



# Response to Consultation

**Date:** 26 February 10  
**Consultation:** The Housing Bill (Northern Ireland)

## Introduction

The Northern Ireland Federation of Housing Associations (NIFHA) represents registered and non-registered housing associations in Northern Ireland. Collectively, our members provide 30,000 good quality, affordable homes for renting or equity sharing. Further information is available at [www.nifha.org](http://www.nifha.org)

## Background

NIFHA's members are responsible for about twenty five percent of all social housing stock in Northern Ireland. Our members within the Housing Association movement are volunteer led, community focused housing businesses whose financial surpluses are re-invested to produce social benefit rather than private gain.

NIFHA's vision is for the Housing Association movement to be a powerful engine of social inclusion, drawing on its ethos and experience of self help, community development and environmental responsibility. We therefore welcome the opportunity to comment on this consultation document which will to some extent assist our members especially with regard to managing the implications of anti-social behavior and community safety.

## General Comments

NIFHA welcome many of the wide ranging proposals contained within the proposed Housing Bill (Northern Ireland) however we consider that there are a number of areas of interest for the Housing Association movement omitted from the proposed Bill. Housing Associations would have been interested to see the delegation of the assessment of homelessness functions from NIHE. We believe that some mechanisms should be developed which allow Housing Associations to undertake some level of housing assessments as part of our contribution to a strategic solution for homelessness.

The proposed Bill does not include a definition of the purpose / mission of social housing. It is understood that, in the absence of such a statutory purpose, it may be difficult to claim exemption (under the Altmark ruling) from the requirement to gain EU approval of grant paid on each social housing development.

Our members have concerns regarding the length of time required to bring cases through the judicial system and following on from this to obtain an Enforcement of Judgement (EJO). Many of the proposals included in this Bill allow Housing Associations to have redress through the courts system but

these systems need to be streamlined to ensure that appropriate effective action can be taken as quickly as possible.

## **Specific Comments**

### ***Chapter 1 Houses in Multiple Occupation***

#### **Houses in Multiple Occupation: Evidence of Family Relationships**

The consultation document suggests that the responsibility for establishing a family relationship will be with the landlord which in the case of NIFHA members will be Housing Associations. Clarity is needed over the type of evidence that is envisaged, to ensure that Housing Associations put correct procedures in place to enable them to respond appropriately to this requirement.

#### **Houses in Multiple Occupation: Notification**

This change in the legislation takes the onus from NIHE to identify properties and will place it with Housing Associations to notify them the details of their properties that fall within the definition of HMO's. There needs to be clarity regarding what the requirements of this will be and the procedures for notification for example will there be a formal submission document available for completion.

#### **Houses in Multiple Occupation: Fines**

The proposal to increase the level of fines to £20,000 for non compliance with the registration process is reasonable given that the objective is to ensure that safety standards are maintained. Housing Associations though will need to be very clear of their responsibilities especially with respect to the new requirements for the provision of evidence of family relationships and notification of properties falling within the definition of HMO's if they are going to be liable for fines up to £20,000 for non compliance.

This means that it is important that the registration process is unambiguous and clearly defined procedures are developed to assist Housing Associations in meeting their responsibilities.

### **Chapter 2 Homelessness**

#### ***Securing Accommodation for Homeless People in the Private Rented Sector***

The consultation document states that the proposed amendment to the Housing (Northern Ireland) Order 1988 would mean that homeless applicants should only be placed in the private rented sector where the accommodation is suited to their needs, it is unclear how suitability of accommodation would be determined or assessed. Safeguards would need to be built in to this system, such as dwellings to be used for placing homeless applicants being pre inspected to determine their

suitability and then placed on a register of private sector properties that may be used for homeless allocations.

In many cases homeless people have a number of support needs which are best met through housing and other organisations within the voluntary sector. There is concern over the placement of vulnerable people in private rented accommodation as whilst the accommodation may suit their physical needs, it may not provide them with the support they need to enable them to function well in society. Therefore suitability of accommodation needs to take account of both physical and support needs.

The proposal states that private rented accommodation will be only be offered if the tenancy will last for at least 12 months. Clarification is needed regarding the security of tenure the homeless applicant will have on accepting tenancy of a private rented sector dwelling. It may be interpreted that the tenancies will last for a 12 month period only, this suggests that the homeless person's tenancy may end at that time and they may become homeless again. A deposit is normally paid when renting a private rented sector dwelling; it needs to be determined if this will be the case when the allocation is made by NIHE and if so who will be liable for paying the deposit NIHE or the homeless applicant.

