



Submission to the Independent Expert on the enjoyment of all human rights by older persons concerning the right to adequate housing of older persons in Ireland.

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Rialtas na hÉireann
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Age Action's Response to the Call for Contributions on the Right to Adequate Housing for Older Persons.

- 1. What are the local and national legal, policy and institutional frameworks protecting and promoting the right to adequate housing of older persons? Please identify both existing or planned legal frameworks such as constitutional provisions, laws, regulations, or decrees;
And,**
- 2. What are the existing local and national action plans, development plans and support programmes for advancing the right to adequate housing for older persons? If available, please specify the budget allocated for their implementations.**

This section responds to both the first and second question posed by the Independent Expert as there is significant overlap in the Irish context. This is in part due to limited publicly available information on implementation plans for policies.

There exists no constitutional right to housing in Ireland. Public housing is chiefly provided through local authorities, who under Irish law possess a *duty* to carry out a housing needs assessment of applicants for social housing¹ and a *legal right* to provide housing. The state therefore has no obligation to provide people with homes. Many advocacy organisations, including Age Action through the Raise the Roof coalition, have called for a right to housing. The Programme for Government commits to a referendum on housing, but the details of what opportunities this referendum might present are unclear.²

The national housing strategy, Housing for All, introduces Local Authority Housing Delivery Action Plans, which will among other things determine how to meet the social housing needs of older persons, including through the development of a GIS mapping tool and putting to use of the Housing Need and Demand Assessment (HNDA) Framework, which would accommodate the specific needs of older persons.³ Housing for All further provides for 31 Age-Friendly Technicians and there is currently at least one in each local authority area. These technical advisors will provide advice and guidance on issues like universal design to local authorities and non-state bodies who wish to develop or provide housing. They are also available to older members of the public to direct them to what resources or schemes may be in place to help guarantee their right to adequate housing. There existed a National Positive Ageing Strategy, which re-emphasised a commitment to tackling energy poverty, and to supporting older persons to live in suitable

¹ Housing (Miscellaneous Provisions) Act 2009, s21.

² Programme for Government: Our Shared Future (2020) p120.

³ Housing for All (2021) p64.

housing. This 2013 strategy has effectively lapsed without realizing many of its commitments, and Age Action has called for a substantially revised strategy to replace it.

The government published a policy statement on older persons' access to housing, entitled Housing Options for Our Ageing Population. It listed six key guiding principles: ageing in place; using assistive technology; staying socially connected; working together; promoting sustainable lifetime housing; and supporting urban renewal.⁴ The policy statement made a number of high-level commitments, including to '[d]evelop a catalogue of housing options that provide a range of choices that meet the diverse need of an ageing population, spanning owner occupier, private rental and social housing, whilst providing accessible care and the associated support needs.'⁵ Also under the statement, the government will support older persons to age in place for as long as possible. They reiterate earlier commitments to develop supported housing/housing with care to expand the housing choices available to older persons; to explore means of making more widely available stepdown specialized housing and appropriately incentivize downsizing; and to renew and regenerate villages, towns, and urban centres. An evidence brief undertaken by the Health Research Board, in line with the Housing Options for Our Ageing Population Policy Statement, identified and recommended four models of housing for "ageing in a community for older people." These are naturally occurring retirement communities; co-housing; apartments for life; and extra-care housing.⁶ An implementation group attached to the policy statement has publicly released one review of the progress made under it. This was published in 2019, and subsequent evaluations are overdue. Age Action is critical of the limited engagement with older persons in designing and implementing this policy, further discussed in response to question three. Consultation with older persons might rebut the assumption often found in policy in favour of housing intended for older persons being isolated from wider communities and persons of other age groups.

The rest of this section will set out the legal, policy and institutional frameworks around older persons' housing in the context of social welfare (namely housing adaptation grants); nursing homes; home care; the private rental sector; and local authority housing.

Housing Adaptation Grants

Three state grants, often grouped together as 'housing adaptation grants for older people and people with a disability', provide assistance to people to improve the accessibility or habitability of their homes. These are:

- the Housing Adaptation Grant for People with a Disability,
- the Mobility Aid Grant, and
- the Housing Aid for Older People Grant.

The Housing Adaptation Grant for People with a Disability is available to people of all ages and may be available to some of the 35.2% of persons aged 65 or older in Ireland

⁴ Housing Options for Our Ageing Population (2019) p3.

⁵ Housing Options for Our Ageing Population (2019) p27.

⁶ Housing Options for Our Ageing Population: First Report of the Implementation Group, p7.

who are living with a disability. It provides financial assistance for adaptations, repairs, or improvements intended to make a person's private home better suited to them. It is means tested with the maximum percentage of works covered increasing as income decreases. The maximum grant available is €30,000, covering 95% of the work costs, making it the most potentially highly valued of the three grants.⁷ Over the period of 2014 to 2020, €175,590,101 was paid out in the form of 21,633 grants. This makes the average value of a grant over the same period €8,117.⁸

The Mobility Aid Grant offers funding for basic works that support the mobility of an occupant in a private home. This includes additions like grab rails, stair lifts, and access ramps. It is means tested and only available to those with an income of or below €30,000. The maximum grant available is €6,000, which can be used to cover 100% of the costs of the works being carried out.⁹ Over the period of 2014 to 2020, €46,851,659 was paid out under this scheme in the form of 13,478 grants. This makes the average value of a grant over the same period €3,476.¹⁰

The Housing Aid for Older People Grant assists persons aged 66 and older in getting necessary repairs or improvements to their private home if it is in poor condition. This includes window replacements, re-wiring work, and provision of heating, water supply, or sanitary facilities. It is means tested with the maximum percentage of costs covered increasing as income decreases. Over the period of 2014 to 2020, €92,759,812 was paid out under this scheme in the form of 24,695 grants. This only includes the funding from the Department of Housing Local Government and Heritage. Local authorities administering the grants topped them up by a further 20% from their own funds, which would bring the total amount to €115,949,765. This makes the average value of a grant over the same period €4,695.¹¹ The maximum amount that the Department will give toward a grant is €8,000, which can cover up to 95% of the work.¹² The maximum amount had been €10,500 up until the 2014 regulations.¹³ It is available to people aged 66 or older, and people under 66 in cases of hardship. The cut-off age had been 60 prior to the 2014 regulations.¹⁴

The adaptation grants for older people and people with a disability scheme is administered by the Department of Housing, Local Government and Heritage, rather than

⁷ Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007.

⁸ Housing Adaptation Grant for People with a Disability 2014-2020 <https://data.gov.ie/en_GB/dataset/housing-adaption-grant-for-people-with-a-disability-2014-2020?package_type=dataset> accessed 18/03/2022.

⁹ Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007.

¹⁰ Housing Adaptation Grant for Mobility Aids 2014-2020 <https://data.gov.ie/en_GB/dataset/housing-adaption-grant-for-mobility-aids-grants-2014-2020?package_type=dataset> accessed 18/03/2022.

¹¹ Housing Adaptation Grants for Older People 2014-2020 <https://data.gov.ie/en_GB/dataset/housing-adaptation-grants-for-older-people-2014-2020?package_type=dataset> accessed 18/03/2022.

¹² Housing (Adaptation Grants for Older People and People with a Disability) (Amendment) Regulations, 2014.

¹³ Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007.

¹⁴ Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007.

the Department of Social Protection, and grant applications are received and acted upon by local authorities. They are all means tested. The annual income threshold at which no grant would be payable was reduced from €65,000 to €60,000 in the Housing (Adaptation Grants for Older People and People with a Disability) (Amendment) Regulations 2014. These regulations also required that all household incomes now be taken into account in calculating means.¹⁵ The implementation group's first report on the Housing Options for Our Ageing Population policy statement stated that the funding allocated to the housing adaptation grants for older people and people with a disability increased by 8% from 2019 to 2020. However, the number of grants given and the total value of those grants declined from 2019 to 2020. The policy statement itself also committed to reviewing the scheme's guidelines and streamlining the application process.

Across these grants, Age Action is greatly concerned for persons whose income puts them just outside the eligibility criteria, and for those with low income and savings who can't afford the financial contribution necessary to access the grants. ALONE, the national charity for ageing at home, anecdotally reports older persons struggling with acquiring the necessary sign off from occupational therapists in applying for these grants, particularly due to waiting lists to meet with such professionals which can extend the grant application process up to eighteen months.¹⁶ Moreover, many older persons are precluded from the grants as they are unable to cover hidden costs like fees for architects and deposits for builders.¹⁷

Nursing Homes

An estimated 4% of older persons aged 65 or older are in nursing homes at any given time,¹⁸ but a much higher number of us will pass through them at some stage of our lives. There is no right to nursing home care in Ireland. Residents of nursing homes can avail of government assistance for financing the costs of their care through the Nursing Home Support Scheme (the 'Fair Deal' scheme). Under this, contributions toward one's care is determined by their weekly income as well as the value of any assets, largely savings and homes. The maximum payments required from older persons range from €905 to €1,360 per week depending on what nursing homes they are residing in.¹⁹ However, their home or farm will only be taken into account in calculating payments for three years. Age Action is particularly concerned about the 1 in 5 older persons who do not own their own home. Many older persons have told Age Action they do not regard the scheme as fair.

