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LEGISLATION EXISTS TO CPO HOMES/APPARTMENTS, WHY WON'T THEY DO IT?

By Councillor Madeleine Johansson (PBP)

Legislation to compulsorily purchase properties such as the Tathony House apartment block in Dublin already exists- so why won't the council use it?

Tenants facing eviction in Tathony House have been campaigning for Dublin City Council to buy the block to keep them in their homes and to also house people waiting on the housing list. So far the landlord has refused to talk to the council about a potential sale. Tenants are now requesting that Dublin City Council begin procedures to compulsorily purchase the block. The council will most likely argue that this is not legally possible.

But in fact, there is legislation in place allowing for local authorities to compulsorily purchase land (and buildings) for the provision of social housing. Under the Housing Act of 1966 local councils can initiate CPOs as long as they have a purpose for the land (i.e. the provision of housing) and that this is in the interest of the common good. The owner is financially compensated based on the market value of the land. There isn't one legislation covering Compulsory Purchase Orders and instead it's covered by a number of laws related to housing, infrastructure, planning and development. This makes a CPO a much more complicated process than in many other European countries. It also gives state authorities an excuse to avoid CPOs because of those complications.

Another reason that councils are reluctant to use the CPO powers that exist is that CPOs are often challenged in the Courts. The Irish constitution includes a particularly strong section on the right to private property. The inclusion of this section was one of the actions of counter-revolution following Irish independence in order to ensure the protection of private property for the Irish capitalist class.

Because of the existence of the constitutional right to private property there have been a litany of cases against Compulsory Purchase Orders. In most of those cases the courts have determined that the right to private property can (and should) be delimited in the interests of the common good. Despite this there is a reluctance to enter into CPO territory for fear of lengthy court cases and legal costs.

When it comes to derelict and vacant homes the case for a mass programme of CPOs is very strong. It would very obviously be in the interests of the common good to CPO vacant and derelict homes in order to improve the look and feel of communities and town centres. There is also a clear purpose in the provision of housing in the middle of the worst housing crisis in the history of the state. These CPOs should be relatively straight forward and could make a big difference for local communities and those in need of housing.

But could the existing CPO powers be used when it comes to landlords refusing to engage with councils when they're evicting tenants? We have seen a number of cases recently where tenants are being evicted on grounds of sale and the landlord is refusing to engage with the local council to buy the property under the tenant-in-situ scheme. Compulsory Purchase Orders in these cases would be more complicated but there is no reason why arguments could not be made in the context of the housing crisis that it would be in the interests of the common good to keep tenants in their homes and prevent homelessness.

In a socialist society land and buildings would be expropriated without compensation if the owner intentionally left them vacant, derelict or used them against the interest of the majority. Until such a time, Socialists should demand that councils use existing CPO powers and that those powers are extended and simplified. This could be done through a referendum on inserting the right to housing into the Constitution.

The RED Network (incorporating Rebel Telly) are a network of radical socialists within the political party People Before Profit, a 32-county people power movement on the island of Ireland.

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