

EVIDENCE TO THE SOCIAL DEVELOPMENT COMMITTEE  
ON THE PROPOSED HOUSES IN MULTIPLE OCCUPATION (HMO) BILL

ORAL EVIDENCE SESSION 5 NOVEMBER 2015

PRESENTED BY: JANET HUNTER, DIRECTOR  
CHRIS McGRATH, HOUSING SOLICITOR  
ETAIN NI FHEARGHAIL, WEB WRITER

DSD PROPOSALS CONTAINED IN	HOUSING RIGHTS RESPONSE
<p><b>Part 1: MEANING OF “HOUSE IN MULTIPLE OCCUPATION”</b>  <b>Section 1: Meaning of “house in multiple occupation”(Schedule 1).</b>  <b>Section 3: Cases where people is treated as occupying accommodation as only or main residence</b></p> <p><b>Part 2: LICENSING OF HOUSES IN MULTIPLE OCCUPATION</b></p> <p><b>Part 3 : ENFORCEMENT OF LICENSING REQUIREMENTS</b></p> <p><b>Part 5: SUPPLEMENTARY</b></p>	<p>This Bill proposes to significantly widen the properties which are exempt from the definition of HMO’s to exclude properties controlled by public authorities etc and a range of other properties (see detail Schedule 1 of Bill), primarily on the basis that adequate protection already exists for these occupants. <b>Recommend the Committee seeks clarification from the Department on:</b></p> <ul style="list-style-type: none"> <li>• <b>The detail of the regulatory protection and inspection regimes which are in place in each of the categories which it is proposed to exclude from the definition to ensure that minimum standards are maintained and the health and safety of occupants safeguarded;</b></li> <li>• <b>The intention in relation to hostel accommodation which is occupied by homeless households (other than refuges which, by virtue of section 3 are explicitly included).</b></li> </ul> <p><b>Housing Rights welcomes the requirement for HMO’s to be licensed; the inclusion of a “fit and proper person” test within the process and the inclusion of owners and managing agents.</b> Proposed application process will require the licence to be issued by the council within which the HMO is situated. <b>At implementation stage, 11 different councils will be considering applications and issuing licences. This raises a number of important issues which the Committee should ask the Department to give further consideration in relation to:</b></p> <ul style="list-style-type: none"> <li>• <b>Sharing of information between councils.</b> As landlords may own multiple properties in more than one council area, it is in our view, essential for each council to share information. This would include information relevant to their determination of “fit and proper person”. <b>The Committee should request the Department to demonstrate appropriate provisions are in place to facilitate effective sharing of information between the councils.</b></li> <li>• <b>Promoting uniformity and ensuring consistent rationale is illustrated in the decision making process.</b> Housing Rights believes it is essential this is adequately addressed and</li> </ul>

**PART 2 : LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

**Section 13: Suitability of living accommodation for multiple occupation**

the Committee should therefore seek to ensure essential statutory guidance is provided to the councils on the exercise of their functions under this legislation (see later recommendation on Section 85 of Bill).

- **Approach to enforcement.** Housing Rights is supportive of the concept of fixed penalty notices as a means of dealing with non-compliance. This can however only be effective if robustly and uniformly enforced across council areas (see comment above re Guidance). Additionally **the Committee should seek clarity from the Department on whether or not persistent offenders who pay fixed penalty notices (and therefore avoid any conviction) could continue to be licensed?**
- **Ensuring adequate resources are available within local councils to implement the provisions of the Bill effectively.**

Housing Rights wishes, in particular, to highlight the following issues in relation to the provisions contained in the Bill relating to HMO suitability and standards:

- Section 13 subsection (5) details **the minimum physical standards**. These appear primarily to relate to the existing fitness standard which the Committee will be aware is out dated and currently under review by the Minister. **The Committee should seek reassurance that any new fitness standard subsequently agreed for NI will be appropriately reflected in revised “minimum standards” for HMO’s.**
- The minimum standard in this Bill **no longer include any reference to fire safety/means of escape in case of a fire**. This is a critical area in helping to ensure the safety of HMO residents. Whilst we recognise that the responsibility for assessment may rest with NI Fire & Rescue Service (NIFRS), **it is imperative that assessments are conducted and the expert view of the NIFRS both sought and taken into account in the licensing process. The Committee should seek clarity from the Department on how this will be achieved and reassurance that the NIFRS is adequately resourced to undertake these essential fire safety checks within the prescribed time period.**

<p><b>Part 4: STANDARDS OF HOUSING</b> <b>Sections 41/42: Definition of overcrowding/the room standard</b></p>          <p><b>Part 5: SUPPLEMENTARY :</b> <b>Section 63: Code of Practice</b> <b>Section 85: Guidance</b></p>	<p>Housing Rights welcomes the inclusion of a statutory definition of overcrowding in the proposed legislation however has the following concerns:</p> <ul style="list-style-type: none"><li>• The proposal is to lower the existing HMO standard by increasing the age where children of opposite sex can share a room from 12 to 13.</li><li>• This is a lower standard than exists within housing legislation in other jurisdictions</li></ul> <p><b>Recommend the Committee should harmonise this standard with other commonly applied standards and amend Section 42 (1) (a) to “any person of the opposite sex who is aged 10 or over.”</b></p> <p>Given the central importance to effective implementation in ensuring a robust management framework is in place Housing Rights <b>recommends Section 63 (1) is amended from the Department “may” to the Department “shall” make regulations approving a code of practice.</b></p> <p>Similarly given the importance of promoting uniformity and consistency of approach across the 11 councils, the <b>Committee should recommend Section 85 be amended from the Department “may” to the Department “shall” issue guidance to councils.</b></p> <p>Notwithstanding our broad support of the Bill, it is noted that <b>an unintended adverse consequence may be that occupants could be left without a home</b> as a result of their landlord’s failure to comply and subsequent refusal or revocation of a licence. On this basis we recommend the <b>Committee should request the Department, prior to implementation, to consult with key stakeholders on the mechanisms/level of assistance with rehousing available for those unable to remain in their home in these circumstances.</b></p>
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