

## New private tenancies law - What Impact?

New legislation to reform the law relating to private tenancies has been long overdue - after all it's been almost 30 years since the introduction of the last major piece of legislation to govern the sector. The main purpose of the Rent (NI) Order 1978 was to encourage landlords of poor properties to carry out repair work thereby getting an increased, but still controlled, rent. However, the long term impact of the Rent Order was not as anticipated. It led to a cumbersome legal structure, controlling certain tenancies whilst leaving the rest largely unregulated.

For those of us working with private tenants, it is hard not to generally welcome the new proposals for private rented sector legislation. Released in November, the Draft Private Tenancies (NI) Order 2005 aims to target unfit and disrepair through a system of enforcement and rent control. This undoubtedly is needed as levels of unfit within this sector are unacceptably high. It is estimated that 3.8% of Northern Ireland's housing stock is unfit for human habitation; 8% of this is in the private rented sector.<sup>1</sup> Overall, we believe that this legislation is well intentioned. More effective enforcement action through District Councils and hitting the pockets of landlords, by limiting the amount of rent that can be charged for certain unfit dwellings, should improve fitness levels.

However, what should be borne in mind is that the focus of this 21<sup>st</sup> Century legislation is to ensure compliance with 20<sup>th</sup> Century standards. In Northern

Ireland they already fall well below what is considered by government to be the minimum standard i.e. the Decent Homes Standard which all social rented homes are expected to meet by 2010. (It is interesting to note that half of all privately rented dwellings fail to meet this modern day standard.) Introduced in 1992, the fitness standard is very basic allowing, for example, electric sockets to pass as 'adequate provision for heating'. Government should ask itself whether this positively contributes towards other policy agendas of promoting energy efficiency and tackling fuel poverty.

Another area of concern is that attempts are already being made to further limit the numbers of properties requiring inspection. By introducing regulations, government intends to exempt all dwellings built after 1945 rather than using the post 1956 date being proposed in the Draft Private Tenancies Order. So

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# editorial

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Housing Rights Review is produced by Housing Rights Service, an independent organisation working to prevent homelessness and eradicate poor housing in Northern Ireland. If you would like to comment on the content of this issue, please contact Nicola McCrudden on 028 9024 5640 or email [nicola@housingrights.org.uk](mailto:nicola@housingrights.org.uk). This issue can also be viewed at [www.housingrights.org.uk](http://www.housingrights.org.uk)

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whilst well intentioned, our fear is that the impact of this legislation will be minimal - ensuring very old and unfit properties meet basic human habitation conditions which fall far short of minimum housing standards for the 21<sup>st</sup> Century.

In addition to improving fitness and tackling disrepair, the legislation contains some provisions relating to tenancy obligations including:

- the requirement for tenants to be given a statement of tenancy terms
- 6 month default security of tenure in the absence of a fixed term being agreed, and
- default repairing obligations where there is no agreement or where the obligations are unclear.

A lot of this is very positive as most private tenants currently have few statutory rights and are largely unaware of the law or available remedies. Clarification is needed around some of these provisions e.g. will the statement of

tenancy terms be legally binding and could the 6 month default term continue for successive 6 month periods? In particular, we welcome the introduction of default repairing obligations specifying the division of responsibility between landlord and tenant. Regrettably, however, those being proposed are very outdated and replicate old provisions contained in the Rent Order 1978 (relating to regulated tenancies only). A lot of tenants are likely to rely on these and it is therefore imperative that we get it right. They need to be re-examined to reflect both practice and expectations in today's letting market and to ensure compliance with legal requirements under other regulations e.g. those for the supply of gas, electricity and furniture etc.

The new repair enforcement mechanisms are very welcome, but we feel further legal protection is still required if tenants are to be encouraged to use the remedies. The balance of bargaining power between the two parties is often unequal and fear of retaliatory action by landlords can prevent tenants from exercising their rights.

