Northern Ireland Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Houses in Multiple Occupation Bill: Housing Rights Service

5 November 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Jim Allister
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson
Mr Sammy Douglas
Mr Adrian McQuillan

Witnesses:

Ms Janet Hunter	Housing Rights Service
Mr Christopher McGrath	Housing Rights Service
Ms Etain Ní Fhearghail	Housing Rights Service

The Chairperson (Mr Maskey): I welcome Janet Hunter, Christopher McGrath and Etain Ní Fhearghail, who are representing the Housing Rights Service. We have appreciated your work with us so far over the last number of years, and I appreciated your work in the past mandate. You are very welcome this morning to give us your views on the Houses in Multiple Occupation Bill.

Ms Janet Hunter (Housing Rights Service): I thank the Committee for inviting us to give oral evidence to complement the written submission that we made earlier. Members are aware that we are a local charity that provides advice for people who are homeless or living in insecure or poor housing conditions. It is important to say that that is the perspective that our contribution is coming from today. I will introduce my colleagues: Chris is a solicitor and works for our advice team, and Etain is our web writer and is responsible for all our web-based information. She has written more pages than she cares to remember on houses in multiple occupation (HMOs), so we thought that it would be useful to invite her to join us today.

As members are aware, the Bill is a substantial piece of legislation, and we do not intend to go through it clause by clause because we have only 10 minutes and because it is important for us to say, at the outset, that this is a side of the housing market where a great deal of concern is raised around standards and safety and the risks that are presented. We wholeheartedly support the policy intention behind the legislation, which is to improve and enhance regulation in this sector of the property market. We are very supportive of the policy intention of the Bill.

The focus of our evidence today will be on seeking further clarity to ensure that, when the Bill is passed, it can and will deliver on that policy intention and that, subsequent to the Bill being introduced,

protection for occupants in that sector will be increased, standards will be improved and no one living in that type of accommodation will be adversely affected. That is the general thrust of our presentation.

On that basis, I have a few initial comments that will focus on the early part of the Bill on the definition of a house in multiple occupation. Members will have noted that, under the new proposed definition, a significant range of properties is to be exempt from the definition of a house in multiple occupation, which is quite different from the previous approach. We understand that the rationale for that approach is that the Department believes that there is appropriate regulatory protection elsewhere for the occupants of that particular range of properties. We believe strongly that the Committee should request the Department to provide it with the detail of the regulatory protection that will apply to those occupants and to demonstrate how, in particular, it will ensure that those occupants have at least the same protection as they would have had were they covered under the Bill. That is a fundamental issue for us, and we think that it is important to have that clarified and to have that evidence.

We do a lot of work with homeless people who live in temporary hostel-style accommodation. We want clarity on the intention for those types of almost hybrid properties and that they can be provided, for example, by a housing association or some other public authority but, on a day-to-day basis, may not be managed by them. So, it is not clear to us whether they would be included in the definition or even whether the intention is that they would be included. Because of the clients we work with every day, we would really welcome some thought being given to that and some clarity provided.

That is all that I want to say by way of introductory remarks. I will hand over to Etain, who will talk a bit more about the provisions on the standards in the Bill.

Ms Etain Ní Fhearghail (Housing Rights Service): The Housing Rights Service is pleased to see that councils will have to consider the suitability of a property for its use before they can grant a licence. However, we have a few concerns about the matters that councils will have to give regard to when making that decision.

Clause 13 deals with the suitability of living accommodation. There are matters referred to in clause 13(5), which seem to relate to the fitness standard that applies to housing in Northern Ireland. I am sure that you have heard evidence on how it is fairly well acknowledged that it is quite out of date. With the review of the private rented sector under way, we would like to seek assurances that the Bill is written in such a way that any revised minimum standard will also apply to HMOs and that they will not be left behind.

