



**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.

Name: _____

Organisation: (if applicable) NUS-USI _____

Date: 5 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)

Opening comments

NUS-USI welcomes this chance to provide this submission document to the Committee for Social Development on the Houses in Multiple Occupation (HMO) Bill, and we believe that the Bill could provide important opportunity to deliver significant protection for HMO tenants around accommodation safety.

NUS-USI does not want to be considered to give oral evidence to the Committee on this matter.

Comments on the Bill

With regard to section 17 of the Bill, NUS-USI strongly believes that any legislation of this nature must include provisions to make it mandatory that landlords have to ensure that electrical checks are carried out by a qualified electrician on an annual basis, to ensure the safety of tenants. NUS-USI has discussing matters around this with Wayne Mackay of Electrical Safety First, and we believe that it could be very useful for the Committee to gain information from him.

It is also crucial that this Bill emphasises as strongly as possible the need for the highest health and safety standards and accommodation standards to be met. A strong message must be sent out by this Bill that landlords who do not adhere to health, safety and accommodation standards will face significant legal recourse. The punishments for failing to meet standards on these and other matters must acts as a strong deterrent too landlords.

We would also emphasise the importance that any legislation makes it mandatory for all houses in multiple occupation to have adequate provision of smoke alarms and also carbon monoxide alarms in the house. It is essential that government ensures that it is mandatory that these alarms are fitted in houses in multiple occupation because government must have robust safety measures in place to try and protect tenants.

NUS-USI has significant concerns about the definition of a house in multiple occupation outlined as in section 1, paragraph 1 of the Bill, as regard the number of households to meet the definition. We believe that that the definition of an HMO should stay as it currently is. We would be worried that a significant number of houses currently defined as HMOs might not retain this definition and might not then be covered by the health, safety and accommodation standards set out within this Bill. We would also be worried that some houses that are currently HMOs, with flats inside may not be defined as HMOs in the future, and we do not wish this to

happen either, because this might mean less accommodation having to meet HMO safety standards.

Irrespective of whether a property is a house in multiple occupation or not, it is crucial that all private rented accommodation is legally required to meet stringent health and safety and accommodation standards. It is important that all private rented properties can be subject to checks by any relevant safety authority.

NUS-USI would ask that section 3, paragraph 2 of the Bill is amended because this provision must also include part-time further and higher education students so that they are not left out. There must be a full and inclusive approach on this matter to ensure that all students are covered, whether they are studying part-time or full-time.

NUS-USI however has very significant concerns about elements of schedule 1 of the Bill because we believe that all student accommodation, whether owned by a university or not, should be considered houses in multiple occupation to ensure that all this accommodation has to meet the safety standards set for HMOs.

It is crucial that property owned Housing Executive or by a housing association that meets the HMO definition which we have outlined in our response to ensure that these properties are legally required meet any HMO safety standards.

NUS-USI believes that section 10 is an extremely important aspect of the Bill. It is crucial that any house in multiple occupation landlord must be a fit and proper person because it is important that government acts to protect the safety of each HMO tenant. Human trafficking can have a devastating impact upon people's lives, and this Bill must effectively ensure that regard is given to this matter in relation to houses in multiple occupation.

Section 30 is an extremely important aspect of the Bill, because we believe that it is

absolutely essential that a strong deterrent must be in place to tackle the prospect of any unlicensed HMO landlords. It is also crucial that significant resources are allocated to checking HMO licensing and to punishing any HMO landlord that is not licensed. Any authority which is responsible for checking whether HMO standards, are being met must be provided with adequate funding from government to ensure that they have all the resources needed to have robust procedures in place to be able for enforcement of any measures set out. It is extremely important that all fire regulations, and all other HMO standards, are being met by houses in multiple occupation.

NUS-USI welcomes section 32 around an untrue claim that a house in multiple occupation is licensed. The organisation believes it is extremely important that strong punishment is set out for anyone who claims that an HMO is licensed when it is not, because the people living in the house may believe that they are living in a licensed HMO which meets all safety criteria, but if the house is not licensed, it might not meet these criteria.

NUS-USI also welcomes section 37 of the Bill, because we believe that it is crucial that any house in multiple occupation landlord that does not comply with a rectification notice must face a very significant punishment. There must be a very strong deterrent against any HMO landlord failing to comply with such a notice, to try and ensure that safety standards are met.

It is also important that the Bill include measures to ensure that a manager of an HMO can be held legally responsible for any provisions set out around HMOs, in the same way that an owner might be.

NUS-USI believes that it is crucial that specific minimum space standards are clearly set out within legislation and we welcome that these matters are defined within this Bill in section 43.

In relation to section 88, and any other elements within the Bill that relate to this matter, it is essential that any definition of family provided in the Bill is centred on equality for all, and does not disadvantage anyone. It is very important that this section is formulated correctly to send out a strong a positive message of equality.

Schedule 1, paragraph 5 of the Bill outlines that buildings occupied by students and managed by education establishments are not considered houses in multiple occupation, however NUS-USI wishes to emphasise how important it is that such student halls of residence and student halls of residence owned and/or managed by others must have to meet the highest health, safety and accommodation standards.

In relation to elements like schedule 3, part 2, paragraph 7 (7) of the Bill, it is also essential that anyone who is evicted from a property or anyone who has to leave their property as a result of matters relating to this Bill has, or is supplied with suitable replacement accommodation by the relevant authority. This is essential to tackle the very troubling issue of homelessness and to try and help that person after eviction.

It is absolutely essential that this Bill does not restrict the number of houses in multiple occupation that exist in each part of each authority area. Any limit to the number of houses in multiple occupation in any area could lead to significant price inflation and this could have a very negative impact upon students and other people's ability to make ends meet. There must be no restrictions of this nature in any aspect of the regulation of houses in multiple occupation whatsoever, because there must be no restriction on the supply of licensed HMOs.

If there were any restrictions on the number of houses in multiple occupation which exist, it could potentially create a situation where some people might operate outside of the law and this would be a deeply worrying situation, because there must be adherence to legislation and all houses in multiple occupation should meet safety standards.

Conclusion

The Bill must ensure that there is no limit on the number of houses in multiple occupation in any area. We do not want any measure to be implemented which could limit the number of HMO properties available, because this could lead to a very significant increase in the cost of rent for student and others.

NUS-USI believes that this Bill should ensure that all student accommodation must be defined as houses in multiple occupation so that it has to meet HMO safety standards.

We also believe that the definition of a house in multiple occupation should be one that has two or more different households living there. We believe that it is essential that no loopholes exist which might allow some private rented accommodation to be at a different standard to HMOs. It is crucial that all private rented accommodation is legally required to meet rigorous health, safety and accommodation standards.

NUS-USI believes that it is extremely important that this Bill applies to part-time students as well as full-time students, in relation to what is contained in section 3 paragraph 2 of it. It is also extremely important that regard is given to equality matters in any definition of family within this Bill, and it is essential that the definition does not disadvantage anyone.

We also believe that it is essential the Bill contains provisions to make it mandatory that electrical safety checks must be carried out on houses in multiple occupation as a legal requirement.

NUS-USI also believes that this Bill should contain measures to ensure that there is adequate provision of smoke alarms and carbon monoxide alarms in houses in

multiple occupation.

NUS-USI believes that it is crucial that any authority that is responsible for ensuring that HMO standards around fire regulations or any other matters, are provided with significant funding to ensure they have the resources to robustly enforce any measures set out in the Bill.

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