Having spoken to key stakeholders, there is strong support for the establishment of an independent arbitration body to help resolve common disputes over issues such as deposits, rent matters, repairing obligations etc. This option is contained within the private rented sector strategy<sup>2</sup>, but we are not aware of any progress having been made in this area. Indeed there are many other areas of the strategy which need urgent attention including the crucial area of improving standards in tenancy management.

It is government's intention to promote the private rented sector as a viable and affordable housing option. However, even with the progression of new legislation we are still a very long way off from achieving this.

For further information see [www.housingrights.org.uk](http://www.housingrights.org.uk)

<sup>1</sup> DSD, Preliminary Findings of the NI House Condition Survey 2004

<sup>2</sup> Renting Privately a Strategic Framework, DSD & NIHE, May 2004

## The Draft Private Tenancies (NI) Order 2005

*In the first major overhaul of housing law in relation to the private rented sector for 27 years, the government has recently published a new draft Private Tenancies Order. In this article, Joan McCrum, the Rent Officer for Northern Ireland, outlines the main features of the proposed new law. Formerly Director of Housing Rights Service, Joan is also the Department's adviser on the private rented sector and has been closely involved in the development and implementation of policy in this area.*

New proposals for the private rented sector have recently been published by the Department for Social Development in the form of a draft Order in Council. These proposals aim to clarify the obligations of landlord and tenant and tackle unfitness and serious disrepair.

The private rented sector plays an increasingly important role in meeting housing need in Northern Ireland and currently represents 11% (around 74,500 dwellings) of the total housing stock. However, the preliminary results from the 2004 House Condition Survey show that unfitness in the private rented sector is still a problem which needs to be tackled. While the rate of unfitness has improved, it still represents over 8% of the sector.

The main themes of the draft Order are as follows:

- Landlord and tenancy issues
- Unfitness and disrepair
- Unfitness and rent control.

### Landlord and tenancy issues

● Rent books are compulsory at present but it is proposed to require a landlord to provide each new tenant with a statement of the main terms of the tenancy within 28 days of the tenancy starting. The Department will prescribe in regulations what issues have to be covered in such a statement.

● Where a tenancy agreement does not specify the length or term of the tenancy, it will be assumed that the tenancy is for a fixed term of 6 months.

● Where there is no tenancy agreement or where an agreement does not provide sufficient detail, it will be assumed that the division of responsibility for repairs to the dwelling will be as set out in the legislation. This makes a landlord responsible for the main structural and functional aspects of the dwelling and requires the tenant to be responsible for interior decoration, glass (including windows), blockages in drains and pipes and any damage caused by the tenant, his household or any lawful visitor to the dwelling.

### Unfitness and disrepair

District Councils are to be given important new powers in relation to private tenancies which fail to meet the fitness standard or are in serious disrepair. Councils will be entitled to carry out the necessary work and charge the landlord, or may choose to prosecute the landlord for failing to comply with a notice. The penalty on conviction will be a maximum fine of £2,500.

### Unfitness and rent control

All new tenancies (with some exceptions) will be required to have a fitness inspection undertaken within 28 days of a new tenancy starting. Where a dwelling is found to be unfit it will be subject to rent control until it is made fit. Existing protected and statutory tenancies (currently known as restricted and regulated tenancies) will remain protected and will also be subject to rent control as at present.

A copy of the draft Private Tenancies (Northern Ireland) Order 2005 together with the Explanatory Memorandum can be downloaded from the Department for Social Development's website at [www.dsdni.gov.uk/index/current\\_consultations](http://www.dsdni.gov.uk/index/current_consultations). Closing date for comments is 27 January 2006.

# court report

## ASBOs Not Unlawful - High Court Rules

In October, the High Court ruled that the way in which Anti Social Behaviour Orders (ASBOs) were introduced in Northern Ireland was not unlawful.

