

Dr Kevin Pelan  
Committee Clerk  
Committee for Social Development  
Room 412  
Parliament Buildings  
Ballymiscaw  
Belfast  
BT4 3XX

2<sup>nd</sup> Floor  
Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Telephone: 028 9082 9400  
Facsimile: 028 9082 9324  
EMail: [Heloise.brown@dsdni.gov.uk](mailto:Heloise.brown@dsdni.gov.uk)

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Dear Kevin,

### **PROPOSED HOUSING (AMENDMENT) BILL**

The Committee has requested briefing on the outcome of our public consultation on the above proposals. This has been scheduled for 5 June 2014.

I can confirm that Deirdre Ward (Deputy Director of Housing), Dr Heloise Brown (Head of Housing Policy, Research & Legislation) and Stephen Baird (Policy & Legislation Manager), will attend the Committee on 5 June.

I enclose a copy of a briefing paper, synopsis of the key points and analysis of the responses to the consultation.

Yours sincerely



Dr Heloise Brown

cc Deirdre Ward  
Stephen Baird  
Billy Crawford  
Mick Shine  
Ian Hickland  
Ellen Corry

## PROPOSED HOUSING (AMENDMENT) BILL: BRIEFING PAPER

1. Consultation on the proposed housing legislation was launched on 2 December 2013 and closed on 24 March 2014 having been extended for an additional 4 weeks at the Committee's request. While it had been intended to introduce a Bill dealing exclusively with matters related to anti-social behaviour, it is now proposed to extend the scope of the legislation to cover information-sharing for the purposes of identifying owners of empty homes. The proposed Housing (Amendment) Bill would :
  - introduce a new form of social housing tenancy (the **short tenancy**);
  - amend existing legislation relating to eligibility for homelessness assistance;
  - enable the courts to attach powers of arrest and exclusion to certain injunctions;
  - extend the purposes for which information relating to anti-social behaviour may be disclosed;
  - permit information-sharing for the purposes of identifying owners of empty homes.

### **Short tenancies**

2. Housing Executive and registered housing association tenancies are normally **secure tenancies**. Such tenancies can only be brought to an end by order of the court. The landlord is expected to prove statutory grounds for possession of a **secure tenancy** and the legal process for gaining possession can be expensive and time-consuming.
3. The proposed Bill would enable social landlords in Northern Ireland to convert **secure tenancies** to **short tenancies** for a term of at least 6 months where:
  - the tenant or a member of their household has been convicted within the previous 12 months of using the dwelling-house (or allowing it to be

used) for immoral or illegal purposes, or of an indictable offence committed in, or in the locality of, the dwelling-house, or

- certain orders of the court (e.g. injunctions against anti-social behaviour or Anti-Social Behaviour Orders) have been made against the tenant or a member of their household.

4. Where a landlord gives a tenant notice that their **secure tenancy** will be converted to a **short tenancy**, the tenant will have the right to appeal to the court against the decision to convert the tenancy.
5. Where a **secure tenancy** has been converted to a **short tenancy**, the landlord would be required to offer counselling or other support to help the tenant to sustain the tenancy. The tenant cannot be evicted during the 6 month term of the **short tenancy**, but if the counselling or support is not successful and the anti-social behaviour continues, the landlord would be empowered to ask the court to grant an order for possession of the tenancy, which will take effect as soon as the term of the **short tenancy** has expired. Otherwise, a **short tenancy** will revert to a **secure tenancy** when the term comes to an end.
6. Where the landlord decides to ask the court to grant an order for possession of a **short tenancy**, tenants would have the right to be given reasons for the decision to seek possession of their tenancy and the right to an internal review of the decision. It is proposed that the court would be required to grant an order for possession of a **short tenancy**, where it is satisfied that that all necessary documentation has been served, that appropriate support has been made available to the tenant, and that it would be reasonable to make the order. Where the tenant raises Article 6 of the European Convention on Human Rights, it would be open to the court to consider the proportionality of making an order for possession.
7. The landlord would have discretion to extend the 6 month term of a **short tenancy** for an additional 6 months where it is considered that the tenant would benefit from a further period of support.