There are private, voluntary, and public providers of nursing home care, with the private/voluntary sector dominating the market.²⁰ The government body HIQA regulates

¹⁵ Housing (Adaptation Grants for Older People and People with a Disability) (Amendment) Regulations, 2014.

¹⁶ Alone, 'Housing Choices for Older People in Ireland' (2018) p17.

¹⁷ Alone, 'Housing Choices for Older People in Ireland' (2018) p17.

¹⁸ Housing Agency, 'Housing for Older People: Thinking Ahead' (2016).

¹⁹ HSE, 'Cost of Voluntary and Private Nursing Homes' (2022).

²⁰ Private and voluntary nursing homes provided 80% of long-term beds in Ireland in 2020. Nursing Homes Ireland, 'Private & Voluntary Nursing Home Survey Results 2019/2020' (2020) p8.

all nursing homes, although it has limited authority and serves more of a monitoring function.

Older persons in nursing homes do not have tenancies (or the associated legal protections), and thus they are at risk of instead being treated similar to patients in a hospital, with their autonomy and independence restricted. They may have to observe rules about eating at certain times or only seeing visitors under certain conditions. This can compromise their human rights such as privacy and indeed adequate housing. For Age Action, supporting older persons in exercising choice and control in their lives is a key priority. There were particular concerns about the rights of older persons in nursing homes raised in response to government measures instituted to tackle COVID-19. These are discussed in greater detail in response to question six, but suffice it to say older persons were isolated from family and communities, and many reported that their mental health had suffered.

The State recognizes that institutional settings are not ideal for older persons. However, the policy landscape incentivizes institutional care, such as the Nursing Home Support Scheme and the current lack of a statutory home care scheme (though this is being developed, see below section) or a national care strategy, which could set out a continuum of care approach. Age Action strongly believes that moving away from institutional settings to age friendly housing is a critical aspect of the discussion on care delivery and its intersection with housing adequacy.

Home Care

Many older persons are in receipt of home care, although the rate of those receiving informal care is difficult to establish. In February 2022, 5,000 persons were reported to be on waiting lists for home care.²¹ Research based on data from 2016 found that 38% of persons aged over 65 who need home care do not receive it.²² The government is introducing a new statutory home care scheme, the full details of which have yet to be made publicly available. There is currently no centralized oversight or coordination of home care providers, public, private, or voluntary. HIQA is the closest body to a centralized authority, although it lacks legal powers in the home care sector. Given how important it is for most older persons to age in place, that is to live out their lives in the same home or community, government measures which support home care would also be realizing their right to adequate housing. The aim of establishing such a scheme was reiterated in the Housing Options for Our Ageing Population, emphasising the association further.²³ The Department of Health is drafting primary and secondary legislation to establish a statutory home care scheme and conducting targeted and public consultations on foot of that. They are also investigating different funding models. They have suggested

²¹ Eilish O'Regan, "Crisis' in home care with 5,000 people on waiting list' The Independent (February 10 2022).

²² Ivan Privalko et al., Access to Childcare and Home Care Services Across Europe, (Department of Employment Affairs and Social Protection and Economic Social Research Institute, 2019) p101.

²³ Housing Options for Our Ageing Population (2019), p15.

that, excluding those on the lowest incomes, recipients of home care contribute to the cost of the home care at an hourly rate, with the rest of it being state subsidized.²⁴ A Strategic Workforce Advisory Group has been established to examine and design solutions in response to issues regarding recruitment, training and retainment of staff in the home care sector. There has been a staffing crisis, compounded by the high demand for services and more recently by COVID-19. The inability of the sector to meet the care needs of older persons puts increased pressure on informal carers, and can create relationships of dependency among family and friends that older persons wish to avoid. The reformed model of service delivery is being piloted in four CHOs, although only one pilot is operational. There have been major delays with this pilot attributed to both COVID-19 and issues regarding staffing.

Private Rental Sector

There is an unprecedented housing crisis in Ireland, with the private rental sector becoming increasingly untenable for many people. In so-called 'rent pressure zones' rent increases have been limited, with exceptions, to 2% every year when inflation is higher than 2%. Until late 2021 the cap was 4%. The rent pressure zone system is in place until 2024. If someone is renting outside of these zones, the rent can be changed at any point in line with 'market rates', provided the tenant has been renting the property for twenty-four months, and was given 90 days' notice of the change. There is no control on what rents can be set at for new tenants, which is why rents are still rising rapidly. The average rent grew by 8.3% year-on-year in quarter three of 2021.²⁵ The Irish rental sector is tailored to short term lets. There are limited protections available to long-term or life-time renters in Ireland, none of them tailored to the needs of older persons. Tenants can be evicted under several prescribed circumstances, including renovations.²⁶ Age Action is calling for much stronger tenancy protection, particularly for long-term or lifetime leasing.

Older renters are often forgotten in the conversation on this crisis, as older persons are generally assumed to own their own homes. Yet it is likely that the state will be called upon to provide social housing or rent subsidies to older persons in the rental sector, as their situation becomes increasingly precarious. According to the 2016 Census, 2.4% of older persons rent in the private sector, with this proportion expected to increase,²⁷ as the younger old have lower rates of home ownership than the older old. Given that most older persons are on a fixed income, coping with the trend of rapidly rising rents will prove a struggle, particularly for those living alone. The current average rent in Ireland is €1,516 per month (and the lowest average is €742 in Leitrim, the most affordable county in

²⁴ Claire Keane et al., 'Home Support Services in Ireland: Exchequer and distributional impacts of funding options' (Economic and Social Research Institute 2022).

²⁵ <<https://www.rtb.ie/research/ar>> accessed 17/03/2022.

²⁶ Residential Tenancies Act 2004, s34.

²⁷ Census 2016, Age Group of Persons in Private Households, <<https://data.cso.ie/table/E3015>>, accessed on 16/03/2022.

Ireland),²⁸ whereas the maximum monthly payment for a single person under the contributory state pension is €1,218. Three in five private tenants aged 65 or older spend over 30% of their disposable income on rent, and two in five spend over 40%.²⁹ There needs to be more research on the situation of older persons in private rental housing, and the supports they need.

There are equally concerns with the quality of homes in the private rental sector and their suitability for older persons. The housing adaptation grants discussed above are not available to people privately renting their homes, and neither are the retrofitting schemes discussed in response to question eight. The 2020 'Local Authority Performance Indicator Report' published by the National Oversight and Audit Commission found that only 6.73% of registered tenancies had been inspected. Six local authorities found that every registered tenancy they investigated failed to comply with Standards Regulations. The local authority with the highest rate of compliance reported it at 44.4%. The overall rate of compliance was 33%.³⁰

Local Authority Housing

Housing provided by local authorities is means tested. Social housing can also be provided through Approved Housing Bodies, discussed more in response to question seven. In 2016, 29,691 (20.7%) persons out of the 143,178 who were renting from a local authority were aged 65 or older.³¹ In 2020, nearly one in nine applicants for social housing was aged 60 or above. There was a significant increase from 2019 to 2020 on the number of applicants aged above 60 (up 2.1%) and even more so aged above 70 (up 5.2%).³² This may be partially attributable to the growth of those demographics overall. Applicants for social housing aged 60 or over represent 0.93% of that age group. The median wait for applicants to receive social housing was between 3 and 4 years, with 38.5% of applicants waiting for five years or more.³³

The Social Housing Needs Assessment that applicants for social housing fill out for their respective local authorities used to be conducted every three years. Since 2016 it has been conducted annually, and ALONE has identified a difficulty among older applicants

²⁸ The Daft.ie Rental Price Report Quarter 3 2021 <<https://ww1.daft.ie/report/2021-Q3-rental-daftreport.pdf>> accessed 16/03/2022.

²⁹ <<https://data.cso.ie/table/TRS25>>; <<https://www.cso.ie/en/releasesandpublications/FP/FP-TRSI/therentalsectorinireland2021/tenants/>> accessed 16/03/2022.

³⁰ National Oversight and Audit Commission, 'Local Authority Performance Indicator Report' (2020) p18, 65.

