

Dr Kevin Pelan
Committee Clerk
Committee for Social Development
Room 284
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

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

Telephone: 028 9082 9194
Facsimile: 028 9082 9324
EMail: Stephen. Martin
@dsdni.gov.uk

Your Ref :CSD/013/2015/SK

12 January 2016

Dear Kevin,

Houses in Multiple Occupation Bill

Thank you for your letter of 11 December regarding the Houses in Multiple Occupation Bill.

Firstly, you requested officials to write to address the Committee's concerns in regard to the clarity of Clause 50 of the Bill. Confusion has arisen in relation to Clause 50(4)(b) that allows a council to refuse a property, on the basis of suitability of use as an HMO even though it meets the minimum standards.


In drafting this legislation much deliberation was given to the physical standards a property would have to meet in order to be found suitable to be an HMO. Rather than opting for an extensive prescriptive list, that would attempt to capture and account for all scenarios in all house types, it was decided to adopt a more flexible approach. Regulations will define a set of minimum standards that will determine whether a house is suitable for use as an HMO. The legislation has been drafted in such a way that if the property in question does not meet these minimum standards it will not be

licensed as an HMO. In the vast majority of cases where a property meets these minimum standards it will be deemed suitable and the application process will proceed. However, as these are minimum standards, we are attempting to provide a backstop for a situation that may arise where the individual characteristics of a property mean that simply satisfying these criteria will not be sufficient.

An example may arise where a HMO exists within an apartment block. The HMO flat may meet the minimum standards but due to the possibility of undue public nuisance to neighbours the flat, in its current state, is refused. If the flat has exposed wooden floors such as hardwood or laminate, this may cause a considerable noise nuisance to downstairs neighbours. This is easily rectified through the provision of underlay and carpet to minimise these effects. If the owner agent refuses this, on the basis they have met the minimum standards, the council can still deem the property not fit for use as an HMO.

During discussions on Clause 60, the Committee also expressed concerns on the low level of fines being imposed by the courts and asked Minister Storey to consider writing to Minister Ford highlighting the seriousness of offences committed by landlords in the Private Rented Sector. Departmental officials are presently gathering statistics from councils and the Housing Executive who operate the HMO Registration Scheme prior to writing to Minister Ford in order to provide the evidence on the recent level of criminal penalties imposed. The Department will provide a copy to Committee when the letter is issued.

I hope this information is helpful

A handwritten signature in blue ink that reads "Stephen Martin". The signature is written in a cursive, slightly slanted style.

Stephen Martin