



**Northern Ireland
Assembly**

COMMITTEE FOR SOCIAL DEVELOPMENT

Please use this form to submit written submissions in relation to the Houses in Multiple Occupation (HMO) Bill. Return to committee.socialdevelopment@niassembly.gov.uk by Tuesday 6 October.

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Organisation: (if applicable) Ex NIHE HMO Manager (Coleraine Regional Office)

Date: 1st October 2015

(where possible, please structure your response to the specific clauses of the Bill and, if appropriate, suggest alternative or additional wording to clauses, which may assist the Committee's consideration of the need for any amendments to the Bill)

I retired from the post of Regional HMO Manager on the 30th September 2015.

Clause 1: Meaning of "house in multiple occupation"

Converted houses are no longer regarded as HMOs, only individual flats within the overall house will be treated as a HMO if that flat is occupied by 3 persons from more than 2 families. This removes a significant number of previously regulated properties out of regulation and I have significant concerns regarding fire safety and overcrowding in such converted houses. For example a property converted into 6no 2 bedroom flats would fall outside the proposed legislation, however such a property may not have adequate structural fire separation between the units or adequate fire detection and alarm systems within the building and the council would have no power to intervene, potentially putting multiple lives at risk. Furthermore the change in definition also removes such properties from control by the NIFRS under the Fire and Rescue Services (NI) Order 2006.

In relation to overcrowding, if we use the example above the 6 x 2 bedroom converted house, such a house would currently be registered for occupation by a maximum of 12 persons, however if each flat was occupied by large families there would be no limit to the overall number of people that could occupy the converted house. I would be concerned that unscrupulous landlords would take advantage of such a situation particularly in relation to ethnic minority families to maximise profit which would result in gross overcrowding which house and such conditions would adversely impact on the amenity and character of the area in which such a property was situated. Such situations already exist within Northern Ireland and the Housing Executive has prosecutions pending for overcrowding in North Belfast. The removal of such properties from regulation will potentially have an adverse impact on local commutes and increase tension between neighbours.

Clause 1 also introduces Schedule 1 (exceptions) and confers a power to amend the definition of "house in multiple occupation".

I have serious concerns regarding exempting Housing Association properties from licensing, in the past 2½ years the Housing Executive have served in the region of 95 statutory notices on Housing Associations primarily in relation to providing and maintaining adequate fire safety measures. My concern is particularly acute as Housing Associations provide the bulk of supported living accommodation in Northern Ireland and such properties are occupied by some of the most vulnerable members of society.

Clause 4: Persons who are members of the same household

The definition of same household/family has been significantly expanded to include cousin, see Clause 88(3) (b) - "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin. Currently it is exceptional difficult to regulate some households (primarily ethnic minorities) as some unscrupulous owner of properties have the tenants coached into saying the occupants are all members of the same family (the tenants are afraid to say otherwise for fear of losing their home) but by including cousins in the definition this further compounds the difficulty.

Clause 5: Notice regarding evidence of household

This is unlikely to ever be used by the council, as the council will need reasonable grounds to suspect the property is occupied by more than 2 households and with the definition of household so wide, in theory is useful but will prove ineffective.

Clause 8: Applications for HMO licence

The current HMO registration scheme requires either the owner (person having control the house) or the manager (person managing the house) to register the property, that person being known as the “specified person” for the purpose of the registration scheme. The proposed limit the responsibly to applying for a license to the owner will prove problematic if the owner lives outside the jurisdiction and avoids licensing.