8. The purpose of **short tenancies** is to facilitate interventions in cases of anti-social behaviour and, where such interventions are not effective, to provide for a streamlined and time-limited procedure for regaining possession. **Short tenancies** would only be used where it appears that the tenant could benefit from support services designed to help them to sustain their tenancy.
9. Interventions could take the form of services funded by Supporting People Grant, which is available to provide housing-related support for vulnerable people, including people with alcohol and drug problems. Supporting People services are adapted according to the nature of the service user's vulnerability.
10. Counselling which is unrelated to housing support, such as addiction counselling, is not eligible for Supporting People Grant. However, where a service user is being treated for addiction problems, support may include arranging for social workers and medical staff to call at the service user's home, dealing with telephone calls or correspondence, and arranging and accompanying the service user to meetings or appointments.
11. The proposals for **short tenancies** detailed above reflect the views of consultees who responded to the consultation which closed on 24 March 2014 and also take account of the outcome of consultation on the Housing (Scotland) Bill which was introduced in the Scottish Parliament in November 2013.

### ***Eligibility for homelessness assistance***

12. The Housing Executive has a duty under the Housing (NI) Order 1988 to assist persons who are unintentionally homeless and in priority need. The Executive normally meets this duty by offering a tenancy of social housing. The homelessness duty is subject to a test of eligibility (persons who do not

meet certain immigration criteria, or have been involved in unacceptable behaviour, are not eligible to be allocated a tenancy of social housing).

13. The Housing (NI) Order 1988, as amended by the Housing (NI) Order 2003, enabled the Housing Executive to treat “applicants” as ineligible for homelessness assistance on the basis of their unacceptable behaviour. “Applicant” in this context could have been taken to mean a person whose assessment under homelessness legislation has not been completed, an interpretation that excludes persons who have been assessed under the homelessness legislation and are awaiting permanent re-housing. This interpretation would mean that the Housing Executive could not treat an individual as ineligible if they engaged in anti-social behaviour **after** their circumstances had been assessed but **before** they had been allocated a tenancy of social housing. A consequence of this could be that the Housing Executive would be required to allocate tenancies of social housing to individuals who had deliberately damaged their hostel accommodation. The Housing (NI) Order 1988 was therefore amended by the Housing (Amendment) Act (NI) 2010 to provide that the Housing Executive can treat “persons” rather than “applicants” as ineligible for homelessness assistance.
14. The Housing (NI) Order 1988, as amended by the Housing (Amendment) Act (NI) 2010, provides that the Housing Executive may decide that a person is to be treated as ineligible if, *in the circumstances at the time the person’s application is considered*, he is unsuitable to be a tenant of the Executive. This could be interpreted as meaning that any decision to treat a person as ineligible must be taken while their application is still under consideration, an interpretation that would defeat the amendment introduced by the Housing (Amendment) Act (NI) 2010.
15. It is proposed to make a further amendment to the Housing (NI) Order 1988 to remove the reference to “the circumstances at the time the person’s application is considered”. This should ensure that the Housing Executive can treat a person as ineligible for homelessness assistance on the basis of

their unacceptable behaviour **at any time** before a tenancy of social housing is allocated in pursuit of the Executive's homelessness duty, which was clearly the intention of the existing legislation.

16. It is intended that, to avoid the possibility of arbitrary decisions, the Housing Executive should still be required to have regard to the circumstances of each case. It is also intended to issue guidance to the Executive to ensure that it takes account of the stressful nature of homelessness and the possible impact on an individual's behaviour.

