A Response to: The Housing Bill (Northern Ireland)

Issued by: Department for Social Development Housing Division

February 2010
1.0 Introduction

1.1 The West Belfast Partnership Board welcomes the opportunity to respond to the DSD Housing Division, Housing Bill (NI) consultation document. The Partnership supports the Minister for Social Development in recognising that good housing plays a fundamental role in creating individual well being, healthy communities and a stable society. The Partnership recognises that measures to address key housing issues must be underpinned by appropriate legislation and welcomes the proposed Housing Bill (NI) as a means of enhancing housing law associated with the private rented sector.

1.2 The West Belfast Partnership Board is a coalition of interests, which seeks to involve everyone who works and lives within West Belfast in the task of generating economic, social, physical, cultural and educational development in an inclusive and accountable manner. Its aim is to improve the quality of life for West Belfast residents and to also contribute positively to the development of the city as a whole.

1.3 The mission of the Partnership is to “involve people who live and work in West Belfast in generating social, economic, physical and cultural development and to ensure West Belfast makes a full contribution to and benefits equitably from developments in the city as a whole”. Key areas of work include: Economic development, Housing, Planning and Environment, Health and well being, Jobs taskforce, Education & Aisling Bursaries, Neighbourhood Renewal & Strategic Regeneration.

1.4 The Partnership seeks to do the following:

- Lobby on behalf of West Belfast to improve employment opportunities, investment and job creation for people living here.

- Raise awareness of the educational needs of our children, young people and adults, advocate for additional resources and provide west Belfast wide education programmes such as our Easter and summer schools.

- Influence government policy by actively representing the views and opinions of local people and organizations on a range of environmental issues including housing, leisure and play, planning and transport.

- Promote the development strategies and policies that work towards creating a healthier West Belfast.

- Assist the local community sector to lobby for resources, support and recognition for the valuable work they contribute to creating a better society in West Belfast.
2.0 Response to Consultation Questions

Private Rented Housing

Do the proposals achieve the aim of making the existing system of regulating Houses of Multiple Occupation more effective?

2.1 The West Belfast Partnership believe that in principle, the proposals identified do achieve the desired aim of making the existing system of regulating HMO’s increasingly effective. The Partnership acknowledges that HMO’s provide an essential housing option for a range of individuals to include students, migrant workers and young single people. The Partnership wishes to note that the Beechmount area of West Belfast has a particularly high proliferation of HMO dwellings given its proximity to the Royal hospital and St Mary’s teaching college. The standard of these dwellings in terms of health and safety conditions and the way in which their tenancy agreements are managed is critical in ensuring the quality of life occupants. The Partnership also wishes to stress that improving the quality of life of residents who live alongside HMO properties should also be recognised as a motivation for regulation of the system.

2.2 The Partnership supports the proposal to require clarification of the relationships within a HMO property via the provision of appropriate documented evidence. This will go some way in ensuring that the extended definition of a HMO (to recognise the family as including uncle, aunt, nephew and niece) is not abused. Implementation of this measure will safeguard against landlords who manipulate the definition by encouraging unrelated tenants to claim that a family relationship exists, as a way of ignoring their responsibly to ensure the necessary HMO safety standards required of their properties.

2.3 The West Belfast Partnership supports the proposed requirement of landlords to notify authorities when their property falls within the HMO definition, but has reservations as to how effectively such a measure can be enforced. It is felt that a mandatory resister would have to be established. The proposal to increase non-compliance fines substantially should be pursued. It is crucial that monetary fines are significant enough to act as a deterrent to non compliance.

Are any alternative or additional actions needed to ensure that all homes which meet the HMO definition are registered and meet required standards.

2.4 The Partnership feels that if maintenance any eventual HMO register transfers from the Housing Executive to local Councils as a result of RPA, a uniform approach must be taken in dealing with this matter. Non compliance fines should remain consistent across all council areas and further detail on maximum and minimum fine levels will have to be provided. Publicity and media coverage should be used to inform landlords of the new regulatory system. Landlords should be given a designated time period to register their properties, with failure to do so resulting in the implementation of heavy fines. The West Belfast Partnership also recognises the potential to capitalise on the proposed changes surrounding the payment of housing benefit as a further way of regulating HMO properties. HMO properties could be regularly monitored to ensure they meet all required criteria. If the private landlord fails to
maintain their obligations, the payment of housing benefit can be immediately suspended.

2.5 Finally the Partnership wishes to query where any revenue raised via the enforcement of non-compliance fines will go to? It is felt that any revenue raised within Northern Ireland should remain here rather than being pooled with UK funds. Any eventual legislation on this aspect should identify the destination of such revenue.