³¹ Census 2016, Age Group of Persons in Private Households, <<https://data.cso.ie/table/E3015>>, accessed 16/03/2022

³² Summary of Social Housing Assessments 2020 Key Findings (2021), available at <<https://www.gov.ie/en/publication/970ea-summary-of-social-housing-assessments-2020-key-findings/>> accessed 17/03/2022

³³ Summary of Social Housing Assessments 2020 Key Findings (2021), available at <<https://www.gov.ie/en/publication/970ea-summary-of-social-housing-assessments-2020-key-findings/>> accessed 17/03/2022

awaiting social housing with completing these forms at an increased frequency.³⁴ Age Friendly Ireland, a local government shared service, provides advice to local authorities on age friendly housing. When local authorities conduct Housing Need and Demand Assessments of their area, they are instructed to account for the housing needs of older persons.³⁵ Age Action is concerned about the housing adequacy for older persons during the long waiting period (up to five years) for social housing and Age Action is also concerned about ageist assumptions leading local authorities to segregate social housing for older persons from the rest of society.

3. How are older persons involved and participating in the development of action plans, policies or legislation related to housing?

The Implementation Group for the Housing Options for Our Ageing Population policy statement was comprised of 20 members. Two of these were “citizen representatives from Older Peoples Councils”.³⁶ The policy statement itself makes no reference to direct involvement of older persons, save for through surveys undertaken by the Department of Health, the findings of which were used to determine the preferences and priorities of older persons. It is possible they are included in the umbrella term ‘key stakeholders’ who are mentioned as having been worked with in the foreword. At a meeting of a subgroup of the implementation group, UrbanAge, which uses peer researchers and co-production, gave a presentation.

Housing for All is a broad document with attention to the situation of older persons comprising a small section of it. In developing the policy, the government publicly called for submissions, providing a survey for respondents to complete. They received many, three of which were from non-governmental organizations who work on behalf of older persons, namely ALONE, COPE Galway, and Sage Advocacy, and one of which was from Age Friendly Ireland, a governmental organization supporting older persons.

4. What challenges, barriers and forms of discrimination are faced by older persons in fulfilling their right to adequate housing? Please also include any existing legislation, policy or practice. Please also state how it impact older persons’ enjoyment of other human rights.

Most older persons wish to remain in their homes as they age, even if those homes become unsuitable to their needs.³⁷ Yet many can’t. Poor design in housing prevents

³⁴ Alone, Housing Choices for Older People in Ireland (2018) p21.

³⁵ Housing for All (2021) p64.

³⁶Housing Options for Our Ageing Population: First Report of the Implementation Group, p22.

³⁷ Healthy and Positive Ageing Initiative ‘A profile of attitudes towards future housing options among community-dwelling adults aged 55+ in Ireland’ (2017); UCC and Age Action, ‘Agency and Ageing in Place in Rural Ireland’ (2022).

ageing in place and decreases quality of life.³⁸ This is compounded by prohibitive costs associated with purchasing, renting, or maintaining homes. This section will describe the following challenges faced by older persons in fulfilling their right to adequate housing: affordability and availability; habitability; health impacts; and living in underserved rural areas.

Housing Affordability and Availability

2.5% of older persons struggle to pay their mortgage or rent. 9,370 mortgages held by older persons in 2019 were in arrears, with the majority 720 days or more behind in payments, defined as in “deep arrears”.³⁹ As older persons are less likely to receive an increase to their income, they may find it especially difficult to escape arrears or debts once they have accumulated. A growing number of persons are expected to come into their sixties and seventies still paying a substantial mortgage or loan on their home and are particularly at risk if they lose their employment. Ireland permits employment contracts to set mandatory retirement ages if the purpose for doing so is justified and the mandatory retirement age a proportionate means of achieving it. Discrimination against persons aged 65 or older is expressly permitted under employment equality law.⁴⁰ Ireland does not have an infrastructure to support older persons in accessing affordable credit to use the value of their homes, and many banks will not give financial products to older persons, as loans may be required to be paid off by the age of 70, and they may also only be available on the basis of income rather than asset value. Home heating, which will be discussed in greater detail in response to question eight, makes housing less affordable for older persons, who disproportionately occupy energy inefficient homes.⁴¹ Living in nursing homes is also unaffordable for many older persons, as discussed in response to question one. However, due to the lack of available suitable housing, many older persons may prematurely enter nursing homes. In research from 2016, social workers estimated that more than half of older persons in nursing homes could instead live in their own homes if the appropriate care was available.⁴² Older persons may also have to stay in acute hospital settings for longer periods than they need to, due to delays in provision or adaptation of suitable housing. In 2016, a report by the Housing Agency found an estimated 25 billion euro worth of unmet need in terms of new suitably accessible housing.⁴³ Ireland is facing a housing supply crisis, with residential property prices soaring, increasing 14.8% from January 2021 to January 2022.⁴⁴ It is difficult for older persons to compete for access to housing, either to rent or purchase. This may be in part

³⁸ Healthy and Positive Ageing Initiative, 'Housing and Health Ageing Report' (2017).

³⁹ Jack Horgan-Jones, 'Mortgage arrears may follow 20,000 into retirement' The Irish Times (November 2019).

⁴⁰ Employment Equality Act, 1998, s6.

⁴¹ See e.g., John Curtis et al, 'Estimating Building Energy Ratings for the Residential Building Stock: Location and Occupancy' ESRI Working Paper (2014).

⁴² Sarah Donnelly et al. "I'd prefer to stay at home but I don't have a choice" Meeting Older People's Preference for Care: Policy, but what about practice?' University College Dublin (2016).

⁴³ Housing Agency, 'Housing for Older People: Thinking Ahead' (2016).

⁴⁴ <<https://www.cso.ie/en/releasesandpublications/ep/p-rppi/residentialpropertypriceindexjanuary2022/>> accessed 18/03/2022

due to ageism in the sector. Some older adults would like to right-size, yet there are often no suitable housing options for them, particularly if they wish to remain in an area to which they have social, familial and other ties.

Housing Habitability

A large portion of older persons in Ireland do not live in suitably habitable homes. This often takes the form of an inability to heat one's home, with 45% of persons aged 65 or older living in homes with a BER of E, F, or G.⁴⁵ 59% of persons aged 50 or older report at least one housing problem, with 'damp, mould or moisture ingress' being the most common at 46%. Participants considered 69% of the problems they had identified as minor, 19% moderate, and 12% major.⁴⁶ 13.3% of older persons report leaking roofs, damp walls, floors or foundations, or rotting window frames or floors.⁴⁷ The 2016 Census found that 2% of households occupied by persons aged 65 or older lack central heating;⁴⁸ 0.2% of households occupied by persons aged 60 or older lack any sewerage facility;⁴⁹ and 0.23% lack piped water.⁵⁰ 40.8% of households occupied by persons aged 65 or older do not have access to the internet, although for some this will be a matter of personal preference.⁵¹ Older persons are more likely to live alone, which can make maintaining the habitability of a home more difficult.⁵² Age Action estimates that at least 20% of older persons cannot afford to repair or maintain their homes, and 10% cannot afford to adapt it to make it more accessible. As was highlighted in response to question one, and will be again in response to question eight, many older persons are ineligible for or unable to afford the associated costs of the housing grants available to make their homes more habitable, due to their income level or living situation. 55% of Irish adults aged 55 or older in private housing with housing problems would like financial assistance with upkeep; 61% would like it for 'adaptations and improvements'; and 66% for maintenance.⁵³

⁴⁵ John Curtis et al, 'Estimating Building Energy Ratings for the Residential Building Stock: Location and Occupancy' ESRI Working Paper (2014).

⁴⁶ TILDA, 'Housing Conditions of Ireland's Older Population' (2016) p9.

⁴⁷ EU SILC-Survey 'Total population living in a dwelling with a leaking roof, damp walls, floors or foundation, or rot in window frames or floor'

<https://ec.europa.eu/eurostat/databrowser/view/ILC_MDHO01/default/table?lang=en&category=livcon.ilc.ilc_md.ilc_mdho> accessed 18/03/2022

⁴⁸ Census 2016, Private Households in Permanent Housing Units < accessed 18/03/2022.<https://data.cso.ie/table/E1056>> accessed 18/03/2022.

⁴⁹ Census 2016, Private Households in Permanent Housing Units <<https://data.cso.ie/table/E1046>> accessed 18/03/2022.

⁵⁰ Census 2016, Private Households in Permanent Housing Units <<https://data.cso.ie/table/E1048>> accessed 18/03/2022.

⁵¹ Census 2016, Private Households in Permanent Housing Units <<https://data.cso.ie/table/E1057>> accessed 18/03/2022.

⁵² TILDA, 'Housing conditions of Ireland's older population' (2016).

