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Your Ref:  
CSD/022/2013/3/SK

Dear Kevin,

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

The Committee has requested briefing on the Housing (Amendment) Bill. Briefing has been scheduled for 24 September 2015.

I can confirm that Dr Heloise Brown (Head of Housing Policy, Research & Legislation), Eilish O'Neill (Head of Private Rented Housing), Stephen Baird (Policy & Legislation Manager) and Maryann Dempsey (Deputy Principal) will attend the Committee on 24 September.

I enclose a copy of a briefing paper and synopsis of the key points.

You will be aware that during periods of vacancy in Ministerial Office, officials may only provide Committees with factual information and explanation of policy positions agreed during the former Minister's period in office.

Yours sincerely



Dr Heloise Brown

cc Stewart Kennedy  
Ashleigh Mitford  
Alicia Muldoon

DSD Private Office  
Billy Crawford  
Mick Shine  
Bernie McCafferty  
Ellen Corry  
Kate Jeffrey

## **HOUSING (AMENDMENT) BILL: BRIEFING FOR SOCIAL DEVELOPMENT COMMITTEE**

1. The Housing (Amendment) Bill was introduced in the Assembly on 30 June 2015. The Bill would :
  - permit information-sharing for the purposes of identifying owners of empty homes;
  - extend the purposes for which information relating to anti-social behaviour may be disclosed;
  - provide for the registration of certain loans as statutory charges.

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

2. To reflect the Department's commitment in the Empty Homes Strategy and Action Plan, legislative provision is 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. Clause 1 of the Bill would therefore require the Department of Finance & Personnel to share information about empty homes with the Department and/or the Housing Executive if asked to do so, and the Department and/or the Housing Executive, if asked to do so, would be required to notify the Department of Finance & Personnel where any properties listed as vacant appear to be occupied.

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

3. Section 13 of the Housing (Amendment) Act (Northern Ireland) 2011 allows any person to disclose certain information relating to orders of the court to the Housing Executive or a registered housing association where the information is required to enable the Executive or association to take certain action in relation to anti-social behaviour. These provisions have been found to be inadequate in some situations (for example, where a social landlord wishes to use information about a police investigation as evidence in an application for an order for possession).
4. Responses to consultation by the Department in 2013 on proposals for future housing legislation highlighted a need for improved information sharing in cases of anti-social behaviour. Clause 2 of the Bill would therefore allow any person to disclose a wide range of information where such information is required to enable the Housing Executive or a registered housing association to take a wide range of action in relation to anti-social behaviour.
5. At the briefing on 25 June 2015, Committee members asked if the information sharing provisions of the Bill could be extended to allow the Housing Executive and registered housing associations to disclose information about anti-social behaviour by their tenants to private landlords.
6. The Department has sought the views of the Housing Executive and the Information Commissioner on the Committee's proposal to extend the information sharing provisions of the Bill to private landlords, and has taken legal advice. A number of issues around Human Rights and Data Protection legislation have been identified. While it appears that the Housing Executive and registered housing associations would not be in a position to disclose personal details about their tenants unless there was a legal basis for such disclosure, the Information Commissioner has advised that such data should not in any case be disclosed without the tenant's agreement and has emphasised that private landlords would be expected to store and process the data strictly in line with the principles of the Data Protection Act.

Amending the standard tenancy agreement to notify all tenants of social housing that their details may be shared with private landlords would be a major undertaking which might not be justified given that private landlords already have adequate powers to deal with anti-social tenants.

7. While the sharing of personal details about tenants of social housing with private landlords would be a significant step, no public consultation on this proposal has been carried out. Furthermore, the timeline for the Housing (Amendment) Bill is challenging and, given the Human Rights and Data Protection issues around data sharing with private landlords, tabling an amendment on this topic could have serious implications for the progress of the Bill.

#### ***Registration of loans as statutory charges***

8. The Department is currently examining the statutory provisions for private sector housing assistance with a view to making the arrangements more flexible, sustainable and effective. While Housing Executive has power to offer loans for a range of housing purposes, including making loans to home owners to enable them to repair or renovate their homes, there is at present no cost effective mechanism to ensure that borrowers do not default. Clause 3 of the Bill would therefore allow the Housing Executive to register housing grants made in the form of loans as statutory charges on the property.

## SYNOPSIS OF KEY POINTS

- Second stage of the Bill is scheduled for 21 September 2015.
- The Bill would facilitate **information-sharing** for purposes relating to anti-social behaviour and empty homes, and would provide for housing grants made in the form of loans to be registered as **statutory charges**.
- 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. A reciprocal provision would require the Department and the Housing Executive to notify the Department of Finance & Personnel where any homes listed as vacant appear to be occupied.
- Consultation on the Bill highlighted the need for better information sharing in relation to anti-social behaviour. It is therefore proposed that the purposes for which relevant information may be disclosed should be extended to allow any person to disclose a wide range of information to a social landlord for a comprehensive range of purposes connected with anti-social behaviour.
- To effectively secure private sector housing grants provided in the form of loans, the Bill would enable the Housing Executive to register such a loans as a **statutory charge**.