Do you have any views on the best ways to implement the proposals on the evidence of family relationship?

2.6 The West Belfast Partnership recognises that the provision of evidence to demonstrate family relationships will in some instances be particularly difficult to obtain i.e. in the case of foreign nationals who may not have access to appropriate legal documentation. It is also important to note that the traditional interpretation of the family unit may differ in certain cases. The enforcement agency dealing with this aspect of HMO regulation should seek to liaise with other relevant government agencies such as immigration and social services in gathering the information required to prove family relationships. Clarification on a definitive list of acceptable documentation demonstrating family relationships should also be provided. The Partnership also encourages the Department to look at the approach of other UK jurisdictions in implementing this measure.
**Homelessness**

Do you agree that, like local housing authorities in England and Scotland, the Housing Executive should, where appropriate, discharge its homelessness duty by securing suitable accommodation in the private rented sector subject to certain safeguards?

2.7 The West Belfast Partnership agrees that the Housing Executive, like local housing authorities in England and Wales, should utilise the private rented sector as a means of discharging its homelessness duty. Given that the funding available for new build social housing schemes in Northern Ireland is limited, the option to utilise the private rented sector seems an increasingly appropriate option given the current economic climate. The Partnership supports the Housing Executive in exploring the viability of utilising a new build leasing model to provide additional options in tackling homelessness.

2.8 The Partnership notes that under these circumstances, the tenant has limited housing rights. It is acknowledged that a secure tenancy cannot be ensured and that as a result the tenant will be ineligible for rights such as tenancy for life, the right to buy succession of tenancy. Despite this, we feel that the tenant should still be entitled to some form of security of tenure and this should be negotiated accordingly between the tenant, Housing Executive and the private property owner.

Do you agree that appropriate use of the private rented sector would offer the Housing Executive a useful tool to meet an individual's housing need?

2.9 The Partnership agrees that the private rented sector can be utilised as an effective tool in meeting individual housing need. It offers those on the housing waiting list the opportunity to avail of immediate housing rather than remaining on the extensive housing waiting list. The Partnership would however seek further clarification on what is deemed as ‘appropriate’ use of the private rented sector.

Are there particular circumstances where such use of private rented sector accommodation would not be appropriate?

2.10 The decision to utilise the private rented sector should be considered in the context of each individual cases personal circumstances. The Partnership recognises that certain vulnerable groups may require specialist accommodation i.e. the elderly, those with a disability or addiction. Their specialist needs may not be adequately provided for within the private rented sector and inappropriate allocation of lead to further long term problems.
Fuel Poverty

Do you agree that giving social housing providers powers to broker the purchase of discounted energy on behalf of their tenants would be a useful tool in alleviating fuel poverty in social housing?

2.11 The West Belfast Partnership supports the proposal in principal, but feels it may be difficult to implement in a practical sense. The District Heating Schemes undertaken by the Housing Executive in the 1970’s and 80’s worked on a similar model, providing discounted energy to Housing Executive tenants. However this system was eventually disbanded as it did not prove cost effective and was vulnerable to exploitation.

2.12 The appropriate amendment to legislation should be made to allow social housing providers to adopt this approach at their own discretion if it is deemed appropriate to their individual circumstances.

2.13 The Partnership strongly believes that social housing providers should continue to assist those most vulnerable to fuel poverty through alternative initiatives such as the Warm Homes Scheme which offers a range of insulation measures to households who are on a qualifying benefit. Resources should also be channeled into providing education, advice and support on how individuals can save energy in the home in line with their existing fuel provisions.
Community Safety

Do you agree that the proposals on community safety and anti-social behaviour are reasonable and provide social housing providers with appropriate tools to ensure their tenants and others can peacefully enjoy their homes?

2.14 The West Belfast Partnership recognises that social landlords need reinforced powers to tackle the problems associated with anti social behaviour. Anti social behaviour represents one of the most pressing issues facing the West Belfast community. The proposed ‘tools’ of improved injunction powers, use of introductory tenancies and demotion orders can be used effectively in tackling anti social behaviour, but the Partnership would caution that they be used sensitively and as a last resort when all other options have been exhausted. Any new legislation around this matter should not weigh too heavily in favour of the social housing provider. Appropriate cheques and balances to regulate the use of new legislation should ensure that the interests of the tenant are not unfairly exploited.