The Anti Social Behaviour (NI) Order 2004 introduced ASBOs to Northern Ireland with the aim of protecting the public from behaviour that causes or is likely to cause harassment, alarm or distress. They are civil orders rather than criminal penalties, but any breach of an ASBO is punishable by up to five years imprisonment, a fine or both. The legislation allows a 'relevant' authority i.e. District Councils, the PSNI and the Housing Executive to apply for an ASBO against anyone aged 10 years or over.

Mr Justice Girvan dismissed an application for judicial review made by Peter O'Neill (the applicant) against whom the police were trying to secure an ASBO. Mr O'Neill was the first adult to be targeted in Northern Ireland under the 2004 Order. He argued that the introduction of ASBOs in Northern Ireland was ultra vires as the Northern Ireland Office (NIO) had failed to

carry out a full Equality Impact Assessment prior to the introduction of the legislation.

The applicant's case was partly based on the findings of an investigation carried out by the Equality Commission into the NIO under section 75 of the Northern Ireland Act 1998. Section 75 requires public bodies to give due regard to the need to promote equality of opportunity. To comply with this duty, public bodies are required to produce equality schemes which outline procedures for identifying ways in which greater equality can be promoted.

Following complaints by a number of groups, including the Committee on the Administration of Justice, the Equality Commission carried out an investigation and found that the NIO was in breach of its equality obligations as it had failed to carry out a full Equality Impact Assessment. Furthermore, the NIO was of the opinion that an Equality Impact Assessment was not required. The Equality Commission concluded that the NIO's decision that an Equality Impact Assessment was not

required was not a reasoned decision, which is expected from a public authority. It recommended that to comply with its own approved equality scheme the NIO must undertake an Equality Impact Assessment of the 2004 Order.

Consequently, the applicant argued that, as the NIO had failed to comply with the equality provisions of the Northern Ireland Act 1998, the introduction of ASBOs was unlawful. However, the Court ruled that section 75 does not contain any provision that a breach of duty to have due regard to the need to promote equality of opportunity renders the legislation invalid. The Court also ruled that the view of the Equality Commission that it was implicit that a public authority should give reasons if it decides not to carry out an Equality Impact Assessment was a valid view as to what good practice calls for. However, it stated that this is different from the question whether it is a legal requirement; breach of which invalidates the decision as a matter of public law.

# policy update

## Housing code of practice to be published

The Equality Commission is to produce a 'Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Housing and Accommodation'. A draft Code was produced in 2001 but was never released for consultation. The consultant Bob Blackaby, who wrote the original document, has been commissioned again to review its content and produce a new draft Code. It is likely to be released for consultation in March 2006. Discussions have been taking place with various interest groups and a Round Table meeting will be taking place in December to help inform its contents.

The Code will apply to all those involved in the provision of housing and accommodation (including selling and letting). Although it does not impose statutory obligations itself, its provisions will be admissible in evidence in any proceedings under the Race Relations (NI) Order 1997. Areas covered will include:

- Guidance on essential concepts such as direct and indirect discrimination
- Access to Accommodation
- Provision of Goods, Facilities and Services
- Management of Accommodation
- Examples of good practice.

Further information is available from:

**Lyn Mackender**  
**Promotion & Education Division**  
**Equality Commission**  
**Equality House**  
**7-9 Shaftesbury Square**  
**Belfast BT2 7DP**  
**[lmackender@equalityni.org](mailto:lmackender@equalityni.org)**

For the latest Housing Rights Service Policy responses go to  
[www.housingrights.org.uk/policy](http://www.housingrights.org.uk/policy)

## Modernising Housing Executive Services

The Housing Executive is currently in the process of consulting on a programme of changes to modernise its services by June 2007. One of the biggest changes will be the amalgamation of Belfast city-based offices into one building in the city centre. Outside Belfast, where a District Office has a housing stock of less than 2,000 it will be linked with another office for management purposes, but will not be amalgamated. There will also be new positions of Customer Services Manager and an Area Service Manager dealing with Rent and Housing Benefit. Further information can be obtained by contacting the Housing Executive on 028 9031 7000.