It needs to be determined if the NIHE or private landlords tenancy conditions would be applicable when private rented dwellings are allocated by NIHE. It also needs to be established if the level of rent to be paid will be assessed against the NIHE rent points system or set by the private landlord. The use of the private landlord's tenancy conditions and rent levels may place more disadvantages on an already disadvantaged homeless applicant as tenants within the social rented sector generally have greater legal protection and lower rents to pay than those in private rented accommodation.

## **Chapter 3 Fuel Poverty**

### ***Brokering Arrangements with Energy Providers***

NIFHA recognise that there may be a number of benefits for Housing Associations to broker the purchase of energy at discounted prices on behalf of their tenants and that savings through the economies of scale could be passed on to tenants thus helping to reduce fuel poverty. However, a number of difficulties have been identified surrounding such a scheme that our members consider would outweigh the benefits. The difficulties include:

- Issues surrounding collection of payments and arrears recovery
- Development of procedures for administration of the system
- Responsibility for the maintenance and the breakdown of utility equipment

- Strained relationships with tenants if there were difficulties

## **Chapter 4 Community Safety**

### ***Injunctions against Anti-social Behaviour, Illegal Use of Premises and Breach of Tenancy Agreement***

Our members are in broad agreement regarding the use of injunctions in the effective management of difficult tenants but concerns surrounding the time taken to obtain and the cost of an injunction have been raised.

### ***Demoted Tenancies***

There needs to be more clarity regarding what happens if the tenant does not modify their behaviour while a demotion order is operative. Will the Housing Association be required to return to the court if this is the case to ask for an order seeking possession or is it intended that the breach of a demotion order will negate this?

### ***Proceedings for Possession: Judge's Discretion***

There needs to be clear guidelines regarding how the effect of any nuisance or annoyance should be measured or assessed, how the Housing Association would determine if the nuisance or annoyance is likely to continue and how it could anticipate if the nuisance is likely to be repeated. The Housing Association would have to provide evidence of this to enable judges make decisions. It is therefore important that an evidence based recorded history is presented to the courts which accurately reflects the incidents of bad behaviour. Housing Associations would therefore need to have robust procedures in place for recording all incidents of nuisance or annoyance.

### ***Exchange of Tenancies: Grounds for Refusal***

NIFHA are in broad agreement with this proposal, our members within the Housing Association movement are keen not to allow tenants who have created problems through anti-social behaviour to move to other areas and bring problems to those areas. The Association would need to have robust procedures in place to record the incidents of anti-social behaviour to ensure that evidence could be provided if required.

### ***Information Sharing***

NIFHA considers the sharing of information between housing providers to be fundamental in ensuring that tenants who are responsible for anti-social behaviour are not allowed to move from one area to another or from one housing provider to another. Housing Associations would like to see these tenants change their behaviour to a form which is acceptable by communities but it is unlikely that they will do this if they can move around from house to house and area to area without being penalised in some way.

### ***Crime Prevention***

#### ***Homelessness Duty in Cases of Anti-social Behaviour***

NIFHA agree that tenancies in social housing should not be allocated to people who are likely to engage in anti-social behaviour. Our members in the Housing Association movement have a duty of care to protect their tenants

from anti-social behaviour. It is not our member's intention to prevent people from being allocated a home if they have been found to be a full housing duty applicant, indeed this goes against the ethos and culture of our movement, but where anti-social tendencies have been displayed prior to their being re-housed NIHE should have the facility to remove their homeless status from them.

This of course has further social implications as removal of the persons homeless status may increase the likelihood of a person becoming more isolated from society leading to their sleeping rough. Provision should be made to ensure that each case is assessed on an individual basis and NIHE should be able to avail of options ranging from provision of advice on the housing options that are available to the placement of the person in accommodation with an introductory tenancy.

## **Chapter 6 Housing Associations**

### ***Rent Surplus Fund***

NIFHA agrees with the proposal to repeal the provisions in the primary legislation relating to the Rent Surplus Fund.

I hope you find these comments useful.

**Submitted on behalf of NIFHA by:**

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