### ***Injunctions: powers of arrest and exclusion***

17. One effect of the **short tenancies** described above is to confer what amounts to immunity from eviction during the term of the tenancy. Because the need may arise for a landlord to take swift and effective action where a tenant under a **short tenancy** or a member of their household engages in serious anti-social behaviour, it is proposed to enhance the existing provisions around ***injunctions against anti-social behaviour***.
18. Under existing legislation, the Housing Executive, a registered housing association or a private landlord can apply to the court for an injunction prohibiting any person from:
  - engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises;
  - using or threatening to use residential premises applies for immoral or illegal purposes, or
  - entering residential premises to which Article 26 applies or being found in the locality of any such premises.
19. While landlords in Northern Ireland can also apply for injunctions to restrain tenants from breaching the terms of their tenancy agreement, there is no

specific provision in legislation for ***injunctions against breach of tenancy agreement***.

20. The legislation which enables the Housing Executive, registered housing associations and private landlords in Northern Ireland to apply for the ***injunctions against anti-social behaviour*** described at para.18 was based on legislation introduced in England and Wales in 1996. Legislation subsequently introduced in England and Wales in 2003 enables local housing authorities and registered social landlords to apply for injunctions to prevent any person from engaging in, or threatening to engage in, behaviour capable of causing nuisance or annoyance which directly or indirectly relates to or affects housing management functions. These provisions provide for an explicit power to exclude perpetrators from any premises or area if there is a threat of violence or risk of harm to be attached to injunctions against anti-social behaviour and breach of tenancy agreement, as well as a power of arrest without warrant where violence has not necessarily been threatened but there is considered to be a risk of harm.
21. ***Anti-social behaviour injunctions*** in England and Wales do not cover the use of premises for “immoral or illegal purposes” so the legislation provides for a separate form of ***injunction against illegal use of premises***.
22. To enable landlords to deal more effectively with anti-social behaviour, it is proposed that the existing form of ***injunction against anti-social behaviour*** should be updated along the lines of the ***anti-social behaviour injunctions*** and ***injunctions against illegal use of premises*** which operate in England and Wales under the Housing Act 1996 as amended by the Anti-social Behaviour Act 2003. This means that the Housing Executive, a registered housing association or a private landlord could apply to the court for an injunction prohibiting any person from:

- engaging in, or threatening to engage in, conduct capable of causing nuisance or annoyance which directly or indirectly affects the landlord's housing management functions; or
- using or threatening to use residential premises for illegal purposes.

23. It is also proposed that there should be specific statutory provision for ***injunctions against breach of tenancy agreement***.

24. The courts should be in a position to attach powers of arrest or exclusion orders to ***anti-social behaviour injunctions, injunctions against illegal use of premises*** and ***injunctions against breach of tenancy agreement***.

#### ***Information sharing: anti-social behaviour***

25. On the basis that a number of consultees highlighted the importance of information-sharing in tackling anti-social behaviour, and that this would help to underpin the proposed ***short tenancy*** regime, it is proposed that the purposes for which relevant information may be disclosed under existing legislation should be extended to allow any person to disclose any information that may be required by a social landlord for any purpose connected with anti-social behaviour.

#### ***Information sharing: empty homes***

26. To reflect the Department's commitment in the Empty Homes Strategy and Action Plan, legislative provision is urgently required to provide for information collected by the Department of Finance & Personnel's Land & Property Services for the purposes of rates collection to be shared with the Department and the Housing Executive to enable owners of empty homes to be contacted with a view to bringing these properties back into use. While there has not been any detailed consultation on the information sharing issue, the proposal to bring empty homes back into use, and investigate the need for new legislation to address empty homes, including improving the sharing of information between statutory agencies about empty homes, was included in the Housing Strategy which was subject to public consultation in



2012. Consultees did not raise any concerns with the proposal to improve information-sharing provisions. It is therefore proposed that information-sharing provisions of the Bill should cover information-sharing for the purposes of identifying owners of empty homes.

