



Department for
Communities
www.communities-ni.gov.uk

An Roinn
Pobal

Department fur
Commonities

From: The DALO

Level 9

Causeway Exchange

1-7 Bedford Street

Belfast

BT2 7EG

Telephone: (028) 9051 5234

e-mail:

assembly.section@communities-ni.gov.uk

Our ref: GM 1732-2021

Date: 20th December 2021

Dr Janice Thompson
Communities Committee Clerk
Room 430
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Janice,

Deliberations on the Private Tenancies Bill

This response is to the letter of 16 December from the Committee which highlighted remaining queries/Committee position to date on the outstanding matters.

If you require any further clarification, please feel free to contact me.

Yours sincerely,

Fionnbarr Dorrian

Departmental Assembly Liaison Officer

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

Receipts for all cash payments in relation to the tenancy.

The Officials advised the Committee that the Minister will take an amendment to the clause (or insertion of sub clause) for a receipt to be provided for all cash payments arising under the tenancy.

The Committee is pleased to note that the Department is making this amendment.

The Committee is awaiting the text of the amendment and hopes that it is received in time for consideration at its meeting on 21st December.

Departmental Response

Please see attached amendment for this Clause to cover all cash payments arising under a tenancy.

5(3)(b) – “if that is not possible, as soon as reasonably possible after that time”

In both the public and closed sessions, the Committee further discussed the response of the Department to its letter dated 10th December, and the reasons why the Department does not wish to consider taking forward an amendment to remove 5(3)(b).

The Committee has yet to take a final decision on this matter and will likely do so at its meeting on 21st December.

Departmental Response

The Department notes the position stated by the Committee

Proposed New Clause 2A

In both the public and closed sessions, the Committee further discussed the response of the Department to its letter dated 10th December, and the reasons why the Department does not wish to consider taking forward the amendment proposed by the Committee regarding placing a statutory duty on a landlord to offer a choice of payment options for rent and other payments related to the tenancy.

In its closed session the Committee considered the draft text of two potential amendments on this matter as drafted by the Assembly Bill Office. It dismissed the second option as being too limiting.

The Committee agreed to share the text of the draft of the first option with the Officials and OLC and for the Bill Clerk, Claire McCanny, to liaise with them in advance of the meeting on 21st December in order to get a steer on any unintended consequences of the proposal.

Departmental Response

The Department notes the position stated by the Committee

The proposed amendment is now with the Officials and the Committee anticipates further discussion on this at its meeting on 21st December and

requests a view from the Officials on the text of the proposed amendment for that meeting if possible.

Departmental Response

Officials are exploring the proposed amendment urgently and will provide an update, if possible, at the meeting.

Clause 7 – Restriction on rent increases

Time period in 5D(4) be increased to three months

The Committee is pleased to note that the Department is making this amendment.

The Committee has now received the text of the amendment and it will be considered at the meeting on 21st December.

Departmental Response

The Department notes the position stated by the Committee

Clause 8 – Fire, Smoke and Carbon Monoxide Alarms, etc.

No further queries – the Officials updated the Committee on the response from the Department of Finance on the changes to Part E of the Building Regulations. The Committee noted that the Officials stated that the text of Clause 8 future proofs the Bill in this regard.

Departmental Response

The Department notes no further queries for this Clause

Clause 9 and Schedule 2 – Energy Efficiency Regulations

The Officials outlined the key points of the amended Schedule 2.

The Committee did not take a position on this at its meeting and has requested a written breakdown of each amendment and what it does – this can be in the form of an updated EFM or a written briefing, as soon as possible.

Departmental Response

Officials will share a written breakdown of each amendment as soon as possible.

Clause 11 – Validity requirements for notices to quit given by landlords and tenants.

At the meeting yesterday, the Officials outlined the Department's response that it wishes to reserve its position on any amended notice to quit period until the outcome of its recently launched consultation, which closes on 25 January 2022.

The Department discussed with the Committee its own proposed potential amendment, similar to the Private Tenancies (Coronavirus Modifications) Act 2021, regarding

- Applicability for all tenancies irrespective of length (or using tenancy length similar to that currently in the draft bill);
- The same period for both Landlords and Tenants (or notices given by Landlords only); and
- A universal 12-week period (i.e. no exempt cases or different notices for particular types of cases).

The Committee has not yet taken a position on Clause 11 as it is awaiting the views of Assembly Legal Services as to whether amendments of the type proposed by the Committee would engage Article 1 of Protocol 1 of the ECHR and the potential consequences of this.

Departmental Response

The Department notes the position stated by the Committee

The Officials also highlighted that it was difficult to provide a definitive response to the Committee's request for a timeline in advance of the outcome of the Notice to Quit consultation and the reasons for that.

Departmental Response

The Department notes the position stated by the Committee