The old standard used to mention explicitly fire safety and escape from fire, which do not appear to be included anymore. There is a considerably higher risk of death from fire to people who live in an HMO than to people living in single households. The Housing Executive has an effective working partnership with the Northern Ireland Fire and Rescue Service, whereby the Housing Executive will inspect an HMO property against a rigorous technical standard to ensure that it is safe. We would like to see that effective partnership replicated with councils once the powers for HMO licensing are transferred to councils.

Finally, I want to make a point about overcrowding. We are happy that there is a statutory standard for overcrowding in the Bill but ask why the age has increased from 12 to 13. When we thought about it, the matter was really whether it was appropriate for a 12-year-old boy to share a bedroom with an 11-year-old girl. In other legislation — for example, the statutory overcrowding definition that applies in England, Scotland, Wales and the Republic of Ireland — the age threshold for overcrowding is 10. A similar age is used in the housing benefit regulations; you are entitled to an additional room allowance in your local housing allowance if you have two children of different genders who are over the age of 10. We would like the Committee to ask the Department to consider lowering the age and harmonising as standard to the age of 10.

Mr Christopher McGrath (Housing Rights Service): Good morning. Many of the points that I will talk about concern the practical implementation. We have heard some concerns that require extra clarity or, at least, need to be raised.

We are very supportive of the fit-and-proper person test, the inclusion of management agents and owners in the process and the overall requirement of licensing. Generally, those things will improve the standard of houses in multiple occupation and will deal with the many issues with the sector. However, as I said, I would like to draw attention to concerns about how that will be implemented and look at whether there are unforeseen consequences that have not been explored.

Initially, I point towards uniform decision-making and the sharing of information among councils. It is intended that there will be 11 councils making decisions on the licensing of houses in multiple occupation. I seek assurances from the Committee and the Department that that will be taken into consideration and that the decisions of each council will be considered.

Clause 73 deals with information-sharing among parties and with relevant persons in them. However, it does not include any provision for information-sharing among councils. In Scotland, an amendment was recently made that specifically deals with information-sharing among local authorities in relation to the fit-and-proper person test. There might have been an oversight at the time of the original legislation, but the issue is particularly important for councils making decisions.Under clause 62, each council is required to register each application for an HMO licence. Given the likelihood of there being multiple owner/landlords within different councils, we suggest that it may be beneficial to have a centralised register for the councils for sharing purposes. Following on from that, we also think that it is important that, given the fact that 11 councils will be making decisions on this, there is uniformity and a consistent rationale in the decisions being made, for example, when deciding who is a fit and proper person and whether that licence should be granted.

On review of the Bill, it seems that aspects of that would open the door to subjectivity and potential inconsistency in relation to the fit and proper person test, because it acknowledges that the council can have consideration to any matter it considers relevant in relation to deciding if somebody is a fit and proper person. In addition, clause 34 deals with a very important aspect of the Bill, reasonable excuse when dealing with whether a landlord has contravened an Act. That also allows for a council to consider the matter and whether reasonable steps have been taken in other ways. Although we understand that there should be freedom for councils to make decisions and take all of the circumstances into account, that may, as I said, open the door to too much subjectivity. So, we are of the view that the guidance suggested in the Bill should be made mandatory, as councils will require assistance in relation to making their decisions and ensuring that they are consistent from council to council.

There are two practical reasons why we say that that is important. First, we want to make sure that there are no unexpected or unnecessary adverse consequences for occupiers due to poor, inadequate or inconsistent decision-making. Secondly, decision-making is very important in preventing unnecessary appeals, which would have cost implications because the appeal process would result in County Court actions. So, the decision-making process is extremely important from the outset.

I also want to address the approach to enforcement. The Housing Rights Service is supportive of the provision of, in particular, fixed penalty notices as a means of enforcement. Importantly, effective, robust and uniform enforcement is necessary to ensure that the Bill acts in the way that it should. It is essential for councils to have adequate resources, training and guidance on the actions required in relation to enforcement. It is fair to say that, historically, some of the legislation on the private rented sector in particular has been undermined to an extent by poor enforcement or an inadequate position for enforcement within the Private Tenancies Order and, more recently, the tenancy deposit scheme. On that basis, we say that enforcement is a priority to make sure that there is effective and robust enforcement potential.