## SYNOPSIS OF KEY POINTS

- 16 week consultation period on the Bill proposals ended 24 March 2014.
- Bill would introduce a new form of social housing tenancy (**short tenancies**), amend existing legislation relating to **eligibility for homelessness assistance**, enhance the existing provision around **injunctions against anti-social behaviour** and facilitate **information-sharing** for purposes relating to anti-social behaviour and empty homes.
- The purpose of **short tenancies** would be to facilitate interventions in cases of anti-social behaviour and, where such interventions are not effective, to provide for a streamlined and time-limited procedure for regaining possession.
- Social landlords would be enabled to convert existing **secure tenancies** to **short tenancies** where anti-social behaviour by the tenant or a member of their household has already been proven in court.
- A **short secure tenancy** would last for 6 months, with discretion to extend the term of the tenancy by a further 6 months where the landlord has reason to believe that an additional period of support is necessary to ensure that the tenant will be able to sustain their tenancy.
- The landlord of a **short tenancy** would be required to offer counselling or other support to the tenant. The tenant cannot be evicted during the term of a **short tenancy** but if support is not successful the landlord would be in a position to gain possession as soon as the term of the **short tenancy** has expired.
- The purpose of the amendment to **homelessness legislation** is to clarify the meaning of the legislation.
- The Housing Executive can treat individuals as ineligible to be re-housed under the **homelessness legislation** if they, or a member of their household, have been guilty of unacceptable behaviour. The legislation provides that a person may be treated as ineligible if, in the circumstances at the time their application is considered, they are unsuitable to be a tenant of the Executive. This could be interpreted as meaning that any decision to treat a person as ineligible must be taken while their application is still under consideration.
- It is proposed to amend the **homelessness legislation** to ensure that the Housing Executive decide that a person is ineligible for homelessness assistance **after** their application has been considered but **before** a tenancy of social housing is allocated.

- To ensure that social and private sector landlords are in a position to take more effective action to put a stop to anti-social behaviour, it is proposed to enhance the existing provisions around ***injunctions against anti-social behaviour*** by enabling the courts to attach to such injunctions powers for Police to arrest without warrant any person who appears to be breaching the terms of an injunction and to exclude individuals from any premises or area.
- Consultation on the Bill highlighted the need for better ***information sharing*** and it is therefore proposed that the purposes for which relevant information may be disclosed should be extended to allow any person to disclose any information that may be required by a social landlord for any purpose connected with anti-social behaviour.
- To reflect the Department's commitment in the Empty Homes Strategy and Action Plan, it is proposed to make provision for information collected by the Department of Finance & Personnel for rates collection purposes to be shared with the Department and the Housing Executive to enable owners of empty homes to be contacted with a view to bringing these properties back into use.

## ASB BILL CONSULTATION: ANALYSIS OF RESPONSES

### Background

Proposals for a Housing Bill that would (a) make provision for a new form of social housing tenancy and (b) enable the Housing Executive to treat applicants for homeless assistance as ineligible on the grounds of their unacceptable behaviour at any stage of the application process were published for consultation on 2 December 2013 and closed on 24 March 2014, having been extended for an additional 4 weeks. A total of 105 consultation letters were issued to stakeholder groups and 32 responses were received, broken down (by sector) as follows:

**Local Government: 4**

**Policing: 2**

**Social landlords: 5**

**Community groups: 2**

**Voluntary sector: 10**

**Equality/Human Rights Commissions: 2**

**Political parties: 1**

**Private individuals: 4**

**Others: 2**

Consultees' comments on the questions asked in the consultation paper were as follows.

**Do the proposals provide an appropriate tool to ensure tenants have peaceful enjoyment of their homes?**

**Local Government bodies** were broadly supportive of short tenancies as a tool for dealing with ASB.

**Policing bodies** were supportive of short tenancies as a tool for dealing with ASB, although **Dungannon & South Tyrone Policing & Community Safety Partnership** suggested that the proposals could be strengthened by providing for tenancies to be converted on the basis of a statement by PSNI.