⁵³ Sarah Gibney et al., 'Positive ageing in age friendly cities and counties: local indicators report' Department of Health (2018).

Housing and Health

The relationship between poor housing and poor health is mutually reinforcing: poor housing can worsen a person's health,⁵⁴ and health issues can lessen people's ability to live safely in and maintain their own homes and may make traditional housing inadequate to meet their specific needs. This can be especially true for older persons given they on average spend more time at home.⁵⁵ Housing that is inadequate – due to unaffordability, insecurity of tenure, or any other reason – can negatively impact both the mental and physical health of older persons. Changes in health, whether gradual and cumulative or sudden, can change a person's housing needs,⁵⁶ and it is often at this juncture in the life of an older person that the importance of having choice and control is most acute.

When it comes to the impact of housing on older persons' physical health, particular attention has been paid to those living in cold homes. The Sustainable Energy Authority of Ireland has stated that:

“As we age, our immune systems deteriorate. Cold and damp housing can lead to increased sickness including respiratory problems, colds and even hypothermia. Therefore, in colder weather, keeping yourself in a warm environment with good air quality is essential to staying healthy. Many older houses in Ireland are not energy efficient. They perform poorly when compared to those built to the current building standards. In particular, rooms in older houses tend to have drafts unless the home has undergone an energy upgrade.”⁵⁷

As we highlighted in the above section, older persons disproportionately occupy energy inefficient homes. Research from 2016 found that persons aged 50 or older occupying cold homes had lower self-rated health and were more likely to report chronic pain.⁵⁸ In 2012, colder homes were associated with higher levels of chronic illness among older persons.⁵⁹ Other health issues may result or be exacerbated by the presence of mold, damp, or mildew in the home. Poor housing is strongly associated with higher rates of respiratory health problems and bone and joint problems among persons aged 55 and older in Ireland.⁶⁰ Research from 2019 shows that living in rural areas limits the ability of older persons to access necessary health services.⁶¹

⁵⁴ Sarah Gibney et al "Housing conditions and non-communicable diseases among older adults in Ireland" 19 (2018) *Quality in Ageing and Older Adults* p191.

⁵⁵ TILDA 'Housing conditions of Ireland's older population' (2016).

⁵⁶ Health Research Board 'Evidence Review Housing with Support for Older People' (2021).

⁵⁷ Sustainable Energy Authority of Ireland, *Why Warm Houses For The Elderly Are Important* (2019) <<https://www.seai.ie/blog/warm-house/>>

⁵⁸ TILDA, 'Housing conditions of Ireland's older population' (2016) p16, 18.

⁵⁹ Noëlle Cotter et al, 'Coping with the cold – exploring relationships between cold housing, health and social wellbeing in a sample of older people in Ireland' (2012) *Quality in Ageing and Older Adults*, p38.

⁶⁰ Sarah Gibney et al (2018) 'Housing conditions and non-communicable diseases among older adults in Ireland' 19 (2018) *Quality in Ageing and Older Adults* p191.

⁶¹ Suzanne C. Smith and Lucia Carragher 'Just lie there and die': barriers to access and use of general practitioner out-of-hours services for older people in rural Ireland' 19 (2019) *Rural and Remote Health* p5088.

Housing issues, and specifically inadequate heating, make persons aged 50 or older twice as likely to report symptoms of depression.⁶² Being limited to one's home and cut off from communities, families, and amenities also impacts mental health.⁶³ While the experience of this for older persons was most extreme during lock down (discussed in response to question six), many report being socially isolated and associated low levels of mental wellbeing in general.

Housing in Rural Ireland

Location is one of the seven defining characteristics of housing adequacy, and older persons in rural Ireland may face unique challenges in guaranteeing their right to adequate housing. 9.2% of persons aged 65 or older live in highly rural or remote areas, and 30% live in rural settings with some level of urban influence.⁶⁴ Living in rural areas can increase the likelihood of social isolation, with participants in a recent study on older persons' ability to age in place feeling restricted by a lack of amenities and social opportunities in their rural environs.⁶⁵ Rural areas are underserved by public transport and social isolation can be compounded if a person doesn't drive.⁶⁶ If a person does drive, living rurally can increase their dependency on their car to access necessary services and to stay socially connected. Between 7.4% and 13.8% of persons aged 75 and older would drive more often if it weren't for the associated costs. This was true for between 9.7% and 10.9% of persons aged 65-74.⁶⁷ Though all persons aged 66 and older are entitled to a free travel pass, only 3% of those in rural areas use it, likely due to unavailability or inaccessibility of services.⁶⁸

5. How do other factors (i.e., gender, sex, race, ethnicity, indigenous identity, disability, sexual orientation, gender identity, religion, social status, place of origin and immigration status) intersect and impact the enjoyment of older persons' right to adequate housing?

There is a general lack of research and data on older members of minority or marginalized communities in Ireland, and even less so in terms of how the intersection of identities impacts experience of housing. Here, we present some limited insight into the housing situation of older members of the Traveller community and migrant communities, as well as older women and older persons with disabilities.

⁶² TILDA, 'Housing conditions of Ireland's older population' (2016).

⁶³ TILDA, 'Housing conditions of Ireland's older population' (2016).

⁶⁴ CSO, Population usually Resident and Present in the State <<https://data.cso.ie/table/URA40>> accessed on 21/03/2022.

⁶⁵ UCC and Age Action, 'Agency and Ageing in Place in Rural Ireland' (2022).

⁶⁶ TILDA, 'Transport patterns in community-dwelling adults aged 50 years and over in Ireland' (2017).

⁶⁷ National Travel Survey, Factors that would encourage more driving <<https://data.cso.ie/table/NTA72>>, accessed on 21/03/2022.

⁶⁸ TILDA, 'Transport patterns in community-dwelling adults aged 50 years and over in Ireland' (2017).

Older Members of the Traveller Community

The Irish housing stock is unable to meet the cultural needs of the Traveller community, including the 1,537 Travellers who were 60 or older in 2016. Travellers traditionally live nomadically, and this remains some Travellers' actual or desired lifestyle. The 1998 Housing (Traveller Accommodation) Act requires local authorities to assess the specific needs of Travellers who qualify for social housing, including those living nomadically. It further grants the authorities a power to construct halting sites and provide loans for purchasing or repairing caravans. Irish courts have determined that local housing authorities are under no obligation to provide accommodation conducive to nomadism, i.e., caravans.⁶⁹ Members of the Traveller community will also often not be provided appropriate facilities or space for keeping and caring for horses, which are an important part of Traveller culture. Travellers often come afoul of the 'habitual residence condition' attached to most social welfare schemes, due to having travelled among the Common Travel Area with Britain and between different local authority areas. The habitual residence condition has previously been criticized by the UN and can prevent Travellers from accessing housing supports.⁷⁰

Grave health inequality between the Traveller community and the general Irish population means Travellers have a disproportionately low life expectancy.⁷¹ The 2016 Irish Census documented 1,537 Irish Travellers aged 60 or over, with two thirds being in their sixties. It should be noted that the Traveller community is considered a 'hard to reach' group⁷² and reports low levels of literacy,⁷³ so a higher proportion may not complete the census than of the settled population. There is a need for more research on the housing situation of older Travellers, although one study found that one in ten live in overcrowded conditions.⁷⁴

Older Members of the Migrant Community

The migrant community in Ireland has grown significantly in the 21st century, although the 2016 census reflected a decline in the number of non-Irish nationals by 1.6% compared with the 2011 census (544,357 to 535,475). Less than 5% of non-Irish nationals were aged 65 or over, compared to 15% of Irish nationals. The 2016 census also showed, however, that the average age of non-Irish nationals usually resident in Ireland had grown at twice the rate since 2011 than the average age of Irish nationals.⁷⁵ Many economic

⁶⁹See e.g., *Doherty v South Dublin County Council* [2007] IEHC 4.

⁷⁰ UN Committee on Economic Social and Cultural Rights, List of Issues in relation to the third periodic report of Ireland (E/C.12/IRL/Q/3 2014); Pavee Point, 'Position paper - impact of the Habitual Residence Condition (HRC) on Travellers and Roma,' (2011).

⁷¹ UCD, 'All Island Traveller Health Study: Our Geels' (2010).

⁷² Louise Condo et al. 'Engaging Gypsy, Roma, and Traveller Communities in Research: Maximizing Opportunities and Overcoming Challenges' 29 (2019) *Qualitative Health Research* p1324.

⁷³ Department of Education and Science, 'Survey of Traveller Education Provision' (2005).

⁷⁴ ESRI, 'Social Portrait of Travellers in Ireland' (2017).

