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Dear Kevin,

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

The Committee has requested briefing on the proposed introduction of the Housing (Amendment) Bill. The briefing has been scheduled for 25 June 2015.

I can confirm that the following officials will attend to brief the Committee:

Dr Heloise Brown (Head of Housing Policy, Research & Legislation)  
Stephen Baird (Policy & Legislation Manager)  
Maryann Dempsey (Deputy Principal, Private Rented Housing) and  
Avril Hiles (Deputy Principal, Private Rented Housing)

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

Yours sincerely

Dr Heloise Brown

cc Stephen Baird  
Maryann Dempsey  
Avril Hiles  
Billy Crawford  
Mick Shine  
Ian Hickland  
Ellen Corry

Kate Jeffrey  
Stewart Kennedy  
Stephen Todd  
Ashleigh Mitford  
Richard Reid

## PROPOSED INTRODUCTION OF HOUSING (AMENDMENT) BILL: BRIEFING FOR SDC

1. Officials briefed the Committee about proposals for future housing legislation on 6 February 2014, and on the outcome of consultation on the proposals on 5 June 2014.
2. The Executive Committee agreed on 30 April 2015 that drafting of the Housing (Amendment) Bill could commence and First and deputy First Ministers agreed on 18 June 2015 that the Bill could be introduced under the urgent decision procedure. The Speaker has been asked to agree that the Bill can be introduced on 30 June 2015.
3. When officials briefed the Committee on 5 June 2014 it was envisaged that the proposed Bill would cover the following topics :
  - introduce a new form of social housing tenancy (the ***short tenancy***);
  - amend existing legislation relating to eligibility for homelessness assistance;
  - enable the courts to attach powers of arrest and exclusion to certain injunctions;
  - extend the purposes for which information relating to anti-social behaviour may be disclosed;
  - permit information-sharing for the purposes of identifying owners of empty homes.

It was subsequently decided that the Bill should also enable housing grants made in the form of loans to be registered as statutory charges, as this provision was urgently required to enable a proposed pilot exercise on making grants by way of loan to proceed. However, because of the short time available for drafting when the Executive Committee agreed the policy proposals on 30 April, Legislative Counsel was instructed to draft a Bill that would cover the following topics only:

- 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;
- enable housing grants made in the form of loans to be registered as statutory charges.

***Information sharing: empty homes***

4. To reflect the Department's commitment in the Empty Homes Strategy and Action Plan, legislative provision is urgently required to provide for information held 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. The Bill would therefore require the Department of Finance & Personnel, if asked to do so, to make information about empty homes held for the purposes of rates collection available to the Department for Social Development and the Housing Executive. At the Department of Finance & Personnel's request, the Bill would also require the Department for Social Development and the Housing Executive to notify Land & Property Services where houses listed as vacant appear to be occupied.

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

5. On the basis that a number of consultees highlighted the importance of information-sharing in tackling anti-social behaviour, it is proposed that the

purposes for which relevant information may be disclosed under existing legislation should be extended. The aim of the proposal is to enable any person to disclose to the Housing Executive or a registered housing association any information that may be required for the purpose of dealing with anti-social behaviour in social housing.

***Grants by way of loan: registration of statutory charges***

6. While the Housing Executive has power to register statutory charges in respect of most forms of grant assistance, there is no power to register charges in respect of grant by way of loans. The Housing Executive is currently preparing a pilot scheme of loan assistance for private sector housing repairs and improvements. However, the absence of a power to register charges in respect of such loans means that the Housing Executive would either have to make unsecured lending or secure the lending by means of a legal mortgage/charge. The cost of the latter is substantially more than the costs associated with preparing and registering a statutory charge and the Bill would therefore enable the Housing Executive to register a statutory charge in respect of grants by way of loan made under Article 9(1)(a) of the Housing (Northern Ireland) Order 1981. This would provide a means of security against any such lending and would ensure that, in the event that the owner defaults on the loan or sells or transfers the property, the Housing Executive will be made aware of the transaction and be able to take any necessary action to recover the debt.
  
7. The Department of Finance & Personnel's Land & Property Services has raised some queries about how this proposal would impact on its resources and housing officials are liaising with Land & Property Services.

## SYNOPSIS OF KEY POINTS

- Minister aims to introduce the Housing (Amendment) Bill on 30 June 2015.
- Proposals relating to **short tenancies**, **eligibility for homelessness assistance**, and **injunctions against anti-social behaviour** no longer feature in the Bill.
- The Bill would facilitate **information-sharing** for purposes relating to empty homes and anti-social behaviour, 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 and it is therefore proposed that any person should be permitted to disclose relevant information which is required by social landlords for a comprehensive range of purposes connected with dealing with anti-social behaviour.
- To facilitate a proposed pilot scheme of loan assistance for private sector housing repairs and improvements, it is proposed that provision should be made to secure such loans by the expedient of registering a statutory charge.