**Social landlords** generally felt that short tenancies would not be an effective tool for dealing with ASB as they would be time-consuming and costly (although **Clanmil Housing Association** felt they would be useful in some situations) . Some landlords were concerned that short tenancies could make it more difficult for them to manage anti-social behaviour.

**Community Groups- Falls Residents Association** was not convinced that short tenancies would be an effective tool for dealing with ASB.

**Voluntary bodies** were generally opposed to the use of short tenancies as a tool for dealing with ASB, on the basis that they are unnecessary, disproportionate, could breach Human Rights legislation and fail to address the societal problems which contribute to ASB, although **Council for the Homeless** accepted that would short tenancies have merit if they are considered one tool out of many to ensure sustained tenancies and protect the welfare of other residents. **NIACRO** asked what kind of ASB would be targeted by the proposals.

**Equality / Human Rights Commissions - Equality Commission** did not support the use of short tenancies as a tool for dealing with ASB, on the basis that the proposals provided scope for summary termination of tenancy without cause being shown. **Human Rights Commission** recognises that the State has a duty to address ASB and protecting the rights of victims of crime and ASB.

**Political parties – Sinn Fein** felt that the proposal fails to balance competing rights which are engaged and that the courts must have a role in the conversion process.

**CONCLUSION:** There was little enthusiasm for short tenancies from housing providers although some acknowledged that they might be useful in certain circumstances. Voluntary bodies were unanimously opposed on the basis that they breach tenants' rights.

**Do the proposals provide an appropriate tool to help struggling tenants to sustain their tenancies?**

**Local Government bodies** (including **the Housing Council**) were broadly supportive of short tenancies as a tool to help struggling tenants, although **Ards BC** expressed concern about the kind of support that would be offered, and asked if it would be standardised.

**Policing bodies** - **PSNI** emphasised need for support to be standardised while **Dungannon & South Tyrone Policing & Community Safety Partnership** felt that victims' needs should take precedence over those of offenders.

**Social landlords** generally felt that there are adequate support arrangements currently in place, although **NIHE** welcomed the opportunity to formalise existing arrangements.

**Community Groups** - **Falls Residents Association** was supportive of short tenancies as a tool to help struggling tenants, if used appropriately, but expressed concern they might be used by landlords as a means to get rid of difficult (but not necessarily anti-social) tenants.

**Voluntary bodies** did not generally support the use of short tenancies as a tool to help struggling tenants. **Council for the Homeless** felt that there should be a statutory duty to provide support without any time limit on the tenancy but suggested that if short tenancies are introduced the focus should be on offering appropriate support and guidance to failing tenants, with the threat of faster eviction used to encourage engagement with that support. **Youth Forum NI** felt it would be essential to specify the type of support to be provided. **The Children's Law Centre** suggested that mandatory possession of short tenancies would erode due process and breach ECHR. **NIACRO** emphasised that 6 months would not be long enough. **Womens' Aid** was concerned that victims of domestic violence could have their tenancies threatened as a result of their violent partner's behaviour.

**Equality / Human Rights Commissions** - **Equality and Human Rights Commissions** welcomed the proposal insofar as it would provide support to struggling tenants.

**Political parties** - **Sinn Fein** felt that the proposals could amount to a "double sanction", which would be unnecessarily punitive and inconsistent with ECHR, and would work against rehabilitative interventions.

**CONCLUSION:** While there was broad support for the concept of helping struggling tenants, particular concerns were expressed around the need to standardise support services and allow sufficient time for interventions to take effect.

**How can social landlords work with others to support delivery of services to short secure tenants?**

**Local Government bodies** expressed concern about funding for support services. **Belfast City Council** suggested there was a need for service level agreements with relevant bodies and more information sharing.

**Policing bodies - PSNI** emphasised the importance of mental health assessment.

**Dungannon & South Tyrone Policing & Community Safety Partnership** pointed to an existing good-practice model in Fermanagh.