One element that we seek clarity on is the position of fixed penalty notices for repeat offenders — people who consistently pay their fixed penalty notices, as opposed to those who are subsequently convicted. From a review of the Bill, we do not see any acknowledgement of whether that person would continue to be licensed. Given the market that we are talking about, the continued or regular payment of fixed penalty notices may not be a deterrent. We want to check to see if that is a relevant deterrent. We think that that is missing at this time.

I move now to my final point. Obviously, the overarching principle relates to reducing overcrowding. I will address that in relation to the potential unintended consequences that we see may be possible. It is clear that the Housing Rights Service is supportive of the intention to reduce significant overcrowding, as the clear remit is to ensure that that key health and safety concern is addressed. However, I would like to see clarity on how it is intended that that will be implemented without unintended adverse consequences for tenants or occupiers of those dwellings. At the moment, the Bill allows for notices to be granted against landlords, owners or management agents of the property when there is overcrowding. There is relatively little guidance on how that would occur. The explanatory note provided with the Bill indicates that once a notice on overcrowding is issued, the immediate ending of the tenancy or an immediate reduction of the overcrowding issue is required.

Again, we understand why that is sought and why it would be required; however, I suggest that the law at the moment may not allow for that immediate reduction in the tenancy. Simply put, a tenant may not wish to move on immediately, and if he were a fixed-term tenant, he would have contractual rights. If he were a periodic tenant, he would still have his rights to due process that would have to be followed. We would like to see if that has been considered.

We note that the reasonable excuse provision indicates that a landlord does not, in essence, contravene any notice if he makes steps to end a tenancy. If he cannot do so legally, he would not be seen. In that instance, that may result in a stalemate. If the landlord cannot end the tenancy legally, and the tenant does not wish to leave, it does not resolve the overcrowding issue or deal with the matter adequately. So, I think that that requires some further consideration. We would seek that consideration to have a focus on the position of tenants after they are asked to move on due to overcrowding. What is their position? Are subsequent housing options being made available to them, or is that being considered? A lot of the people living in overcrowded accommodation may not have the potential for assistance through social housing, and access to private rented housing remains difficult. I make the point in relation to the legality of ending the tenancy, as is understandably sought, but ask how those people will be dealt with afterwards.

The Chairperson (Mr Maskey): OK, Christopher. Thank you for that. Before I bring members in, there are a just a couple of points in your written submission. You refer to section 1: are you satisfied that that concern will be addressed? You have highlighted the need to dovetail — someone used the term earlier — with the work around the regulated private rented sector.

Ms Hunter: Sorry, can you repeat that, Chair?

The Chairperson (Mr Maskey): In your written submission, you have addressed in section 1 the meaning of houses in multiple occupation. You welcome the definition of HMOs, but you are wondering how you regulate those that are not defined.

Ms Hunter: Absolutely. We seek reassurance on how the health and safety of occupants of properties that will now be exempt from the definition of an HMO will be protected and what regulatory regimes are in place. Obviously, they will not be subject to the standards in this Bill and to licensing, so what regulatory mechanism is in place?

The Chairperson (Mr Maskey): That is the point that I am making. By definition, it stands outside this Bill.

Ms Hunter: Absolutely, and that is an unusual approach. Previously, the approach was that all properties were included in the definition but some were excluded from the requirement to register, whereas this approach is that they are being completely exempt and the categories are being widened. There is quite a broad range of categories, so it is for the Committee to satisfy itself that, in removing those properties from the scope of the definition, there is still appropriate regulatory protection in place for the occupants who will live in those dwellings, because when you look in some detail at the wide range of properties that will be exempt if the Bill goes through as it is currently drafted, you will see that it will affect a significant number of people.

