threats are amongst the most common forms of discrimination but there is also evidence of physical attacks and damage to property. There are complaints relating to the behaviour of landlords and estate agents, though there is also evidence of landlords receiving racist abuse if they provide property to ethnic minorities. Annex 1 contains a summary of some of the relevant racist incidents reported to the NCCRI from May 2001 to May 2002.

### **3. Current legal provision**

Section 6 of the Equal Status Act 2000 prohibits discrimination in the disposal of premises and provision of accommodation, subject to certain exemptions. The general rule is that there can be no discrimination on the specified grounds in relation to: disposing of an estate, terminating a tenancy, providing accommodation, ceasing to provide accommodation. Annex 2 contains the full text of Part 2 Section 6 of the Equal Status Act.

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<sup>1</sup> Liz O’Donnell, T.D., address to a conference on Housing and Refugees given on 1 May 2002. Clann Housing Association Ltd (2002) Housing and Refugees – An New Challenge, Dublin: Clann Housing Association Ltd, p. 3

#### **4. Conclusion**

The NCCRI welcomes the clauses within the legislation that make the landlord responsible for ensuring the tenants comply with their statutory obligations. In line with the Equal Status Act provision for public housing providers, this could ensure that landlords can be held responsible for the racist actions of their tenants. Similarly the NCCRI also welcome the provision that tenants should not behave in an anti-social manner.

Given the context of racism and discrimination in the private rented sector the Bill could take into account the specific forms of discrimination which ethnic minority groups face in the private rented sector in Ireland. As such the new legislation should recognise the importance of the Equal Status Act 2000.

## Annex 1: Complaints Reported to the NCCRI Relating to Accommodation

In May 2001 the NCCRI established a system for recording incidents related to racism in Ireland.<sup>2</sup>

Between **November 2002 and April 2003** 48 alleged incidents were reported to the NCCRI. Examples of incidents relevant to this report include:

- A Cameroon man and his family experienced hostility at their place of residence on four occasions in a Limerick housing estate including racist jokes and verbal abuse. On the last occasion a petrol can was set on fire outside his front door while he and his family were inside the house.
- A Kosovan man and his Irish wife were subjected to racist verbal abuse, death threats and damage to their property in a Dublin suburbs by a gang of youths. The family are so scared that they confine themselves to their house and only go out in their car. They have applied to Dublin Corporation to relocate but are too afraid to formally report it to the Garda for fear of reprisals.
- A Roma family suffered hostility at their place of residence in Tralee with racial verbal abuse such as ‘go home refugee’ coupled with damage to their property. The Garda in the area gave the situation serious consideration and requested urgent alternative accommodation for the family.
- A complaint was received from a group of Traveller families living in the west of Ireland. The complaint was in relation to the Group Accommodation Scheme for the Traveller community in Ennis. The residents of the site are objecting to the relocation of their site and the enclosure of the site behind a reinforced two metre high wall. The residents had a meeting with representatives of the local authorities outlining their objections and opposition to the proposed relocation and that they are waiting for the matter to be resolved through further negotiations. The residents claim that any attempts at negotiation with the Council since then have been ignored.
- The enforcement of provisions of the Housing Miscellaneous Act 2002 by the Gardai in Mayo caused much controversy and tension with the Traveller community. The Irish Human Rights Commission, Pavee Point and other organisations are calling for a review of the legislation in light of it being contrary to the constitutional rights of the Traveller community in particular in terms of their right to equal treatment and non-discrimination in accessing adequate accommodation.
- A landlord who rented out his property to non-Irish nationals was subjected to harassment by the residents association where his property was based in the suburbs of Dublin because they were opposed to his policy of renting out to Irish and foreign nationals. The residents association also made serious unfounded allegations about his tenants.

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<sup>2</sup> The data that is generated by this reporting is primarily qualitative and indicative of key issues that need to be addressed. The reports do not aim to provide a comprehensive list of every racist incident in Ireland, available at: [www.nccri.com](http://www.nccri.com)

Between **May and October 2002** there 67 racist incidences reported to the NCCRI. Examples relating to housing and accommodation include:

- There was a suspected arson attack on a Nigerian family in a city centre location. The entrance to the apartment block where the family were living was set on fire in the middle of the night. The fire brigade was called and the fire was put out. Two days later, the landlord asked the family to leave the apartment as he had received a call from the perpetrator of the attack, clearly indicating that the attack was motivated by racism. The family were forced to move as a result.
- A family living in Tallaght have been subjected to sustained levels of harassment from some other residents in the area, including damage to property and physical abuse. This involved the throwing of stones at cars and house windows and the shouting of abuse.
- A Nigerian living in Dundalk had fire extinguisher powder sprayed through his letterbox.
- 20 Traveller families living in a temporary site near Laytown, County Meath were attacked during the night by a person driving agricultural machinery. Their trailers were covered with effluent from the spray unit and there was substantial damage to their property.
- There were issues arising from the Housing Provision (Miscellaneous) Bill 2002 on the Travelling Community, which provides for fine or imprisonment for trespass of private or public land. Travellers' organisations have detailed instances where the legislation is being used against individual families who are on council accommodation waiting lists. In other words some Councils are effectively evicting people who are already homeless due to the lack of site and other provision. This is contrary to the Governments stated intent when the legislation was introduced.
- In the south-western part of the country a landlord offered accommodation to a Nigerian man. The estate agents handling the property blocked the agreement, saying that they had found a more suitable tenant. An organisation working with minority ethnic groups in the area commented that this type of situation is not uncommon.

From **October 2001 to March 2002** 40 racist incidences were reported to the NCRI, including:

- Continuing harassment experienced by a Bosnian woman single parent living in a housing estate in a western suburban area of Dublin. The windows of her house have been broken on a regular basis by local youths and graffiti has been painted on her door.

From **May to October 2001** 41 racist incidences were reported to the NCCRI, including:

- A Congolese woman who lives in Dublin 22 received sustained harassment by some neighbours over a three-week period. Every weekend a group of teenagers throw stones and bottles at her house. They have broken the windows of her car.
- A man of Chinese ethnic origin, an Irish citizen, and his Irish wife and two young children had been singled out for racist harassment in a private housing estate in Dublin 9 over a number of months by one particular neighbour.

- A Cameroon family with one 4-month-old child who are asylum seekers living in Drogheda, County Louth were evicted from their house. They returned to find their possessions in black plastic bags outside their house. Their landlord claimed he evicted them because he was putting the house on the market. However an auctioneers' sign subsequently appeared in the garden which was placed without the knowledge or consent of the auctioneer.

## Annex 2: Part 2, Section 6 of the Equal Status Act 2000

(1) A person shall not discriminate in—

(a) disposing of any estate or interest in premises,  
(b) terminating any tenancy or other interest in premises, or  
(c) providing accommodation or any services or amenities related to accommodation or ceasing to provide accommodation or any such services or amenities.

(2) *Subsection (1)* does not apply in respect of—

(a) the disposal of any estate or interest in premises by will or gift,

(b) the disposal otherwise of such an estate or interest where—

(i) the person making the disposal or another person who has an estate or interest in the premises or a person who is a near relative of either of them intends to continue to reside, or in the immediate future to take up residence, in the premises or a part thereof, and

(ii) the premises in question are small premises,

(c) any disposal of such an estate or interest, or any provision of accommodation or of any services or amenities relating to accommodation, which is not available to the public generally or a section of the public,

(d) the provision of accommodation in premises where—

(i) the person providing the accommodation or a person who is a near relative of that person intends to continue to reside, or in the immediate future to take up residence, in the premises or a part thereof, and

(ii) the premises in question are small premises,

or

(e) the provision of accommodation to persons of one gender where embarrassment or infringement of privacy can reasonably be expected to result from the presence of a person of another gender.

(3) References in *subsection (2)* to the disposal of an estate or interest in premises or the provision of accommodation or of any services or amenities relating to accommodation include references to the termination of any tenancy or other interest in those premises or ceasing to provide such accommodation, services or amenities.

(4) Premises shall be treated for the purposes of *paragraphs (b)* and *(d)* of *subsection (2)* as small premises if—

(a) in the case of premises comprising residential accommodation for more than one household, there is not normally accommodation in the premises for more than three households, or

(b) in any other case, there is not normally residential accommodation

in the premises for more than six persons in addition to a person mentioned in those paragraphs and any persons residing with that person.

(5) Where any premises or accommodation are reserved for the use of persons in a particular category of persons for a religious purpose or as a refuge, nursing home, retirement home, home for persons with a disability or hostel for homeless persons or for a similar purpose, a refusal to dispose of the premises or provide the accommodation to a person who is not in that category does not, for that reason alone, constitute discrimination.

(6) Nothing in *subsection (1)* shall be construed as prohibiting—

(a) a housing authority, pursuant to its functions under the Housing Acts, 1966 to 1998, or

(b) a body approved under section 6 of the Housing (Miscellaneous Provisions) Act, 1992,

from providing, in relation to housing accommodation, different treatment to persons based on family size, family status, marital status, disability, age or membership of the Traveller community.