**Social landlords** agreed that joint working is important and emphasised the need for formal protocols and referral procedures. **NIHE** said there should be a statutory requirement for Health Trusts to share information. **Chartered Institute of Housing** proposed better partnership working between social housing providers and local councils

**Community Groups - Falls Residents Association** proposed information sharing between statutory agencies and community groups .

**Voluntary bodies** - recommended that there should be a statutory duty on social landlords to ensure that anyone seeking a social tenancy is given a support need assessment by a suitably qualified person or organisation. **Council for the Homeless** suggested that housing bodies should be part of multi-disciplinary panels. **Womens' Aid** suggested information sharing with local Domestic Violence Partnerships, Local Child Protection Panels, Police and Community Safety Partnerships, Family Support Hubs and the Safeguarding Board.

**Political parties - Sinn Fein** agreed that ASB is multi dimensional so it is important that responses to the issue are multi disciplinary and multi agency.

**CONCLUSION:** There was strong support for service level agreements and formal protocols around information sharing and referrals.

**Are there any additional proposals which should be considered?**

**Local Government bodies- Ards Borough Council** supports use of ABCs, recommends issue of guidance to ensure consistency in the provision of support services and expressed concern about possible impact on rents of additional expenses for floating support. **Housing Council**, recommends issue of guidance on format/type of evidence required to secure eviction.

**Policing bodies - Dungannon & South Tyrone Policing & Community Safety Partnership** suggested that private landlords should be required to have tenancy agreements similar to social landlords and should be legally responsible for enforcing them.

**Social landlords - Fold** recommended better and more consistent information sharing and the introduction of a Pre Court Protocol. **Apex** recommended more formal protocols and referral procedures for support services, and suggested that court proceedings should be expedited. **Chartered Institute of Housing** suggested that training for staff, contractors, tenants and members of the organisation's governance structure would be useful.

**Community Groups - Falls Residents Association** suggested that those engaging in anti-social behaviour should pay the cost of their vandalism and requested more information sharing with community organisations.

**Voluntary bodies – Council for the Homeless** recommended research into the reasons for ASB in social tenancies and development of pathway plans developed to ensure that there are sufficient, relevant services accessible regionally - a regional service directory would therefore be useful. **Youth Forum NI** suggested that young people need more support to begin their own independent lives. **Housing Rights Service** recommended that the DSD provides a breakdown of usage of the current legal powers and non statutory remedies to determine their effectiveness or otherwise, a statutory requirement for social landlords to offer “appropriate” support to tenants and revision of the Notice Seeking Possession procedure. **Womens' Aid** emphasised the need for victim support.

**Political parties - Sinn Fein** proposed withholding or reducing payment of Housing Benefit from Private Sector Landlords who fail to deal with ASB.

**CONCLUSION:** There was strong support for more information sharing, guidance, protocols and a regional service directory.



**Any comments on proposal to amend the 1988 Order?**

**Local Government bodies - Ards Borough Council** endorses the proposal and **Belfast City Council** agrees that the amendment will provide clarity.

**Policing bodies** supported the proposal, subject to the caveat that homeless people who participate in ASB are not permanently labelled ‘trouble makers’.

**Social landlords - NIHE** welcomed the proposal and other providers were broadly supportive of it, subject to the caveat that vulnerable people are not excluded.

**Community Groups - Falls Residents Association** considered that individuals should have a chance to redeem themselves.