2.15 The West Belfast Partnership feels that prior to legislation being passed to allow the widened application of injunctions, further evidence should be provided on the current use of injunctions as a response to anti social behaviour. Injunctions only apply to behaviour that has ‘actually caused nuisance or annoyance of is likely to cause it’. This is a perceptive test and the Partnership stresses that a consistent approach must be taken by social housing providers in investigating utilising this provision. Clear justification and evidence to prove that an injunction is needed must be provided. The Partnership recognises that in instances such as neighbour disputes consistent and fair discretionary decisions must be made. Injunctions should not be used as a way of fast tracking possession orders and potentially offering an easy way out to social housing provider’s. The proposal to attach a power of arrest to injunctions is welcomed as it offers an immediate measure in taking the guilty party out of the undesirable situation. It is hoped that this will act as a deterrent to those who have been served an injunction.

2.16 The Partnership feels that introductory tenancies are invaluable in monitoring the behaviour of a tenant during their probationary period. They help to identify the suitability of tenants to a particular neighbourhood. Extending the introductory tenancy will provide a further regulatory tool to the landlord and potentially halt possession proceedings associated with problem cases. The additional time period affords suspect tenants the opportunity to modify their behaviour. The Partnership would welcome this measure but stresses that it should only be utilised when there is a genuine cause.

2.17 With regard to the proposal to enable courts to grant demotion orders in respect of secure tenancies the Partnership recognises that this acts as a deterrent to anti social behaviour, but believes that legislation should be more prescriptive in terms of the length of time any demotion order would last if issued.

2.18 The Partnership recognises that practise of exchange of houses on the basis of mutual assignment of tenancies often leads to the unchallenged movement of problem tenants from one area to the next. This process fails to address the
underlying anti social behaviour and merely shifts the problem to other unsuspecting
eighbourhoods. The Partnership welcomes the proposal that this practise could be
halted by legislation allowing consent to exchange to be refused where certain orders
for possession, ASBOs, demotion orders or injunctions have been made in respect of
either party associated with the exchange.

2.19 The Partnership feels that disclosure of information relating to possession orders,
demotion orders and injunctions etc will ensure greater transparency in the allocation
of social housing and ensure that problem tenants are highlighted and cannot get
away with abusing the system.

2.20 The Partnership supports that the Housing Executive be given statutory power to
take part in crime prevention schemes and implement preventative measures aimed
at tackling anti social behaviour.

Are there any additional proposals which should be considered?

2.21 The West Belfast Partnership believes that the definition of anti social behaviour must
be explored further and prescriptively defined in the context of the Housing Bill.
Equality

Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under Section 75 of the Northern Ireland Act 1998?

2.22 The West Belfast Partnership wishes to note that proposals relating specifically to community safety and the use of injunctions, demotion and possession orders as a means of kerbing anti social behaviour may in some instances unknowingly prejudice against tenants who have physical disability or mental health issue. The Partnership believes that thorough screening of social housing tenants and the sharing of information across relevant statutory agencies should be implemented when tenancies are allocated to ensure that the physical and mental circumstances of vulnerable tenant are known to the housing authorities from the outset and can be appropriately considered in the event action being taken to deal with anti social behaviour.

2.23 The Partnership wishes to query the ability of the Housing Executive (which currently has responsibility for providing traveller sites) to issue an injunction associated with a traveller site, if the recipient of the injunction is an owner occupier of property located on a traveller site. In any other circumstance there are no mechanisms to impose injunctions on owner occupier. The Partnership would therefore question the legality of imposing any such injunction as it would represent a differential equality impact.

Do you have any evidence to suggest that the proposals within this document would create an adverse differential impact on rural areas?

2.24 The West Belfast Partnership does not feel that the proposals within the document would have an adverse differential impact on those living within rural areas.
Housing Executive Functions

_Do you agree that the Housing Executive should be able to work in partnership with other bodies, particularly in terms of tackling homelessness?_

2.25 The West Belfast Partnership strongly promotes that the statutory provisions to allow the Housing Executive to work in partnership with other bodies such as the Health and Social Care Board, Probation Board for Northern Ireland and registered housing associations in tackling the issue of homelessness, be put in place. An interagency approach will prove beneficial in tackling antisocial behaviour problems given that there are often multiple needs associated with an anti social behaviour case.

Housing Associations

_Do you agree that provisions in primary legislation relating to the rent surplus fund should be repealed?_

2.26 The Partnership agrees that this unnecessary bureaucratic burden be removed from housing association.
3.0 Conclusions

3.1 The West Belfast Partnership has welcomed the opportunity to respond to the Departments consultation on the Housing Bill (NI) and have subsequently provided comment on a number of key issues which we hope the Department will consider. I hope you find these comments helpful and please do not hesitate to contact me if you require any further clarification.

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