## Grants to Landlords

A number of changes to landlords' contributions for home improvement grants were implemented on 1<sup>st</sup> October. The key changes are:

- (i) the landlords' contribution towards Renovation, Replacement and Houses in Multiple Occupation (HMOs) grants will now be assessed as a percentage of the eligible cost of works; which will normally be 50%
- (ii) the landlords' contribution towards grants in Rural Priority Areas and Urban Grants Priority Areas will be 25% of the eligible costs, and
- (iii) landlords will not be expected to make a contribution to Disabled Facilities Grants and Group Repair works.

It is also proposed to reduce the maximum HMO grant aid of £30,000 to £25,000 where the property is unfit for human habitation and £10,000 in all other cases.

For further details contact the Housing Executive Private Sector Improvement Services on 028 9031 7000.

# the debate

## Civil Partnership Act - A Step Towards Equality

**Through the introduction of the Civil Partnership Act 2004, the rights and responsibilities of same sex couples are finally being recognised in the UK as they are in 14 other European Union countries along with Canada, Australia, New Zealand, Croatia and some states in the US. It has been over ten years since Denmark introduced Registered Partnerships for the first time in Europe.**

***Jonathan Lamb of Housing Rights Service (writing in a personal capacity)***

Gay and lesbian couples have historically faced discrimination in housing due to the inadequacies of United Kingdom legislation. For example:

- Gay and lesbian people coping with the death of their loved ones have either faced battles over property rights with their deceased partner's family without the protection of non discriminatory law, or had to resort to judicial review in order to succeed to their family home.
- They have been faced with housing law which refused to acknowledge their relationships with their partners and children as constituting a "family".
- Gay individuals who were victims of domestic violence in their homes faced greater

difficulty gaining occupation orders on property which they shared with their abusive partner.

- More controversially, the social security system has refused to acknowledge gay and lesbian relationships; irrespective of the fact that it was costing the country additional money to pay Housing Benefit for two "single" people rather than a couple.

Up until now same sex partners have had to rely on case law e.g. Fitzpatrick v Sterling Housing Association [2000] and Mendoza v Ghaidan [2004] to gain recognition as a family or couple when they were challenging housing decisions. It is only recently that housing policy recognised that the horrific homophobic attacks faced by many members of the gay and lesbian community in Northern Ireland merited recognition as intimidation for re-housing purposes.

The introduction of the Act is the start of something very exciting for gay and lesbian people in Northern Ireland. Irrespective of the highly publicised opposition posed by certain local councils the first Civil Partnerships will proceed as the legislation intended. A local Councillor recently expressed concern that if the Bill was to proceed then "the gays" would demand a right to adopt next. In turn this Councillor alleged that this would corrupt the idea of "family". For me, this Act only serves to strengthen family units.

It has been a long journey from when Stonewall and the Odysseus Trust first introduced the idea of civil partnerships as a Private Member's Bill in 2001. Up until now gay couples have been setting up homes together, raising families together and contributing to their local communities together without their relationships being recognised by law. As of December this will no longer be the case. Civil Partnerships are a highly significant step towards equality and it is pleasing to know that Northern Ireland will be the first area in the United Kingdom to hold Civil Registrations, even if it is only beating England to the post by two days!

## James Knox of the Rainbow Project

Lesbian, Gay and Bisexual (LGB) people in the UK will have an opportunity for the first time, on the 5<sup>th</sup> of December 2005, to legally have their relationship recognised in law.

The legislation will end years of discrimination in regards to partnership rights for LGB people from child support and other benefits, to pensions, fatal accidents compensation and immigration.

There have been objections to the introduction of legislation covering LGBs in regards to partnership rights as it challenges the concept of 'traditional marriage'. However the government has clearly stated that Civil Partnership does not affect 'traditional marriage' as it is a civil registration process and is therefore a completely different and separate process.

