



<b>Subject:</b>	Communities Committee NIA - Private Tenancies Bill
<b>Date:</b>	9 <sup>th</sup> November 2021
<b>Reporting Officer:</b>	Siobhan Toland, Director of City Services
<b>Contact Officer:</b>	Claire O'Neill, Principal Environmental Health Officer

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To provide an update to members regarding the Department for Communities draft Private Tenancies Bill which was introduced by the Minister for Communities on 6 July 2021. The Department for Communities Committee has indicated that they are keen to receive a written submission from Belfast City Council before the end of November. (Appendix 1)
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to: <ul style="list-style-type: none"><li>• Note the draft proposals and comments and agree to submit the response, including a request for the resource implications for District Councils to be evaluated, to the Committee for Communities.</li><li>• Note the response will be issued by the deadline of 30<sup>th</sup> November as a draft and will remain subject to Council approval.</li></ul>

<b>3.0</b>	<b>Main report</b>
	<p data-bbox="256 192 416 226"><b><u>Key issues</u></b></p> <p data-bbox="165 241 1492 322">3.1 The Bill has now reached its Committee Stage, and the Committee for Communities has responsibility for the Committee Stage of the Bill.</p> <p data-bbox="165 394 1492 680">3.2 The Committee has issued its call for written evidence and views on the Bill, which is due to close on Friday 29<sup>th</sup> of October 2021. The Bill consists of 11 substantive clauses and three schedules. The stated aim of the Bill is to make the private rented sector a safer and more secure housing option for a wider range of households. The Bill introduces a series of amendments to The Private Tenancies (Northern Ireland) Order 2006, which is the main legislative framework for the private rented sector in Northern Ireland.</p> <p data-bbox="165 752 1492 1084">3.3 Belfast City Council has a very long tradition of involvement in the private rented sector, primarily through its role as a regulator of housing standards but also in respect of its statutory duties under the Public Health Acts. The enhanced powers recently devolved to district councils under the Private Tenancies (NI) Order 2006 (PTO) along with the transfer of the regulation of Houses in Multiple Occupation (HMOs) in 2018, confirms the importance of the evolving role that district councils have in regulating the private rented sector. The Council therefore has been seen as a key consultee in this process.</p> <p data-bbox="165 1155 1492 1326">3.4 Following on from this Committees call for evidence, the decisions taken by the Department relating to areas that impact in the development of a long term strategy for the private rented sector, will have a significant impact on the existing and evolving regulatory and advisory roles of the Council and other stakeholder in relation to its statutory housing functions.</p> <p data-bbox="165 1397 1492 1576">3.5 The Department's landlord registration database has indicated that one third of the privately rented sector properties in Northern Ireland are located in the Belfast City Council area. Belfast City Council also has 70% of all HMOs in Northern Ireland and Belfast City Council coordinates the delivery of the HMO function for all 11 district Councils.</p> <p data-bbox="256 1648 951 1682">In summary the Bill contains the following provisions:</p> <ul data-bbox="308 1697 1254 2045" style="list-style-type: none"> <li>• Re-introduction of a written statement of tenancy terms for tenants</li> <li>• Tenants to be provide with rent receipt if payment in cash</li> <li>• Tenancy deposit to be limited to one month's rent</li> <li>• Increase time limit for landlord to secure a deposit</li> <li>• Continuing offence for tenancy deposits</li> <li>• Rent increases to be restricted to once per year</li> <li>• Landlords must maintain fire, smoke and carbon monoxide detectors</li> </ul>

- The power to make energy efficiency regulations
- The power to make regulations concerning electrical safety standards
- Changes to the notice to quit period and process

3.6 Therefore, whilst the additional regulation of the privately rented sector is to be welcomed, the resourcing of these additional powers, potentially being granted to Councils, will require to be evaluated in advance by the Department before commencement. There is no indication from the Department that any additional funding will be made available to Councils and that the introduction of the ability to issue fixed penalty notices is an appropriate model to adequately resource the monitoring and resourcing of these powers. There will be additional and new work for Councils if they are required to undertake this role. A properly evaluated analysis of the impact on Councils would need to be undertaken and a suitable funding model identified and agreed before these can be facilitated and commenced so that there is no impact on the rate payers due to additional burdens to DCs.

3.7 Members will be aware that Belfast City Council has advocated on previous occasions for a review to the statutory fitness standard which would have encompassed some of these matters. Thus we, are waiting on the Department's proposals to introduce a new standard which has been in the planning stage for a considerable period of time. The current Fitness standard dates from 1981 and is considered outdated. Therefore whilst the Council welcomes the introduction of some tenancy management standards, as the regime for assessing the suitability of the property as a whole is outdated, our concern is that the Bill will only address the electrical installation, energy efficiency (at a later date, yet to be determined) and a working fire, smoke and carbon monoxide alarm.

3.8 The Bill is currently at the second stage of the Bill process which involves the Department for Social Development Committee requesting written submissions by interested parties on the content of the Bill. The Council has been asked by the Committee to provide a written submission. Officers have prepared a draft submission, attached as Appendix 2 for consideration by the People and Communities Committee. Responses were due on 29<sup>th</sup> October however we have written to the assembly committee and sought an extension on Councils behalf. (see appendix 1)

3.9 Each of the clauses and our draft comments to the consultation are contained in Appendix 2. We would ask the committee to review and agree this as the BCC response.

3.10 The details of the Private Tenancy Bill are contained in Appendix 3 for members information.

3.11	<p><u>Financial and Resource Implications</u></p> <p>The Private Tenancies Bill when enacted will give local councils additional enforcement powers to deal with issues in the Private Rented sector. These additional new powers will mean more enforcement officers will be required to deal with the additional workload. There will be fixed penalties introduced for some of the offences, but fixed penalty income will not cover the additional staffing and administrative resources required to manage this new function. Members will note the resource implications for District Councils to be evaluated will be requested in our submission to DFC.</p> <p><u>Equality or Good Relations Implications</u></p>
3.12	None associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<p>Appendix 1 – Request from the Department for Communities Committee for a written response from Belfast City Council</p> <p>Appendix 2- Clauses and Comments</p> <p>Appendix 3 – Private Tenancies Bill</p>