**Voluntary bodies** – Opposed to the proposal, on the basis that if a homeless person’s behaviour deteriorates for a short period of time, the only factor that can explain behavioural change in these circumstances is homelessness, which will be resolved once granted a tenancy. **Housing Rights Service** commented that a Full Duty applicant who is subsequently found to be ineligible for assistance should be issued with a revised homelessness decision, which would trigger a right to request a review of any decision regarding eligibility. **The Children’s Law Centre** recommended that no further action is taken until Departmental Guidance has been published for consultation. **PPR** insisted that the Department should be strengthening protection for homeless people rather than weakening it. **NIACRO** highlighted the importance of assessing individuals’ specific needs in terms of accommodation and support and deciding what type of accommodation would be most suitable. **Womens’ Aid** suggested Departmental Guidance should make specific reference to domestic and sexual violence and the need to prioritise victim’s needs in this guidance, and that the Guidance should be published for consultation.

**CONCLUSION:** With the exception of voluntary sector bodies, consultees were broadly in favour, subject to the caveat that account should be taken of the possibility that the experience of homelessness may be the cause of the ASB. It should be noted that this proposal is being made against a background of increasing expectation that people should get whatever treatment and intervention they may need whilst residing in their own homes (see “*Transforming Your Care*”).

## Anything additional to be considered?

**Local Government bodies- Belfast City Council** suggested that:

- Courts should be made fully aware of the new form of tenancy.
- Training should be provided for RHAs.
- Legislation needs to provide for data sharing between NIHE, RHAs, PSNI and councils (possibly also YJA and Probation NI).
- More tenancy controls required for PRS.

**Social landlords - Apex** recommended further development of information sharing protocols, especially with PSNI.

**Community Groups - Falls Residents Association** would support a joined-up approach underpinned by information sharing with community groups (subject to confidentiality agreement). **Colin Neighbourhood Partnership** is prepared to provide a presentation on its information sharing protocol.

**Voluntary Bodies - NIACRO** proposed that any changes to legislation should not be applied retrospectively so existing tenancies are not affected.

**CONCLUSION:** Strong support for information sharing.

**Any evidence of adverse equality impact on S 75 groups?**

**Local Government bodies - Belfast City Council** suggested there was potential for an adverse impact on people with mental health issues/learning difficulties, Travellers (cultural issues), other ethnic minorities (language issues), older male singles.

**Social landlords – Apex Housing Association** thought there was no evidence for this.

**Community Groups - Falls Residents Association** took the view that if those in a position of power want to create an adverse equality impact they will do so anyway.

**Voluntary bodies – Housing Rights Service** suggested that DSD should request evidence from social landlords on the number of people claiming disability benefits against whom any action for ASB has been taken. CLC believes there is significant potential for adverse impact as a result of the implementation of these policy proposals. **The Children’s Law Centre** identified young Catholic males and young people with disabilities, including mental health needs while **NIACRO** identified males aged between 18 and 35, including some with mental health issues and learning difficulties. **Womens’ Aid** suggested that the proposals would impact on women and children.

**Equality / Human Rights Commissions - Equality Commission** advised that young men would be adversely affected and saw no evidence of any mitigation measures in the document.

**CONCLUSION:** While various consultees identified a number of different impacts, there was little consensus as to which groups would be particularly affected. Some voluntary bodies asked for the proposals to be re-screened and a full EQIA to be carried out.

**Any evidence that there is scope for promoting good relations between the equality categories?**

**Local Government bodies - Belfast BC** felt that the proposals may help to tackle racism.

**Policing bodies - PSNI** suggested that assessments must give due regard to any mental illness and what alternative arrangements can be made.

**Community Groups - Falls Residents Association** felt there is no scope for promoting good relations given current community tensions and that those in a position of power will manipulate legislation to support their own arguments.

**Voluntary bodies-** Childrens Law Centre demanded that DSD rescreens the policy to identify potential adverse impacts and carry out a comprehensive EQIA, including direct consultation with children and young people, for DSD to mitigate the policy or introduce alternative policies, putting in place proactive measures to ensure that young people with mental health problems or young Catholic males are not adversely impacted upon or disadvantaged. **PPR** suggested that the consultation paper argues that the impact on certain groups is somehow ‘cancelled out’ through other groups benefitting. **NIACRO** suggests the proposals will significantly disadvantage people who have criminal convictions and therefore target males between 18-35 years, as well as people with disabilities, such as borderline learning disability. **NICEM** suggested disproportionate adverse impacts on:

- Roma, Traveller and Gypsy communities,
- people with disabilities,
- children and young people,
- those experiencing mental health issues, and
- individuals with complex needs who struggle with substance misuse or alcoholism.

and suggested that the 3 year period is likely to unfairly penalise young adults with historic convictions.