Clause 28: Change of ownership: effect on licence

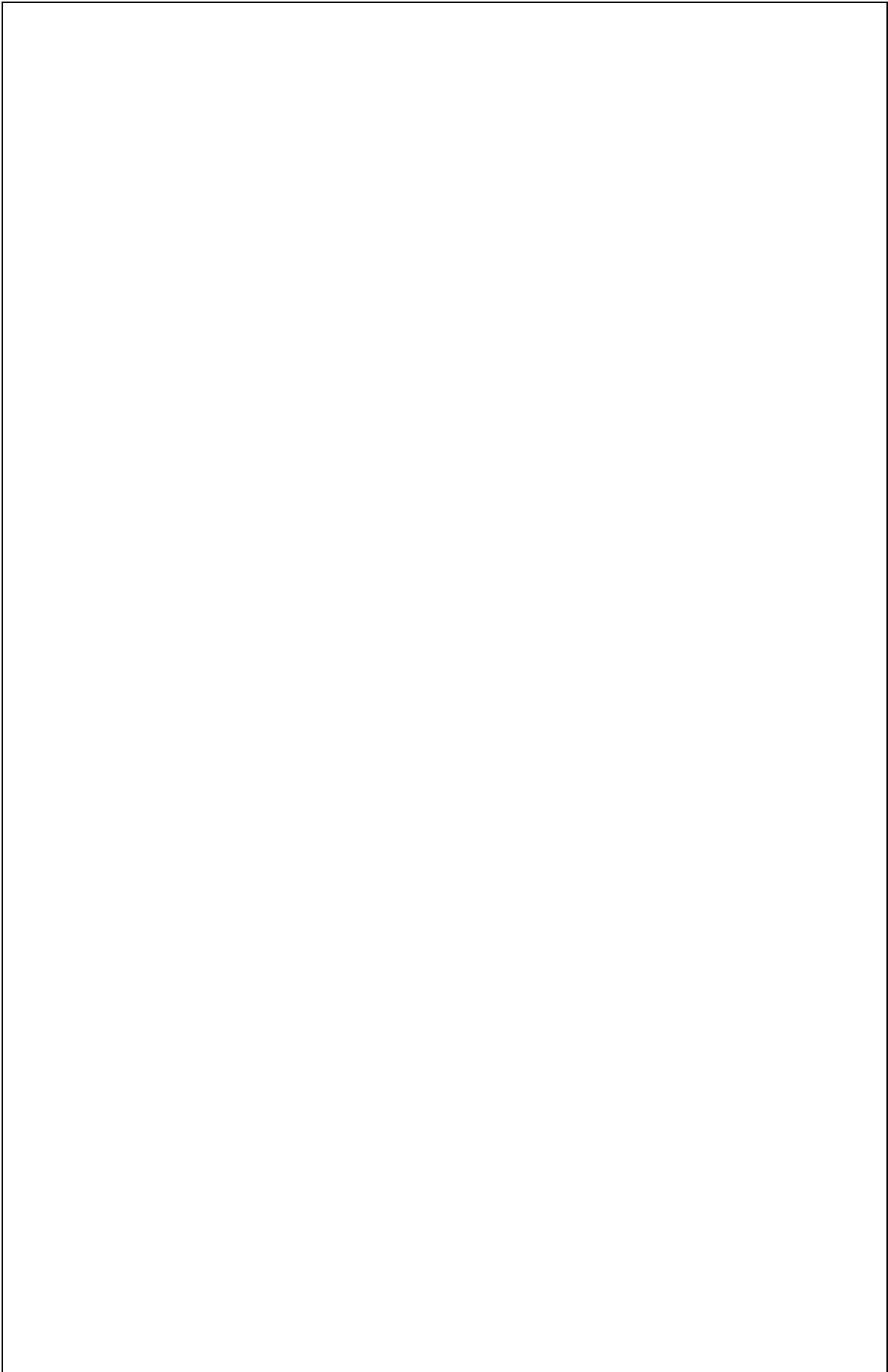
Currently the HMO registration transfers to the new own provided that person is a fit & proper person, the proposal that the licence ceases would need to be accompanied by a provision in accordance with Clause 84(d) that the fees linked to the unexpired portion of the licence is refunded.

Clause 29: Death of sole licence holder: effect on licence

On the death of the sole licence holder and after the expiry of the 3 months period provision a provision in accordance with Clause 84(d) that the fees linked to the unexpired portion of the licence is refunded to the beneficiary of the license holder’s estate.

Clause 83: HMOs occupied in breach of Act

Generally in agreement with this cause however in circumstances whereby the property is unsafe in relation to means of escape from fire or has an inadequate fire alarm and detection system provision should be included that in such circumstances the tenancy could be voided by the occupants of the property.



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