The Chairperson (Mr Maskey): You are underlining that point for the Committee. The Committee has a big concern around that, and we are working with the Department to make sure that we get considerable work done around the regulation of the private rented sector, given a lot of the reasons that you have already outlined. So, I just want to make sure that you are satisfied that your point has been made. The Committee has well identified the major issues of concern, and we have already engaged with the Department on it and will be doing so in the time ahead.

You refer to section 3: can you elaborate a bit on that? Can you give us examples on the reference that you made?

Ms Hunter: We looked at the proposed legislation from the prospective of a number of clients who are residents in homeless hostels. We are aware that many of the homeless hostels are owned, and the property is physically managed, by a social housing provider, but, on a day-to-day basis, they are run by another provider, for example, a voluntary organisation. So, we felt that there was a degree of ambiguity as to whether the intention was that those properties should be exempt or not exempt. The rationale is that, for social housing providers, there are other regulatory frameworks in place, but they

would not necessarily be the organisations that would be directly managing or running the homeless hostels. My point flows from the general question: what would the regulatory protection be? These are almost hybrids. The buildings are owned by the public sector or by social landlords, but the services to occupants are delivered on a daily basis by another sector, possibly the voluntary sector.

The Chairperson (Mr Maskey): Thank you. That is very helpful.

Mr Campbell: I want to raise the issue of the duration of the licence. You said that you think five years is too long and should be reduced to three, is that right? I understand the business about Scotland, but let us park that. Why do you think three years is better than five?

Ms Hunter: Our feeling was that it would help to drive up standards. It would keep a focus on the standards that the property was being managed under. A three-year review seemed more appropriate than every five years, which is quite a long time between licences. We felt that it would be a driver in maintaining standards.

Mr Campbell: Do you think that in years 4 and 5 of any licence — ?

Ms Hunter: I do not think that it is about years 4 and 5; it is about the time between licensing processes. The longer the time between one licensing process and the next, the more opportunity there is for standards to slip. We feel, therefore, that a shorter period would be more appropriate. Obviously, you are trying to balance that with the resources that have to go into inspection and the licensing process. We feel that five years is a bit too long. Because we are mindful of resources, we have suggested three years. Probably if resources were not an issue, we would recommend inspection every 12 months, but we are very conscious that resources are an issue and that we need to be pragmatic.

Mr Campbell: Have you any knowledge of how the three-year review has worked in Scotland?

Ms Hunter: We have links with some voluntary organisations in Scotland, and our understanding is that the system there is working quite well. As Chris said, some amendments have been made relating to issues that appear to have been overlooked when the legislation was introduced, but they appear to feel that a three-year period is working very well. Obviously, that is from a voluntary sector, occupant-type perspective. I am not sure how landlords see it.

Mr Campbell: The other issue was the code of practice and regulations. What is your view on using "may" rather than "shall"? Apart from the compulsory nature of it.

Ms Hunter: That is fundamental.

Mr McGrath: It is essential that both the code of guidance and the code of practice, which I believe would be separate in relation to standards, are mandatory. At this stage, from the points of view raised, there is a lack of clarity, and councils will need specific guidance on how they are to interpret many points, particularly the fit and proper person test. We would be very much of the view that the code of guidance should be mandatory. The provision is there to make it mandatory. Obviously, I am not sure of the Department's intentions at this time, but there is such potential in decision-making for subjectivity, abuse of process or just inconsistency, that guidance is essential. The code of practice, in general, is also essential to continue to set down the requirements for standards of housing and line up with the fit and proper person test, as well. My understanding is that the intention of the Bill is to determine whether somebody will be a fit and proper person according to the test and whether they should be licensed.

Ms Hunter: My understanding is that the Department is committed to producing both a code of guidance and a code of practice, both to establish management standards and for local authorities. As currently drafted, it is in an enabling clause, which allows the Department to produce the codes. Changing "may" to "shall" will ensure that work is carried through. I would not imagine that the Department will have any real difficulty with the change, if, as we understand, the intention is to produce these essential codes anyway.

