

Threshold's Opening Statement to the Joint Committee on Justice on the  
"Ban on Sex for Rent Bill 2022"  
21<sup>st</sup> June 2022

Chairman, members of the Committee, I want to thank you for the opportunity to present to you today on the "Ban on Sex for Rent Bill 2022".

Threshold is the leading housing organisation supporting those living in the private rented sector, particularly the more vulnerable in society. We welcome the introduction of this legislation which seeks to prevent the exploitation of those who are seeking a secure, safe home to rent.

We take the opportunity here today to make comment on the Bill and recommend several changes, which we suggest would make it more 'victim friendly' and would ensure that protection and support is available to victims.

The full extent of the issue in Ireland is unknown. A small number of private renters have spoken publicly about being offered housing in exchange for sexual activity, but I'm sure we are horrified by the stories that have emerged.

Very few of Threshold's clients have reported such propositions by their landlord or prospective landlord to us. However, renters who are offered such arrangements when looking for housing are unlikely to raise it as an issue with Threshold directly. This is likely due to it currently not being an offence and there being no reporting mechanism in place. For similar reasons it is unlikely to be a matter that is raised with the RTB.

While reliable evidence on the prevalence of the issue in Ireland is not available, international comparators can provide us with some troubling indications that the recent press reports on this issue may only be the tip of the iceberg.

Of particular concern is research from England, a jurisdiction which shares a similar rental culture to Ireland. It would be a mistake, in our view, to not regard the evidence that has been gathered in the England about this practice as significant. We believe that it is an indication that the practice is occurring in Ireland and is relatively widespread.

England is not experiencing a housing crisis across the board to the extent that Ireland is., The evidence of the prevalence of the issue in England must be viewed in the light of both a similar rental culture and a much more constrained rental market in Ireland. Taken together those facts would certainly provide great cause of concern that the situation in Ireland may in fact be more acute than in England.

Research conducted by Shelter England revealed almost 60,000 women were offered housing in exchange for sex or sexual favours, between March 2020 and September 2021<sup>1</sup>. This equates to approximately 1.3% of renter households in England. In Ireland, this equates to 3,872 renter households.

Unfortunately, legislation in England has not been successful in tackling the issue. This was in part due to an attempt to prosecute offenders under more general legislation dealing with prostitution offences. Prosecuting under those offences forces the victim to be labelled a prostitute, stigmatising the victim in a way that can only discourage victims from reporting these offences. For understandable reasons this can result in the underreporting of the offence. Since the issuing of prosecution guidance in the UK 2019, there has been just one successful prosecution of these offences. The lesson from the United Kingdom is that shoehorning sex-for-rent offences into existing offences risks mislabelling the offence and obscuring the nature of both crimes.

Threshold recommends that the reporting of such offences be incorporated into existing victim friendly processes, such as those created by the “Supporting a Victim’s Journey” report<sup>2</sup>. NGOs who are working with people who may be a victim of these offences should be empowered to provide mechanisms through which people may make such disclosures. Threshold is particularly concerned for sitting tenants who report such practices. As it stands, many private renters do not report wrongdoing by their landlord for fear of eviction. In such precarious situations, a tenant may fear retaliation or penalisation by their landlord if they report them for requesting sex or sexual favours in exchange for accommodation. A tenant may have no other housing options available to them and so may be forced to remain in the home under these circumstances or leave the home with no other option but recourse to emergency homeless services.

Currently Section 14 of the Residential Tenancies Act 2004 protects a tenant from penalisation by their landlord in certain circumstances. It is important to note that protections against penalisation in the RTA apply only to tenants and not to licensees who make up a number of those living in rented accommodation. Threshold recommends that Section 14 of the Residential Tenancies Act 2004 be amended to include explicit reference to this Bill and the offences created thereunder. This should bring certain persons who are

---

<sup>1</sup> <https://www.dailymail.co.uk/news/article-10406975/How-60-000-women-UK-targeted-vile-sex-rent-landlords-according-new-study.html>

<sup>2</sup> Further information here [https://www.justice.ie/en/JELR/Pages/Supporting\\_a\\_Victims\\_Journey](https://www.justice.ie/en/JELR/Pages/Supporting_a_Victims_Journey)

licensees, and not tenants, under the protection of the anti-penalisation clauses of the Residential Tenancies Act 2004. Threshold acknowledges that this would be a significant change to the current status of licensees who enjoy very little protection under the Act. However, given the seriousness of this issue and the creation of criminal offences, people who are renting who are not tenants should not be forgotten.

In addition, the second offence outlined in the Bill, which makes it an offence to arrange or facilitate requests of sex in exchange for housing, may need to be redrafted more narrowly/specifically, so as to avoid clashing with existing laws on aiding, abetting, counselling or procuring the commission of an offence. This is necessary to avoid overlapping offences for the same action, resulting in different penalties.

As it is currently drafted, the Bill will offer no support to people who may have previously been in or remain in accommodation which involved a 'sex for rent' exchange. Satellite supports for victims need to be considered and put in place to aid the effectiveness of the Bill. This could include an expansion of domestic and/or sexual violence services to provide support for victims of these offences. People who are reporting such offences could be supported with the rent supplement protocol that exists between the Department of Social Protection and *TUSLA*, counselling and housing supports where required. It is Threshold's experience that people even in extreme housing difficulty are sometimes forced to make a choice between unacceptable housing conditions and homelessness.



The Scheme to Support National Organisations is funded by the Government of Ireland through the Department of Rural and Community Development.