



Belfast City Council

Report to: Health and Environmental Services Committee

Subject: **Consultation Document - The Housing Bill (Northern Ireland)**

Date: 3rd February, 2010

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Relevant Background Information

In May of last year, the Department for Social Development (DSD) published a consultation document "Building Sound Foundations: a Strategy for the Private Rented Sector". The Council provided a detailed response to this consultation at that time and the Department has indicated that, subject to the results of that consultation, the proposals in the strategy will be included in a proposed Housing Bill.

On 7 December 2009 the Department published a further consultation with respect to the Housing Bill with additional proposals for the regulation of Houses in Multiple Occupation (HMO), different approaches to tackle fuel poverty and a range of suggestions to build on existing powers to deal with homelessness and community safety with regard to tenants. The Consultation period runs from 7 December 2009 to 26 February 2010.

The Key Issues are set out below, however, the Department has included a list of questions at the end of each chapter of its consultation document. A completed draft response to this consultation is attached.

Key Issues

- A new definition of HMO is already included in the Housing (amendment) Bill which will require clarification of familial relationships. The Department is therefore seeking views on the best way to implement the proposals on the evidence of family relationships. The Council has previously written to the Department expressing concerns about the lack of consultation on the change to HMO definition and the difficulties of establishing the veracity of family relationships
- Landlords will be required to notify the appropriate authority of any of their properties that appear to fall within the definition of an HMO.
- Fines for non-compliance with the registration process for HMOs will increase to a maximum £20,000.
- It is proposed that the Housing Executive will have powers to discharge its homelessness duties by securing accommodation in the private rented sector.
- The Housing Executive and registered housing associations will have powers to broker energy / fuel at discounted prices for their tenants.
- The Bill intends to extend the scope of injunctions against anti-social behaviour for

social landlords.

- The Bill proposes powers to enable the Housing Executive and registered housing associations to extend the trial period for an introductory tenancy for up to 6 months.
- It is proposed to enable courts to grant “demotion orders” in respect of Housing Executive and housing association secure tenancies where there is evidence of anti-social behaviour.
- There will be clear guidelines for judges in possession cases which should ensure that decisions are more consistent.
- The Housing Executive and registered housing associations will be enabled to withhold consent to an exchange of tenancies in certain specified cases and will be permitted to disclose information about possession orders, demotion orders, injunctions, etc. where such information is required.
- The Housing Executive will be given power to take part in crime prevention initiatives.
- The Department is seeking views on the most appropriate way to treat individuals who have been found to be unintentionally homeless and in priority need but are not considered suitable tenants for social housing.
- It is proposed to give the Department powers to make regulations to enable the Housing Executive and other bodies to delegate functions from one to another to have a single provider of key services, particularly with regard to homelessness.
- It is proposed to repeal the legislation relating to the Rent Surplus Fund.

Resource Implications

The proposed Housing Bill will have limited resource implications for the Council as it focuses primarily on the Housing Executive and registered housing associations. However, the potential problems in clarifying extended family relationships, associated with the proposed change in the HMO definition in the Housing (Amendment) Bill, will impact on the Council when responsibility for HMOs transfers to District Councils under the Review of Public Administration.

In addition, the proposal that the Housing Executive could utilise the private rented sector to meet housing need for homeless people may impact on the work of the Council if the Housing Executive requires evidence from District Councils that these dwellings must meet the statutory fitness standard.

Recommendations

It is recommended that the Committee endorses the attached response to the DSD’s consultation document on the Housing Bill (Northern Ireland) and agrees that it be submitted to the DSD before the end of the consultation period on 26 February 2010 with a covering letter explaining that the comments are subject to ratification by the full council on 1st March.

Decision Tracking

If the Committee endorses the proposed response, the Head of Environmental Health will arrange for the response, and a covering letter, to be forwarded to the DSD before 26th February.

Document Attached

Draft Council response - Housing Bill (Northern Ireland).