

EVIDENCE TO THE SOCIAL DEVELOPMENT COMMITTEE
ON THE PROPOSED HOUSING (AMENDMENT) BILL

ORAL EVIDENCE SESSION 8 OCTOBER 2015

PRESENTED BY: JANET HUNTER, DIRECTOR

SARAH CORRIGAN, HOUSING ADVISER

PROPOSALS ON Disclosure of information relating to anti -social behaviour (Section 2)	HOUSING RIGHTS RESPONSE
<p>Subsection 1: To enable disclosure of relevant information for relevant purpose to the Housing Executive or to a registered housing association.</p> <p>Subsections 3-7: defines “relevant information” which can be shared</p> <p>Subsection 8: defines “relevant purpose” for which information can be shared. Extends current provisions to include seeking an order for possession on Grounds 1, 2 or 3 of Schedule 3 the Housing (NI) Order 1983</p>	<p>Housing Rights recognises the barriers which currently exist and the importance of appropriate and reliable information in enabling social landlords to effectively tackle the problem of anti-social behaviour. On this basis we support the proposal contained in Subsection 1.</p> <p>The information to be shared needs to be appropriate and directly linked to tackling anti -social behaviour. In our view the definition of “relevant information” contained in the proposal goes beyond what is necessary for this purpose. On this basis we recommend the Committee consider deletion of Subsection 4 (a) & (b) which relates primarily to the condition of the dwelling (see Ground 3 overleaf for detail)</p> <p>Housing Rights recognises the critical role of accurate and reliable information in responding appropriately to anti- social behaviour problems, particularly if the response requires possession action to be taken against the tenant. In our view however the broad definition of “relevant purpose” contained in this subsection goes beyond what is necessary for this action to be taken. On this basis we recommend the Committee consider:</p> <p>Amending 8 (a) iv: to narrow the “purpose” to an order of possession on Ground 2 in Schedule 3 of the 1983 Order only. Current references to repossession on the basis of Ground 1 and Ground 3 should be omitted.</p> <p>Amending 8 (a) v: to restrict the purpose to seeking an order for possession let under an introductory tenancy to Ground 2 only. (see overleaf for detail of respective Grounds)</p> <p>Given the sensitive nature of the information which is likely to be shared on the basis of the proposals contained in this legislation and the potential consequences for a family to lose their home, Housing Rights believes there is a compelling need to provide proper safeguards to ensure that the information sharing process is compatible with all legislative requirements and also reflects good practice. Robust guidance, authorised by statute, is essential. On this basis we recommend the Committee consider insertion of an additional sub section for example, <i>“Any person who by virtue of this Act, must or may provide information or who provides or receives information for the purposes of any provision of the Act shall have regard to any relevant guidance given by the Minister”</i></p>

FOR ADDITIONAL INFORMATION

EXTRACT FROM SCHEDULE 3 OF HOUSING (NI) ORDER 2003

GROUND S FOR POSSESSION OF DWELLING HOUSES LET UNDER SECURE TENANCIES

Ground 1	Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has not been broken or not performed
Ground 2	<p>The tenant of a person residing in or visiting the dwelling house-</p> <ul style="list-style-type: none">(a) Has been guilty of conduct causing a nuisance or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or(b) Has been convicted of<ul style="list-style-type: none">(1) an offence involving using the dwelling or allowing it to be used for immoral or illegal purposes, or(2) An indictable offence committed in, or in the locality of, the dwelling house <p>The dwelling house was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other, a couple living together as husband and wife or a couple living together as if they were civil partners and</p> <ul style="list-style-type: none">(a) One or both partners is a tenant of the dwelling house(b) One partner has left because of violence or threats of violence by the other towards<ul style="list-style-type: none">(1) That partner, or(2) A member of the family of that partner who was residing with that partner immediately before the partner left and(c) The court is satisfied that the partner who is left is unlikely to return while the other continues to occupy the dwelling house
Ground 3	<p>The condition of the dwelling house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling house and, in the case of any acts of waste by, or the neglect or default of, a person lodging with the tenant or a sub tenant of his, the tenant has not taken such steps as he reasonably ought to have taken for the removal of the lodger or sub tenant.</p> <p>In this paragraph, “the common parts” means any part of the building comprising the dwelling house, and any other premises to which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling houses let by the landlord.</p>
Ground 5	The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by false statement made knowingly or recklessly by (a) the tenant or (b) a person acting at the tenant’s instigation.