⁷⁵

<<https://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultspofile7-migrationanddiversity>> accessed 14/03/2022

migrants can be expected to permanently reside in Ireland. In 2015, there were 14 asylum seekers in Ireland aged 65 or older, and 50 between the ages of 56 and 64.⁷⁶ The growing number of migrant persons in Ireland may present problems in seeking housing in proximity to centres of cultural or religious importance. Similar to members of the Traveller community, migrant persons can struggle to qualify under the habitual residence condition attached to social housing and other welfare measures. This is sometimes due to barriers to putting down roots in communities that many migrant persons and families experience, such as under-employment or lacking a shared language. The law prohibits discrimination based on ethnicity, nationality, or religion, including in the housing context. However, in data pooled from 2004, 2010, and 2014, non-white persons reported relatively high levels of discrimination in accessing housing. Black persons were the social group across five of the nine protected grounds under the Irish equality legislation who reported the highest level of discrimination in accessing housing at 17.1%.⁷⁷ Research from 2019 demonstrates that migrant communities are highly concentrated in urban areas, and are somewhat but not highly segregated from Irish nationals.⁷⁸ As emphasised in the introduction to this section, there is a need for greater research on older members of the migrant community, including with regards their access to adequate housing.

Older Persons with Disabilities

35.2% of persons aged 65 or older in Ireland reported a disability in 2016, and they are more likely to live alone than older persons without a disability. This is largely attributable to the fact that the rate of disability increases with age, as does the likelihood of living alone. By the age of 90, three in four persons have a disability. The nature of these disabilities and the needs that may arise from them vary considerably. Age Action estimates that at least 20% of older persons cannot afford to repair or maintain their homes, and 10% cannot afford to adapt it to make it more accessible. As the number of older old persons grows, this number is expected to rise. An overview of the adaptation grant scheme was provided in response to question one. The number of grants being allocated across all age groups is several times smaller than the number of older persons with disabilities. It is likely that some older persons on relatively low incomes are excluded from the grants due to the means testing. Through the services it delivers to older persons, Age Action is aware of situations where older persons are unable to use certain rooms or facilities in their home due to the unaffordability of making it accessible.

Older Women

Older women in Ireland are disproportionately likely to live alone,⁷⁹ have lower levels of average income and pension than men and are more often at risk of poverty (19.7% to

⁷⁶ < <https://www.rte.ie/iu/asylum/>> accessed 14/03/2022

⁷⁷ ESRI, 'Discrimination and Inequality in Housing in Ireland' (2018) p28.

⁷⁸ ESRI, 'Diverse Neighbourhoods: An Analysis of the Residential Distribution of Immigrants in Ireland' (2019).

⁷⁹ Census 2006, Percentage of Persons Aged 65 Years and Over in Private Households and Living Alone <<https://data.cso.ie/table/E3007>> accessed 15/03/2022.

men's 13.9%). This makes housing less affordable to them and maintaining an accessible and habitable home more difficult. Moreover, they are less likely to possess a driving license,⁸⁰ which impacts their ability to access necessary services and community amenities, and to stay socially connected, while living in their homes. This is especially a risk for those living rurally, in areas with limited public transport (see the 'Housing in Rural Ireland' section in the response to the above question).

6. What impact has had the COVID-19 pandemic on older persons' right to adequate housing in your country (e.g., has the pandemic caused any policy shift away from institutions and more emphasis on community supports)? What measures have been taken to minimize its impact?

The housing policies and legislation that were introduced in response to COVID-19 likely impacted a minority of older persons. Namely, there was a rent freeze and an eviction moratorium which were introduced on 27th March 2020 and lapsed on 1st August 2020, though housing advocates campaigned for their continuation. Rent freezes were available to those able to prove that they were financially impacted by Covid-19 between 1st August 2020 and 12th January 2022. The impact these measures, and their eventual conclusion, had on the 2.4% of older persons who rent from a private landlord is unknown. There was also a deferral of repossessions by banks and a three-month payment break for people struggling to repay their mortgage. The impact these had on older persons in or at risk of entering mortgage arrears is unclear. We do know that in 2019, 9,370 persons over the age of 60 were in arrears.⁸¹ This figure was published by the Central Bank of Ireland, which does not typically disaggregate data by age. The Commission for Regulation of Utilities instituted a moratorium on disconnections of gas and electricity due to inability to pay, which was in place from March 2020 to the end of June 2021.⁸² Given the energy poverty experienced by older persons, this was likely beneficial to many of them. Again, however, there is no information on the impact it may have had. Another change to the Irish housing landscape during COVID-19 was the slowdown in construction of housing,⁸³ unwelcome given the competitive market discussed in response to questions one and two, and the high demand for new units. The cost of construction for residential properties is also rising at a higher rate than pre-pandemic.⁸⁴

⁸⁰ National Travel Survey, Driving licence holders <<https://data.cso.ie/table/NTA40>> accessed 15/03/2022.

⁸¹ Jack Horgan-Jones, 'Mortgage arrears may follow 20,000 into retirement' The Irish Times (November 2019).

⁸² NESCC, 'The Implications of Covid-19 for Housing in Ireland' (2020).

⁸³ Construction Industry Federation, 'Economic Report on Lockdown' (2021).

⁸⁴ Eurostat, Construction Cost Indices < https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Construction_producer_price_and_construction_cost_indices_overview> accessed 21/03/2022

62% of people who died from COVID-19 in Ireland lived in care homes,⁸⁵ and the 'cocooning' requirement that was part of the state's initial response to the pandemic was implemented across all residential and care homes, regardless of residents' age or level of health. It was also applied to all persons aged 70 or over. Homeless persons identified as especially medically vulnerable were given accommodation to cocoon in.⁸⁶ Cocooning involved never leaving one's home (or nursing home) and eliminating in-person contact. 40% of people who cocooned during the pandemic felt it negatively affected their physical and mental health.⁸⁷

COVID-19 changed older persons' relationship with their homes, as they left the house and socialized significantly less during lock down periods of the pandemic.⁸⁸ They felt increasingly emotionally attached to their homes and also reported high levels of loneliness if cocooning (57%),⁸⁹ symptoms of depression (21%), moderate to severe anxiety (11%), and stress (29%).⁹⁰ Persons aged 60 or over who reported caring for others doubled, and it tended to be due to new caring obligations toward spouses.⁹¹ Anecdotally, Age Action is aware that some older persons in receipt of home care did not feel comfortable having their carers continuing to visit them. Other research suggests that carers cut down on their hours due to the pandemic.⁹² There is a recruitment crisis in the Irish home care sector, with not enough staff to meet the population's care needs, which worsened during COVID-19.⁹³ Home care workers who stayed working during the pandemic often worked across many different houses, risking an acceleration of the spread of COVID-19.

⁸⁵ Simon Carswell, 'Coronavirus: Care facilities have more than 62% of overall deaths' Irish Times (7 May 2020).

⁸⁶ NESC, 'The Implications of Covid-19 for Housing in Ireland' (2020).

⁸⁷ L Bailey et al, 'Physical and mental health of older people while cocooning during the COVID-19 pandemic' 114 (2021) QJM: An International Journal of Medicine p648.

⁸⁸ TILDA, 'Altered lives in a time of crisis: The impact of the COVID-19 pandemic on the lives of older adults in Ireland' (2021).

⁸⁹ Laura Bailey et al, 'Physical and mental health of older people while cocooning during the COVID-19 pandemic' 114 (2021) QJM p648.

⁹⁰ TILDA, 'Altered lives in a time of crisis: The impact of the COVID-19 pandemic on the lives of older adults in Ireland' (2021).

⁹¹ TILDA, 'Altered lives in a time of crisis: The impact of the COVID-19 pandemic on the lives of older adults in Ireland' (2021).

⁹² Sage Advocacy, Choice Matters, (2020)

<<https://www.sageadvocacy.ie/media/2026/choicematters2020.pdf>> accessed 15/03/2022

⁹³ Cate McCurry, 'Home care sector facing massive recruitment crisis, committee told' Irish Times (February 9, 2022).

7. What alternative housing strategies for older persons, other than care homes and state institutions, exist in your country? What policies/programmes are in place to enable older persons to live independently in their communities as they age? Please provide detailed information.

Housing Options for our Ageing Population provides a strategy for the provision of alternative housing to older persons; however it is very high-level and has no accompanying, publicly available implementation plan. Housing for All, the general housing policy that followed the publication of Housing Options for our Ageing Population, reiterated commitments to expanding housing options for older persons to facilitate ageing in place. There are ad hoc programmes on the ground that provide alternative housing, often very well. These include supported or sheltered housing and assisted independent living in older communities. The lack of any standardization does mean there is no reliable geographic distribution of these housing options, and they vary in size, type, affordability, and range of services offered. Non-profit options are generally developed by Approved Housing Bodies (AHBs) who receive funding from the Department of Housing, Local Government and Heritage. AHBs are independent not-for-profit organizations that can be funded by the state to provide housing to people unable to afford it or to groups who may have particular housing needs, like older persons. AHBs become party to Payment and Availability Agreements which bind them to certain obligations in return for funding, such as suitably maintaining the housing units. AHBs that provide bespoke housing for older persons very often provide care and assistance alongside the housing itself.