**CONCLUSION:** There was a consensus view among voluntary bodies that there would be a disproportionate adverse impact on children and young people (in particular young males) and a view (shared with **PSNI**) that there should be an assessment process capable of identifying people with mental health issues.

**Any evidence that the proposals would create an adverse rural impact?**

**Local Government bodies- North Down BC** suggested that the impact is likely to be seen mostly in urban areas and that it may be more difficult to provide support services in rural areas.

**Voluntary bodies- NIACRO** pointed out that there is a higher level of scrutiny by landlords, lower levels of tolerance and fewer resources available for support services in rural areas. **Womens' Aid** was concerned that there is a shortage of housing in rural areas that can be used to 'move on' perpetrators of ASB if a tenancy is terminated.

**CONCLUSION:** The consensus view is that it may be more difficult to provide support services in rural areas.

**Any comments on regulatory impact?**

**Social landlords– Apex Housing Association** suggested there would be limited regulatory impact while **NIHE** offered the opinion that the *Pinnock* decision means that gaining possession of a short tenancy is likely to be as expensive as gaining possession of a secure tenancy and is concerned that it would be unable to gain possession of a short tenancy for at least 6 months.

**Voluntary bodies - NIACRO** highlighted an undertaking in the Regulatory Impact document (section 10) that the Department will be liaising with voluntary groups including NIACRO and pointed out that while this has not yet taken place NIACRO looks forward to sharing its knowledge and experience in more detail when the opportunity arises.

**CONCLUSION:** No significant regulatory impact identified.

## Other comments?

**Local Government bodies - Housing Council** urged that tenants should not be penalized where a member of their household has been convicted of ASB.

**Policing bodies - PSNI** wondered why the document refers to “immoral” as well as “illegal” conduct and **Dungannon & South Tyrone PCSP** indicated an interest in seeing draft guidelines on the practical application of the proposals.

**Social landlords- Clanmil Housing Association** suggested existing “eligibility” provisions are not effective as the burden of proof is too high, and asked if the time as a short secure tenant would count in respect of house sale applications. **NIHE** commented that floating support is free for all tenants whether in receipt of Housing Benefit or not.

**Voluntary bodies- HRS** suggested there are likely to be costs for landlords and the NI Courts & Tribunal Service arising from rights to review /appeal. There are also likely to be costs for providing any tenancy support above that which is currently provided through floating support. **The Children’s Law Centre** asked to be kept informed of progress with the Bill and expects to hear from DSD in the near future. **NI Youth Forum/ Champions 4 Change (C4C)** asked to be kept informed of progress. **Council for the Homeless** pointed out that while the SSST model was mentioned in the Housing Strategy Consultation document, there is no consultation question asked in regard to it and any responses from consultees are solely in regard to a proposed new social tenancy for adapted properties. Council for the Homeless therefore considers it misleading to imply that there has already been general agreement for additional legal remedies to ASB and asks that this be clarified in any future communications regarding the Bill. To clarify, the Department wishes it to be noted that while there was no consultation **question** on the SSST model, the proposal to bring forward legislation to introduce this model in NI was clearly stated in the Housing Strategy consultation document across one page of text and a bullet point, and 14 of the 90 respondents to that consultation gave their views on the ASB proposals, including short secure and demoted tenancies.

**Equality / Human Rights Commissions – NI Human Rights Commission** suggested that consultations should consider human rights as well as equality issues.

**CONCLUSION:** A range of issues were raised, which will be considered as the Bill is progressed.