Some LGB people will take the opportunity to enter into a Civil Partnership others may not, but at least they now have a choice. People will register their relationships for probably the same reasons that people enter into a marriage; for solidifying their relationship, for

committing wholeheartedly to another person and for love. In this sense, there is no difference.

For LGBs partnership legislation has been long overdue. The lack of it has caused people to suffer needlessly as a result of discrimination.

We just need to ensure that the legislation is adhered to by those with responsibility for implementing it or parts of it.

This includes the Housing Executive, employers, the local councils, registrars and, of course, the State.

### The Housing Executive's Response

The Housing Executive (NIHE) recognises the need to ensure that its policy, strategy and services are more sensitive to its customers. In recognition of the need to modernise our policies and actively promote equality of opportunity for people of different sexual orientations, NIHE is currently working with the Rainbow Project in developing a policy statement on Sexual Orientation and Housing.

Complying with Civil Partnerships is only one of several strands which are deemed as necessary to take account of our Section 75 duty and we are aware of issues arising from the Employment Equality Act 2003 and last year's Criminal Justice legislation

addressing Hate Crimes and its links with Community Safety.

Work is progressing in the development of this policy statement and key areas of NIHE's work have been identified as potentially having an impact on lesbian, gay or bisexual people (LGB). With regard to housing policy and community safety/cohesion this includes:

- Civil Partnership legislation and screening policies
- Policy review in terms of LGB households
- Homelessness policy and temporary accommodation needs
- Complaints systems and confidentiality
- Joint working with PSNI and Social Services

- The Housing Executive's Supporting People role
- Hate crime policy
- Anti social behaviour policy and monitoring of incidents
- Dealing with intimidation and harassment
- Guidance and support for staff
- Community Development and Relations, and
- Development of statistical and qualitative monitoring systems with regard to service delivery.

We look forward to developing this work further and a full and a detailed consultation exercise with the LGB representative sector is planned (early next year) to inform the final development of this policy statement followed by wider consultation with Section 75 groups and other stakeholders.

## Barriers to Services

***Daniel Holder Project Manager of the Animate Project, a Dungannon based strategic migrant worker equality project, outlines the context of public service issues outside of housing in relation to migrant workers.***

A Migrant Worker can be defined as a person who migrates for the purpose of work. It is the back and forth flow of migration which is reliant on the economy. Historically, in Northern Ireland, the flow of migration has been largely outward, but more recently the local economy has become dependent on and benefited from inward migration. Given demographic trends and ongoing skills and labour shortages this is clearly a long term phenomena. Migrant workers are largely (but not exclusively) persons from other EU member states or Work Permit holders from outside the EU.

Clearly, from the perspective of rights based organisations, work to secure equality of access to services, thus ensuring access to health care, social assistance, education etc, for all is fundamental. Given the much greater numbers of migrant workers coming into Northern Ireland there is a more long term need to plan services for a changing population. This involves action in delivering

services in a way that ensures equality of access will not happen on its own. On a positive note, legislation provides a strong legal framework for this to happen (e.g. Race Relations (NI) Order (1997) as amended; Section 75 of the Northern Ireland Act 1998) and there are also many examples of good practice.

However, barriers do exist including:

- *Differences in rights and entitlements* - a frequently recurring issue is the serious impact of migrant workers not having the same entitlements as local persons to a safety net when things do not go according to plan and work is lost etc. Due to restrictive legislation Work Permit holders and EU accession state nationals can be without access to many essential benefits.
- *Lack of clarity over some entitlements* - where there are entitlements, e.g. those deriving from European directives or access to health care where the above restrictions do not apply, there can be difficulties in accessing them in practice. (This includes the extent to which the Human Rights Act can override some of the restrictions or the extent Health Trusts can go in their duty to provide emergency support.)