570 new supported housing homes were developed by AHBs in 2019.⁹⁴ It is unclear how many were for or used by older persons. In December 2021, there were 452 AHBs. 33 of these AHBs had providing housing to older persons as their primary purpose, and 54 had providing sheltered housing as their primary purpose.⁹⁵ AHBs tend to be small.⁹⁶ The 2016 Census reported 39,374 social housing units intended for older persons. In 2010, the Irish Council for Social Housing found that both low and high support housing for older persons provided by the voluntary sector was significantly more affordable than nursing home costs. They also found that most voluntary sector programmes reported no vacancies, indicating high demand.⁹⁷

In 2018, the then Department of Housing and Urban Development established a dedicated funding stream toward a supported housing development for older persons. The project was commissioned by Dublin City Council, having been proposed by the Dublin City Age Friendly Housing Working Group. The development was situated in an

⁹⁴ Irish Council for Social Housing, 'Housing Association Activity Report 2019' (2020).

⁹⁵ Register of Approved Housing Bodies, <<https://www.gov.ie/en/publication/1172c-register-of-housing-bodies-with-approved-status-under-section-6-of-the-housing-miscellaneous-provisions-act-1992/>> accessed 18/03/2022

⁹⁶ Patrick Malone, 'Housing: Social Housing Outputs and Stock' (publicpolicy.ie, 2019).

⁹⁷ The Irish Council for Social Housing, 'The Provision of Housing and Services for the Elderly in the Voluntary Housing Sector Voluntary Housing Sector' (2011).

estate on the outskirts of Inchicore, a suburb in Dublin. It was intended as a pilot scheme on foot of which a general national model for housing with support would be developed. It was intended to be completed in 2020, but it has been delayed due to COVID-19. The current status of the project is unclear.

There are programmes for the provision of information to older persons as to their options regarding ageing in place. Age friendly housing technical advisors in local authorities carry out this function, as well as providing advice to organizations and the local authorities themselves. The Dublin City Council's 'Healthy Age Friendly Homes' programme also provides for inspections to be conducted of older person's homes to determine what their needs are and how they may best be met. This is useful given that a 2017 study of the experiences of social housing tenants aged 60 or over in Ireland found low levels of awareness of housing options and supports.⁹⁸

The Integrated Care Programme for Older Persons was introduced in 2016 by the Health Service Executive, with the purpose of supporting older persons in their homes. A fundamental feature of this programme was multidisciplinary collaboration between health and care professionals. It was piloted in six CHOs in 2016. By 2021, it was operational in 13 sites across all 9 CHOs. 4.2 million euro was dedicated to the programme in funding over the 2016-2019 period, and 65 front line workers are employed under it. Further scaling up and evaluation is intended. The extent to which this has vindicated older persons' right to adequate housing, namely by allowing them to stay safely in their own home, has not been researched. As discussed in response to questions one and two, a new statutory home care scheme is currently being developed and piloted. Currently, however, there are many challenges associated with home care, including staffing shortages, long waiting lists and lack of regulatory oversight, demonstrating the need in this area for policy that supports independent living within the community. The Housing Options for Our Ageing Population statement refers to expanding day care options, which withered away during COVID-19.⁹⁹ For some older persons, day care was a chance to have food and be somewhere warm, with other people, which made it possible for them to remain in their homes.

8. What are the new and sustainable housing strategies for older persons considering the current concerns of the impacts of climate change?

The 2010 EU Energy Performance Building Directive requires all new buildings constructed in member states to be 'nearly Zero Energy Buildings.' This came into force in Irish law in late 2019. Between 2015 and 2020, the CSO found 97% of buildings constructed from 2015 to 2020 had a BER of A, with the remaining 3% having a BER of

⁹⁸ Suzanne Timmons, et al. 'A mixed methods exploration of the housing needs of older people in social housing, comparing standard and "sheltered" housing models' (2017) International Journal of Integrated Care p242.

⁹⁹ Housing Options for Our Ageing Population (2019), p32.

either B1 or B2. However, not many persons aged 65 or older are likely to purchase a new home in Ireland. 45% of persons aged 60 or over in Ireland lived in houses with BERs of E, F, or G in 2014.¹⁰⁰ 57% of persons aged 75 or over did so. There are roughly 500,000 low BER homes in Ireland, of an estimated 2 million housing units overall, and Age Action estimates that 300,000 of those with a low BER (E, F or G) are occupied by older persons. This means older persons disproportionately occupy the coldest homes, despite needing the warmest homes. Simultaneously, they are more likely to be locked into fossil fuel dependency, which can lead to increased costs associated with home heating.

There are no strategies tailored to provide sustainable housing to older persons. However, there are general schemes related to environmentally sustainable housing which may benefit older persons. In particular, there is the Warmth and Well-Being Scheme and the National Retrofitting Scheme.

Warmth and Well-Being Scheme

The Warmth and Well-Being Scheme was introduced by the Department of the Environment, Climate and Communications. It was launched as a pilot in 2016 and was administered by the Sustainable Energy Authority of Ireland, with participants identified by the HSE and the Department of Health. A 20 million euro budget was allocated to the pilot scheme. It was informed by the 'Warm Up New Zealand' initiative, which was found to have reduced hospitalization and pharmaceutical costs for benefitting households. It was intended to have a knock-on effect of increasing energy efficiency.

The Scheme was targeted at those living with chronic respiratory conditions, up to and including the age of twelve or 55 years and older. It was only available to households in receipt of Fuel Allowance or the one-parent family payment; and which were owner-occupied or rented from a local authority or AHB. That is, it was not available to people in the private rental sector. Under the scheme, households could have their attics and walls ventilated and insulated, and doors, windows, and boilers replaced, all for free. All participants were sourced from one Community Healthcare Organisation's area (Ireland is divided into nine CHO areas). The pilot programme was extended beyond its original lifetime of three years, and no evaluation of it has yet been released. Overall, more than 1,300 homes were upgraded over a seven-year period and the pilot closed to new applicants on the 28th of February 2022, with all outstanding works to be completed. An independent body is set to release a review of the scheme in April 2022, on foot of which a decision about its future will be made.

While many of the persons who benefited from the pilot scheme were likely above the age of fifty-five, it was limited to those with specific health problems and also to those on Fuel Allowance, a means-tested social welfare payment which only a third of older persons receive.

¹⁰⁰ John Curtis et al, 'Estimating Building Energy Ratings for the Residential Building Stock: Location and Occupancy' ESRI Working Paper (2014).

National Retrofitting Scheme

The government's Climate Action Plan commits to retrofitting 500,000 homes before 2030. The Sustainable Energy Authority of Ireland has three schemes available to the public under which they can have their homes retrofitted. These are:

- the Free Energy Upgrade;
- the One Stop Shop Service; and
- the Individual Energy Upgrade Grants.

These schemes are undoubtedly very helpful and have made real differences in many people's lives. However, Age Action has identified gaps in their ability to support older persons.

The Free Energy Upgrade covers the total costs of surveying homes and upgrading works such as attic and wall insulation; draught proofing and energy efficient lighting; and new heating systems or windows. Similar to the Warmth and Well-Being Scheme, the Free Energy Upgrade is limited to households in receipt of Fuel Allowance, or else other social welfare payments most older persons do not receive. This automatically eliminates nearly two-thirds of older persons. While older persons with the lowest incomes qualify under this scheme, it likely excludes large numbers who otherwise cannot afford retrofitting. Most older persons are on low incomes and have little or no cash savings. The scheme is only available to owner-occupied homes.

The One Stop Shop Service provides homeowners with means of completely upgrading their homes and provides grants for these works. They also support management of the project, which would be helpful to some older persons who may lack the capacity to do so, especially if they live alone. However, these grants set limits on how much can be spent on each area of work which will likely disadvantage those occupying the most poorly BER-rated homes. They also neglect some ancillary costs, like consultations with architects or additional works that may become necessary following retrofitting works, such as upgrades to electric wiring.

The Individual Energy Upgrade Grants cover up to 50% of the cost of works taken to improve the energy efficiency of a home. This can be used for a deep retrofit, yet the remaining costs will likely be beyond the means of most older persons, particularly those in need of especially extensive upgrades.