Mr F McCann: You are very welcome here this morning. I know that, in other legislation, the Housing Rights Service had some difficulties in and around the definition of a HMO. Do those still stand in terms of what we are dealing with now?

Ms Hunter: Our main concerns now are really focused on the number of properties that are proposed to be outside the definition. The definition being proposed is much clearer than the previous one. Our main concerns are around the ambiguity and the fact that so many properties are now going to be exempt from the definition. We are not sure that that is the right approach. Possibly a better approach would be to keep them within the definition but exempt them, if appropriate, from the requirement for licensing. That is where our main concerns are now.

Mr F McCann: Alex has raised this quite a number of times, especially when he represented South Belfast: whilst strict regulations seemed to be set down in some of the other legislation, there are many loopholes. I take it that that is what you are talking about.

Ms Hunter: That is the case. The intention behind the Bill is to improve regulation for the people who live in the sector. Our comments were designed to encourage the Committee and the Department to look at areas that we think might be a bit loose and, therefore, might create more of those loopholes. There will inevitably be some loopholes, and you can be sure that people who wish to avoid the law will find them fairly quickly.

Mr F McCann: A concern that was raised a number of years ago when the law was changed was about the shared-room allowance. People were put into rooms, but, in many areas, they were not classed as HMOs. Has that had an impact on the amount of areas where there would be multiple people living in it?

Ms Hunter: Shared rooms?

Mr F McCann: The shared-room allowance. People went from, maybe, being able to get housing benefit for one house, to, because of the nature of the thing, being put into a shared house. They could get a room —

Ms Hunter: Yes.

Mr F McCann: Did that have an impact on the amount of HMOs? Was that classed as a HMO?

Ms Ní Fhearghail: It would depend on how many people were sharing. If you think about the cost of rent in normal property, you would probably need three people receiving shared allowance to make it affordable for those people to manage the property. That would, in effect, be an HMO if there were three people and they were not all related.

Mr McGrath: In relation to your question, there has, in my experience, been an increase because of it. I have no figures in relation to it, but, particularly for single males or females who are unable to access social housing, there are certain agencies that we would put them in touch with in relation to private rented housing. There is a trend in that organisation to try to place them as a group, and that would not have occurred very regularly previously. There has definitely been an unforeseen consequence of that shared-room rate; it would have increased. There would be situations where many more people who are not students and not in the same household sharing than there would not have been previously. I would not be sure of the level, but we have definitely seen that increase with single males and females sharing over the last couple of years.

Ms Ní Fhearghail: It would also be an issue for parents with care, particularly maybe single men who have access to their children and are now in shared accommodation.

Mr F McCann: Another question that has raised its head a number of times is how many HMOs actually exist. I do not know whether Terry Waide is still in the Housing Executive, but at one time there were estimated to be 10,000 or 12,000 HMOs. He said that you could probably triple that figure. How do we actually get to the bottom of that? Sometimes, you end up bringing in light-touch legislation that does not allow you to get to the root of the seriously bad properties. I have not heard you say anything about how that is identified.

Ms Hunter: I agree with your point that nobody really knows how many HMOs are out there. We know how many are registered, but we do not know how many more have not been registered.The theory behind this is that, if the Bill is enacted, all HMOs, as defined, should be required to be

licensed, so we should be able to get access to that kind of information. Previously, the registration scheme did not cover all properties defined as HMOs. If the Bill is implemented, it should give us better data on how many HMOs we have.

Mr F McCann: In Part 4, which covers standards of housing, why do you think that the Department asks for an increase from age 12 to age 13?

Ms Hunter: We have absolutely no idea. Etain made the point that we think that there is quite a good argument to be made for lowering the age to 10. I am sure that most of you have or have had children of that age, and boys and girls aged 13 — or even aged 12 — sharing a room does not feel right to me. As Etain pointed out, age 12 is not even used in the other legislation; it uses age 10, which, to me, seems a lot more appropriate. Our reading of the Bill is that it proposes to increase the age from 12 to 13. I have no idea why, but that probably is one of the elements in the legislation that we have a concrete concern about, as opposed to just asking for further clarification.

