



Northern Ireland
Assembly

Committee for Communities

Minutes of Proceedings

Tuesday 21 December 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Ms Kellie Armstrong MLA (Deputy Chairperson)
Mr Andy Allen MBE MLA
Mr Paul Frew MLA

Present by Video or Teleconference:

Mr Stephen Dunne MLA
Mr Mark Durkan MLA
Ms Ciara Ferguson MLA
Ms Áine Murphy MLA
Ms Aisling Reilly MLA

Apologies: Ms Paula Bradley MLA (Chairperson)
Mr Stephen Dunne MLA

In Attendance: Dr Janice Thompson (Assembly Clerk)
Mr Sean McCann (Assistant Clerk)
Ms Antoinette Bowen (Clerical Officer)



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In Attendance by Video or Teleconference: Ms Rachel Ashe (Clerical Supervisor)

The Deputy Chairperson, Kellie Armstrong, assumed the Chair. The meeting began at 9.04 am in public session. The following Members were present at the start of the public session: Kellie Armstrong, Andy Allen, Paul Frew, Ciara Ferguson, Aisling Reilly and Áine Murphy.

1. Apologies

Paula Bradley

Stephen Dunne

Andy Allen declared an interest as a private landlord.

Paul Frew declared an interest as a private landlord and as a qualified electrician.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 14 December 2021.

3. Committee Deliberations on the Private Tenancies Bill

Mark Durkan joined the meeting at 9.20 am.

The Deputy Chairperson informed Members that Committee Deliberations on the Private Tenancies Bill would now continue.



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The Deputy Chairperson reminded Members that this was not yet the formal Clause by Clause stage, but still an opportunity for Members to continue to discuss Clauses comprehensively with Departmental Officials.

The Deputy Chairperson informed Members that the Committee was still reviewing responses with the Department on a number of the Clauses to agree amendments and decide whether any further amendments were to be considered or whether a Committee recommendation of Ministerial assurance would suffice.

The Deputy Chairperson informed Members that they had received a response from Housing Rights in relation to Scottish research on rent increases relevant to Clause 7 of the Bill. The Committee was content to note.

The Deputy Chairperson welcomed the following Officials to the meeting:

David Polley

Eilish O'Neill

Karen Barr

The Officials discussed the Department's responses to queries raised by the Committee and participated in a question and answer session with Members.

Clause 3. Tenant to be provided with a rent receipt for payment in cash.

The Deputy Chairperson informed Members that there were three matters to consider under Clause 3.

- i. Receipts for all cash payments in relation to the tenancy.

Officials informed Members that this was intended to cover any scenario where more was given than the receipt stated, and also to ensure the receipt states what the payment is for. Officials also noted that the amendment included new language which had been updated by the drafter to more technical language. The Clause now included payments before and after the conclusion of the tenancy period.

- ii. Committee's proposed new Clause 2A.

The Committee and Officials discussed a number of concerns with the Committee's proposed amendment, including that Clause 3 could result in a Hobson's Choice scenario for tenants regarding methods of rent payments. The Committee postulated



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landlords could ensure rent payments in cash by offering two methods which could be expensive or unrealistic, and a third option of paying in cash, knowing the tenant would be forced to do so.

Officials suggested another potential way forward as an alternative – to include an enabling power to make regulations allow the Department time to work through payment issues and to consult.

Agreed: The Committee agreed that the Officials, in discussion with the Bill Clerk, should draft up such an alternative amendment and see if the Minister would be minded to take that forward.

iii. Consider Clause 3 5(3)(b)

The Committee noted Clause 3 5(3)(b) was addressed in a Departmental letter dated 10 December 2021. The Committee had not yet taken a final position on the matter.

Clause 7. Restriction on rent increases.

The Committee noted its preference for the increase in the time period for rent increases in 5D(4) to be raised from two months to three months and were content with the Departmental amendment on that issue.

Clause 9 and Schedule 2. Energy Efficiency Regulations

Officials informed Members that the Committee would receive an updated EFM in the next couple of days. The Committee welcomed this development.

Clause 11. Validity Requirements for Notices To Quit given by landlords and tenants.

Officials had informed the Committee on 16 December 2021 that the Department was conducting a consultation period on Clause 11, scheduled to conclude on 25 January 2022. Officials noted that, considering the active consultation period, the Department would reserve its opinion until after this date. The Committee noted it was waiting for advice from the Assembly Legal Services before deciding on its potential amendment and that it would make a decision on 11 January 2022 when it would be in receipt of this advice.

Agreed: The Committee agreed to invite the ESR to attend the Committee meeting on 11 January 2022 to provide advice on the Delegated Powers in the Bill as drafted and on the new Schedule 2.



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The Deputy Chairperson informed Members that the meeting would enter private session to consult with Claire McCanny from the Bill Office. The Deputy Chairperson requested that Officials re-join the meeting after the private session.

The meeting was adjourned at 9.49 am.

The meeting recommenced at 9.56 am in private session to allow Members to receive advice from Claire McCanny, Bill Office Clerk.

Áine Murphy left the meeting at 10.28 am.

The meeting went into public session at 11.00 am.

The Deputy Chairperson thanked the Officials for re-joining the meeting.

The Committee discussed issues raised during the private session related to fixed penalties undefined by Clause 6 in the original Order. Officials confirmed that fixed penalties were set by the Council and are typically 20% of the overall limit and referred to the relevant section of the Order.

The Committee further discussed the potential for the addition of an enabling power amendment to Clause 3.

The Deputy Chairperson thanked the Officials for their attendance.

4. Date, Time, and Location of next meeting

The next meeting will be held on Tuesday 11 January 2022 in Room 29, Parliament Buildings, at 9.00 am.

The meeting was adjourned at 11.11 am.

Kellie Armstrong MLA
Deputy Chairperson, Committee for Communities