As discussed in response to question one, older persons face many other housing problems aside from energy efficiency, and barriers in addressing those problems. It may be beyond their means to prioritize retrofitting above, for example, repairing a leaking roof or adapting a bathroom to make it accessible. Only the Free Energy Upgrade prioritizes the retrofitting of the least energy efficient homes, which we know are disproportionately occupied by older persons, and particularly expensive and intensive to retrofit. The eligibility criteria of the Free Energy Upgrade do not account for BER.

9. How does the State fulfil its obligations to ensure older persons' access justice, and to obtain remedies and reparations, when their right to adequate housing have been violated?

There are no specific measures or mechanisms to facilitate older persons' access to justice, in or outside the context of housing rights. Age is one of nine protected grounds under the Equal Status Acts, meaning civil action can be taken against private or public actors for discriminating on grounds of age. Indirect discrimination is justifiable under Irish law, if the aim is legitimate and the measure proportionate.¹⁰¹ Age Action has previously called for reform of equality legislation to more effectively tackle age-based discrimination in Ireland.¹⁰² Given the interdependence of rights, any weakness in equality legislation will potentially prevent older persons from accessing justice when the adequacy of their housing has been compromised. Age Action has called for a Commissioner for Ageing and Older Persons, similar to the Commissioner for Older People for Northern Ireland and the Older People's Commissioner for Wales. The Commissioner ought to have a supporting legal framework and an independent budget. Their role could involve the investigation of issues facing older persons; reviewing relevant legislation and policy; and advising the government on relevant questions. They would be well placed to assess and monitor older persons' access to justice, in the context of adequate housing and beyond.

The Residential Tenancies Board (RTB) provides dispute resolution for landlords and tenants, which can culminate in a public hearing by the Tenancy Tribunal, and result in legally binding determinations. It has jurisdiction over both private housing and, since 2015, housing provided by AHBs. It can also investigate complaints lodged by tenants. The RTB has appointed an access officer who supports persons with disabilities in using the RTB services. Informal complaints to the RTB, known as 'concerns', are to be made through email or phones. While formal complaint forms can be posted to an address, it seems they can only be initially accessed via the RTB's website, which likely presents difficulties for the 40.8% of older person households 65+ lacking internet access.¹⁰³ Age Action estimates that 65% of persons aged 65 or older experience digital exclusion, due to not being online or not possessing the necessary skills or technology. Therefore, any system in which accessing justice can only be accomplished digitally greatly jeopardizes the rights of older persons. A person's interactions with the RTB eventually require them to attend a public hearing, the RTB will provide them with supports. If a party wants to initiate dispute resolution, they can do so by applying via the RTB's website, or they can call a number and have a form sent to their address. Both applications and appeals of dispute resolution cost more if they are done via post rather than online, which

¹⁰¹ Irish courts would follow the standard set in *Bilka Kaufhaus v Weber von Hartz* [1986] ECR 1607.

¹⁰² Age Action, 'Submission to the Minister for Children, Equality, Disability, Integration and Youth on the Review of the Equality Acts' (2021) <

https://www.ageaction.ie/sites/default/files/submission_to_minister_for_children_equality_disability_integration_and_youth_on_review_of_the_equality_acts.pdf> accessed 30/03/2022.

¹⁰³ Census 2016, Private Households in Permanent Housing Units <<https://data.cso.ie/table/E1057>> accessed 18/03/2022.

discriminates against most older persons. An application costs €15 online and €25 via post. An appeal costs €85 online and €100 via post.¹⁰⁴

The Equality Tribunal was replaced by the Workplace Relations Commission (WRC) in 2015, which now oversees all complaints taken under employment legislation and equality legislation, including discrimination cases relating to housing. The WRC also provides mediation and conciliation services. The Workplace Relations Commission provides their publications in Braille, large-print and audio format. Their website is screen-reader friendly and designed to be as accessible as possible. They commit to ensuring the accessibility of their public spaces and meeting rooms for persons with disabilities or other specific needs. They have an access officer to support service users with disabilities who can be contacted via email or phone. While their mediation, conciliation, and advisory services can be accessed through the post, complaints under employment or equality legislation can only be made via an online form on their website.¹⁰⁵ For the reasons discussed above, Age Action finds this very concerning.

For persons living in or seeking to live in social housing, it is also possible to take administrative action against local housing authorities. Irish courts, having adopted the principle of proportionality in administrative law, afford much discretion to public actors in making decisions within their remit, and it is uncommon for decisions by public authorities to be overturned.

10. What are the lessons learned from advocacy, legal, and policy actions undertaken to combat ageism and to access of adequate and affordable housing by older persons?

Age Action has identified the following lessons that can be learned from its advocacy combating ageism and promoting housing adequacy for older persons:

- The importance of incorporating the lived experiences of older persons and recognizing the diversity within that.
- That policies can get made without adequate underpinning evidence, such as on the cost of living for older persons.
- Rights of older persons are intertwined, and breaches of one right can compromise others. As a result, policies and legislation need to be designed in such a way that recognizes the overlap in issues facing older persons.
- Undue pressure can be placed on older persons to leave their homes and 'right-size' to a smaller dwelling.

¹⁰⁴ Residential Tenancies Board, 'Dispute Services and How They Work' <https://www.rtb.ie/images/uploads/general/Disputes_services_and_how_they_run.pdf> accessed 18/03/2022

¹⁰⁵ Workplace Relations Commission, 'Guide to the Workplace Relations Commission' (2017) <https://workplacelrelations.ie/en/publications_forms/wrc-quick-guide-booklet-eng-.pdf> accessed 18/03/2022

- Self-directed ageism, as described in the WHO report, can lead to some older persons possessing diminished aspirations regarding their future and their quality of life, and thus placing themselves in situations that do not fully meet their needs.

11. Data:

- a. Does your country collect data on older persons' living conditions in your country? If yes, please provide any available and disaggregated figures and statistics (e.g., number of older persons in institutions, living alone, living with family, or living in urban and rural areas).**

The Irish state collects data on older persons through the Central Statistics Office (CSO) or TILDA, a state-sponsored longitudinal study of ageing. The Central Statistics Office's strategy is set by the National Statistics Board every five years. Some important surveys like the Quarterly National Household Survey and the Survey on Income and Living Conditions do not always provide sufficient data to present a full picture of older persons' living conditions, or the diversity therein. Other research is conducted on a one-off rather than recurring basis, such as the 2015 analysis of fuel poverty,¹⁰⁶ so, while it is initially useful, it becomes outdated. Some important data is not disaggregated by age at all. Government departments and agencies, such as the Health Service Executive or the Department of Social Protection, often break down their data by age. However, this data is not always publicly available. Certain areas of data-gathering are neglected, such as rates of informal home care and home care need, or the (in)accessibility of housing. The age demographics of nursing home residents are also unclear. Inadequacies in data gathering in other areas, such as older persons' income or the rate of home modifications carried out privately, lead to further uncertainties around older persons' living situations.

The Housing Need and Demand Assessment tool used by local housing authorities is intended to inform local action plans regarding provision of housing to older persons. However, the data made publicly available from these assessments provides limited insight into the housing situations of older persons. Some bodies of data are not disaggregated by age at all, such as on overcrowding.¹⁰⁷

Some statistics on the living conditions of older persons in Ireland are as follows:

¹⁰⁶ The then Department of Communications, Energy, and Natural Resources, 'Bottom-Up Analysis of Fuel Poverty in Ireland' (2015) <<https://www.gov.ie/en/publication/14e2b-strategy-to-combat-energy-poverty/>> accessed 21/03/2022.

¹⁰⁷ <<https://www.gov.ie/en/publication/eea99-housing-need-and-demand-assessment-hnda/>> accessed 11/03/2022.

- 86.5% of older persons are homeowners. 93% of those aged 75 or above own their own homes, and 65% of those aged 50 to 64 do so.¹⁰⁸
- An estimated 4% of older persons aged 65 or older are in nursing homes at any given time.¹⁰⁹
- In 2016, 20.7% of those renting from a local authority were aged 65 or older.¹¹⁰
- In 2020, nearly one in nine applicants for social housing were aged 60 or above.¹¹¹
- In 2020, there was a 2.1% increase in the number of applicants for social housing aged above 60 compared to 2019, and a 5.2% increase in the number of applicants aged above 70.¹¹²
- In December 2021, there were 452 AHBs. 33 of these AHBs had providing housing to older persons as their primary purpose, and 54 had providing sheltered housing as their primary purpose.¹¹³
- The 2016 Census reported 39,374 social housing units intended for older persons.
- 2.4% of older persons aged 65 or older were renting from a private landlord in 2016.¹¹⁴
- Three in five private tenants aged 65 or older spend over 30% of their disposable income on rent, and two in five spend over 40%.¹¹⁵
- In the 2016 census, 8,080 older persons occupied a home “free of rent”, generally suggesting an arrangement in which they live in a house owned by family.¹¹⁶
- 9.2% of persons aged above 65 live in highly rural or remote areas, and 30% live in rural settings with some level of urban influence.¹¹⁷

¹⁰⁸ Census 2016, Age Group of Persons in Private Households, <<https://data.cso.ie/table/E3015>>, accessed 16/03/2022

¹⁰⁹ Housing Agency, 'Housing for Older People: Thinking Ahead' (2016).