Mr McGrath: You made an important point about identifying HMOs. To an extent, that ties in with the point about unforeseen consequences. If tenants think that they have good protection under the HMO scheme, there is a greater likelihood that they will be in contact with the statutory bodies. If a potential automatic consequence of the Bill is that a lot of people are immediately made homeless, tenants may be more reluctant to make contact with the statutory bodies. We want to be careful that that does not prohibit contact. We should make sure that there is good enforcement that makes landlords want to come forward to license and register adequately. Many of the unknown HMOs are probably due to the fact that a lot of tenants are concerned about having a roof over their head as opposed to interacting with statutory bodies.

Mr F McCann: Enforcement is the crucial element. When Belfast City Council was here the week before last, it was critical of the penalties. It was déjà vu — going back five years — and landlords getting a slap on the wrist from the courts and walking away. That was the council's frustration. We need to get this right to ensure that they cannot walk away.

A couple of weeks ago, we were talking about the likes of the Holylands area in south Belfast. It, like many other communities across the North, has ended up, because of the nature of HMOs, losing its residential nature. That also applies to the private rented sector. Some communities throughout the North may have the tip and balance through about 60% or 70% of their community being privately rented. Do you believe that you need to look at the private rented sector and the HMO sector and the impact that they have on each other?

Ms Hunter: Yes, absolutely. This is just one element of the private rented sector, and it is probably the one where there is the greatest risk, the poorest standards and the greatest threat to occupants. Our understanding is that a more fundamental review of the private rented sector is being undertaken, and we hope that many of the principles contained in this legislation will be introduced into the wider private rented sector. You cannot really look at them in isolation.

I will go back to your earlier point, as I now understand what you were getting at. It is definitely the case that the change in housing benefit regulations and the restrictions that were brought in have driven up the number of houses in multiple occupation. That is probably one of the reasons why the Department is keen to address the issues. Inevitably, the HMO sector is growing because of the new restrictions on rent, as, indeed, is the whole private rented sector, which raises the profile that it needs to have in the whole housing policy agenda. We expect an announcement in the next few months on the review of the private rented sector and hope to see in that some of the progressive recommendations that are in this legislation.

The Chairperson (Mr Maskey): I want to follow up on a couple of points that Fra made. I see a contradiction in the intent of the Bill. One the one hand, we are saying that registration means better data so that we can deal with the matter better, which leads to better enforcement. On the other hand, any relaxation of the definition — you addressed that when you said that a lot of properties will be left without a definition — makes a bad situation worse.

We have identified areas, in south Belfast in particular, that lost their residential nature completely when HMOs, because of their sheer number, took over. There are streets in which over 90% of properties are rented. We have not yet identified all HMOs, so my fear is that any further relaxation would make that situation worse. With the onset of more student accommodation, other parts of the city will, in my view, be completely undermined from a residential perspective. That is my concern,

and it is a concern based not just on the experience of south Belfast, which is a classic example of how not to do things. I think that you share my concern that relaxation of the definition will hinder rather than help.

Ms Hunter: That potential absolutely exists. That is why the definition needs to be looked at. The Committee needs to reassure itself that the consequences that you describe do not happen once the Bill is enacted. As currently drafted, that potential is definitely there.

It is interesting that the issue has been approached differently in other jurisdictions: the definition has been kept narrower, and then decisions on licensing exempted certain properties. There is another way to do this. It may not be necessary. The Department, presumably, has had good reason to come to this decision. However, it would be helpful, given the potential consequence of this definition, for the Committee to seek that reassurance and understand what the alternatives are. This will remove from scope a lot of properties currently within the definition.

The Chairperson (Mr Maskey): That underlines the difficulty. The initial subject plan designated a number of zones: some with a maximum of 10% of HMOs, others with a maximum of 30% and so on. To date, that has been impossible to enforce, and, if we further relax the definition, it just makes a nonsense of the intention behind that plan.

Mr Beggs: Thank you for your further information. You ask a valid question about why different ages are mentioned. We have to pursue with the Department why the age is variously, 10, 12 and 13.

Your submission states that the regulation for houses in multiple occupation no longer refers to fire safety. Had that been included at an earlier stage?

Ms Ní Fhearghail: That may be to do with the establishment of the Fire and Rescue Service in 2006. A couple of pieces of legislation, I suppose, delegate responsibility for fire and rescue from other authorities to the Fire and Rescue Service. However, my understanding is that the Housing Executive still assumed responsibility through an understanding with the Fire and Rescue Service.

The Housing Executive assumed responsibility for inspecting fire safety in HMOs under the auspices of the registration scheme. It has a rigorous technical standard that looks at the number of occupants, the physical make-up of a building and how many storeys it has. It has specific standards and requirements relating to the type and number of alarms, exit route specifications, emergency lighting and those things.That is all in the registration scheme. I suppose that, because it is a good standard, we would like the Bill to state that councils will also use it when they check properties for fire safety. The only reference in the Bill is to:

"safety equipment (including fire safety equipment)".

The reference to houses of multiple occupation in the 1992 Order specifically talked about escape routes from fire.

The Chairperson (Mr Maskey): Just to make you aware, Roy, the Fire Service will be here to give evidence next week.

Mr Beggs: OK, we can pursue the issue then.

I am interested in getting more information on another area. It has been said that there is a possibility that some people might move away from houses of multiple occupancy and towards bedsit-type accommodation to try to escape the legislation. Do you think that there is a clear enough boundary between the two or is there a real danger that minor adjustments might be made and people will simply call them "bedsits" or "flats"? Are there any changes that you think should be made to avoid some substandard accommodation developing in that area?

Ms Ní Fhearghail: The issue is that, if conversions are made now, they would have to comply with the planning regulations that are in place. As for pre-existing conversions to properties that had come under HMO regulations and could have been subject to spot inspections by the Housing Executive, I do not know where they fall now if they were made prior to specific planning regulations coming in — I am not sure what year that was.

Mr Beggs: I remember going to a constituent's flat that was in very poor condition. From memory, she shared a toilet. If you share any facility, is that deemed a bedsit or a house of multiple occupancy?

Ms Ní Fhearghail: Specific amenities are described in the Bill. To be a HMO would require those amenities to be shared. I think that they are toilet and washing facilities and facilities for food preparation. Where there are shared corridors and things like that in a converted building or, for example, three flats behind separate doors, it would no longer be a HMO.

Mr Beggs: For clarification, are you saying that to escape the legislation, your washing and bathroom facilities would have to be totally separate?

Ms Ní Fhearghail: And the kitchen.

Mr Beggs: OK. What if it is just one room?

Ms Ní Fhearghail: My understanding is that it would be outside the legislation because there is no sharing of facilities.

Mr Beggs: Right, but that, too, could be very poor accommodation squeezed into one room.

Ms Ní Fhearghail: Absolutely.

The Chairperson (Mr Maskey): Stewart, were you looking to come in?

Mr Dickson: No, Chair; I just wanted to raise the issue of age, but I think that we have had that well covered now. Thank you.

The Chairperson (Mr Maskey): OK. No other members have indicated that they want to ask any further questions at the moment. Janet, Christopher and Etain, are you happy that you have made your points? Are you happy with your written submission and that you have answered members' questions?

Ms Hunter: Yes.

The Chairperson (Mr Maskey): If you are content for the moment, I will say, "Thank you" for helping the Committee in its deliberations. If we want to follow up, I presume that you will be amenable to that. Likewise, if you want to add anything to what you have said today, please feel free to do that. Thank you very much.

Ms Hunter: Thank you.