¹¹⁰ Census 2016, Age Group of Persons in Private Households, <<https://data.cso.ie/table/E3015>>, accessed 16/03/2022

¹¹¹ Summary of Social Housing Assessments 2020 Key Findings (2021), available at <<https://www.gov.ie/en/publication/970ea-summary-of-social-housing-assessments-2020-key-findings/>> accessed 17/03/2022.

¹¹² Summary of Social Housing Assessments 2020 Key Findings (2021), available at <<https://www.gov.ie/en/publication/970ea-summary-of-social-housing-assessments-2020-key-findings/>> accessed 17/03/2022

¹¹³ Register of Approved Housing Bodies, <<https://www.gov.ie/en/publication/1172c-register-of-housing-bodies-with-approved-status-under-section-6-of-the-housing-miscellaneous-provisions-act-1992/>> accessed 18/03/2022.

¹¹⁴ Census 2016, Age Group of Persons in Private Households <<https://data.cso.ie/table/E3015>> accessed 16/03/2022.

¹¹⁵ <<https://data.cso.ie/table/TRS25>>; <<https://www.cso.ie/en/releasesandpublications/fp/fp-trsi/therentalsectorinireland2021/tenants/>> accessed 16/03/2022.

¹¹⁶ Census 2016, Age Group of Persons in Private Households <<https://data.cso.ie/table/E3015>> accessed 16/03/2022.

¹¹⁷ CSO, Population usually Resident and Present in the State <<https://data.cso.ie/table/URA40>> accessed on 21/03/2022.

- In 2016, 39.5% of older person households was a person living alone.¹¹⁸
- 2% of households aged 65 or older have no central heating.¹¹⁹
- 13.7% of households aged 65 or older rely on coal or peat for heating.¹²⁰
- 1.6% of households aged 65 or older had a sewage facility other than a septic tank or public scheme. 0.2% had no sewage facility at all.¹²¹
- 0.23% of households aged 60 or over had no piped water.¹²²
- 40.8% of households aged 65 or over had no internet access.¹²³
- 59% of persons aged 50 or older reported at least one housing problem in 2016, with 'damp, mould or moisture ingress' being the most common at 46%.
 - 69% of the problems were identified by participants as minor, 19% moderate, and 12% major.¹²⁴
- 78% of older persons would still wish to remain in their own home and adapt it if it became unsuitable.¹²⁵

b. Is data on older persons broken-down into groups of different ages over 65 years to plan and address each specific age group's needs in terms of housing?

There is no consistent means of presenting or disaggregating data on older persons in Ireland. The CSO typically presents information on persons aged 65 and older as a whole, and also breaks it down by age category (e.g., 65-74 and 75+). Data is sometimes available in other age groups or by year of age, and the CSO will carry out bespoke analysis where it has the capacity to do so. TILDA is a state-sponsored longitudinal study of ageing, which breaks age groups among older persons down in its data. The Housing Need and Demand Assessment tool sometimes groups all persons aged 65 or older together, such as statistics on headship rates by local authority. Other times it is broken down into smaller age groups.¹²⁶ In general, housing plans for older persons are intended for older persons as a whole and not tailored to specific age groups within that cohort.

¹¹⁸ Census 2016, 'Percentage of Persons Aged 65 Years and Over in Private Households and Living Alone' <<https://data.cso.ie/table/E3007>> accessed on 21/03/2022.

¹¹⁹ Census 2016, 'Private Households in Permanent Housing Units' <<https://data.cso.ie/table/E1056>> accessed 18/03/2022.

¹²⁰ Census 2016, 'Private Households in Permanent Housing Units' <<https://data.cso.ie/table/E1056>> accessed 18/03/2022.

¹²¹ Census 2016, 'Private Households in Permanent Housing Units' <<https://data.cso.ie/table/E1046>> accessed 18/03/2022.

¹²² Census 2016, 'Private Households in Permanent Housing Units' <<https://data.cso.ie/table/E1048>> accessed 18/03/2022.

¹²³ Census 2016, 'Private Households in Permanent Housing Units' <<https://data.cso.ie/table/E1057>> accessed 18/03/2022.

¹²⁴ TILDA, 'Housing Conditions of Ireland's Older Population' (2016) p9.

¹²⁵ Healthy and Positive Ageing Initiative 'A profile of attitudes towards future housing options among community-dwelling adults aged 55+ in Ireland' (2017).

¹²⁶ For an example, HNDA data is available at <<https://www.gov.ie/en/publication/ea99-housing-need-and-demand-assessment-hnda/>> accessed on 11/03/2022.

Age Action knows there is great diversity among older persons and that the likelihood of someone occupying a certain circumstance or having a certain need can increase or decrease greatly depending on whether they are in their 60s, 70s, 80s, 90s or older. To develop evidence-based policy and law, much greater age-based disaggregation of data is needed in housing and other policy domains. Age Action has called for a Commissioner for Ageing and Older Persons, detailed in response to question nine, who could ensure the availability of up to date and relevant data, disaggregated by age groups within the category of persons 65 years old or older, across all relevant sectors including housing. There does currently exist a Minister for State with responsibility for mental health and older people, however they have not been allocated the required resources to conduct functions such as producing extensive research.

12. Please outline any other areas that you would like to bring to the attention of the Independent Expert in the context of the right to adequate housing of older persons. Please feel free to share any document, report, study, publication already available and that might be of interest to the mandate.

There exists qualitative research which highlights the voices of older persons in discussing their experience with housing in Ireland. Some of it is synthesized in the 2021 Health Research Board evidence review 'Housing with support for older people'. Also useful are the 2017 article, 'A mixed methods exploration of the housing needs of older people in social housing, comparing standard and "sheltered" housing models'¹²⁷ and the 2012 article 'Connectedness in the lives of older people in Ireland'.¹²⁸ Greater and more diverse participation of older persons is needed in the formulation of housing policy.

The issue of social exclusion and the need for community renewal and regeneration are closely tied with housing adequacy, particularly for those older persons living in rural areas. Information on the issue in the Irish context, and the relevant policies, can be found in the following documents:

- Department of Rural and Community Development, 'Our Rural Future – Rural Development Policy, 2021-2025'.¹²⁹
- Irish Rural Link, 'Poverty and Social Inclusion. The Case for Rural Ireland' (2016).¹³⁰

¹²⁷ Suzanne Timmons et al., 'A mixed methods exploration of the housing needs of older people in social housing, comparing standard and "sheltered" housing models.' 17 (2017) International Journal of Integrated Care p242.

¹²⁸ Carmel Gallagher, 'Connectedness in the lives of older people in Ireland' 20 (2020) Irish Journal of Sociology p84.

¹²⁹ <<https://www.gov.ie/en/publication/4c236-our-rural-future-vision-and-policy-context/>> accessed on 21/03/2022.

¹³⁰ <<http://www.irishrurallink.ie/wp-content/uploads/2018/12/IRISH-RURAL-LINK-Poverty-and-Social-Inclusion-The-Case-for-Rural-Ireland-FINAL-REVISED-241016.pdf>> accessed 21/03/2022.

- The 2014 article, 'Exploring the Impact of Informal Practices on Social Exclusion and Age-Friendliness for Older People in Rural Communities'.¹³¹
- The 2019 report, 'Loneliness, Social Isolation, and their Discordance Among Older People'.¹³²

Similarly, the issue of transport ties in with housing adequacy for older persons. A 2017 report by TILDA highlights how persons aged 50 and older use transport in Ireland.¹³³

¹³¹ Kieran Walsh et al. 'Exploring the Impact of Informal Practices on Social Exclusion and Age-Friendliness for Older People in Rural Communities' (2014) 24 Journal of Community and Applied Social Psychology p37.

¹³² TILDA, 'Loneliness, Social Isolation, and their Discordance Among Older People' (2019) <https://tilda.tcd.ie/publications/reports/pdf/Report_Loneliness.pdf> accessed on 21/03/2022.

¹³³ TILDA, 'Transport patterns in community-dwelling adults aged 50 years and over in Ireland' (2017). <https://tilda.tcd.ie/publications/reports/pdf/Report_TransportPatterns.pdf> accessed on 21/03/2022.