- *Funding climate* - despite the increased tax revenues brought by inward migration many services are facing direct rule budget restrictions that delay, prevent or reduce some specific initiatives.
- *Strategic policy* - there is hope that the government's Racial Equality Strategy will address development at a strategic level in areas where this has been slow. An example is in education where, whilst there are localised good practice initiatives, there is yet to be a strategic policy for areas such as English as an additional language provision. The current circumstances are that some migrant worker children are simply not receiving accessible education.
- *Attitudes and prejudice* - there is also evidence of cases where attitudes and prejudice can influence decisions. Examples of good practice to mitigate this include anti-racism campaigns and training.

The way forward must be to address these barriers and to look at the areas of knowledge and skills development in relation to service provision. Further information on the Animate Project can be found on <http://www.animate-ccd.net> or by phoning (028) 8772 9439.

## Housing Issues for Migrant Workers

By Louise Togneri, Housing Rights Service

There is little definitive information about the number of migrant workers settling in Northern Ireland; however, it is roughly estimated that there could be around 25,000. On settling in Northern Ireland there are a number of housing options available, although choice can be restricted. Research carried out in 2004 by the Institute for Conflict Resolution indicated that 76% of migrant workers rent privately (24% in tied accommodation rented from their employer), 18% own their own home and 6% live in social rented housing.

In general, there is a lack of awareness amongst migrant workers of how the housing system in Northern Ireland operates. The language barrier, together with a lack of published information about tenants' rights and accommodation options, is leaving many individuals vulnerable. All types of accommodation can present problems for migrant workers.

### Renting Privately

Accessing and maintaining private rented accommodation can be problematic for many migrant workers, for example:

- Where a local guarantor cannot be provided an

enhanced deposit may be requested

- Demand for accommodation has driven up rents in certain areas making it unaffordable
- Many live in Houses of Multiple Occupation (HMOs) which may be unsafe, in poor condition and not covered by the Housing Executive's Registration Scheme
- There is little understanding of tenants' rights and landlord's obligations which, consequently, landlords can exploit to their advantage.

Those living in tied accommodation can experience additional difficulties:

- Job loss leading to eviction and homelessness
- Lack of choice with regard to accommodation options as rent is often directly deducted from wages or included as part of their employment 'contract'
- The level of rent being charged can be excessive
- Overcrowding, particularly in HMOs.

### Social Housing

Access to social housing for migrant workers is governed by a complex set of legislation, regulations and directives which determine whether a 'person from abroad' is eligible for assistance under the homelessness legislation or an allocation of accommodation. Therefore, entitlement to

housing can be restricted and this is perhaps illustrated by the relatively small number of migrant workers living in the sector. Likewise, access to temporary accommodation under the homelessness legislation can be restricted leaving those who have no recourse to public funds in the very vulnerable position of having no means of financing accommodation.

Given the increasing number of migrant workers in Northern Ireland there is a need to ensure they are properly informed regarding tenancy rights and accommodation options. Employers of migrant workers should at least be encouraged, if not required, to ensure that independent housing advice is made available, particularly where unemployment will directly impact on their housing situation. The Housing Executive should also review its HMO Action Areas to ensure that migrant workers living in HMOs are afforded the same protection as those living in areas currently identified as priorities for mandatory registration. However, as a matter of priority, we must ensure that no one is left to sleep rough because of their inability to access public funds and thus pay for temporary accommodation.

## Great Looking Site - but is it accessible?

**Fundamental to the development of our public information website, [www.housingadviceNI.org](http://www.housingadviceNI.org), is the belief that people should be able to easily find the answers to their housing problems when they need to, not simply when our**

**advice line is open. Through involving users at each stage of the development we have made it easier for the public to find the housing information they need. Feargal O’Kane, Housing Rights Service Web Developer, explains more.**

From the start of the project, almost 3 years ago, we were aware that it wouldn’t be enough for the information to be available – users have to be able to use the site in order to find the information they need. The last thing we wanted was to develop a site that no-one could use.

Involving users in the development of the site is the only way to ensure that you are providing the best user experience. Users have been involved in all aspects of developing the site - from helping to establish the overall structure of the site and the labelling of the sections, to carrying out full scale user testing on the site following the launch.

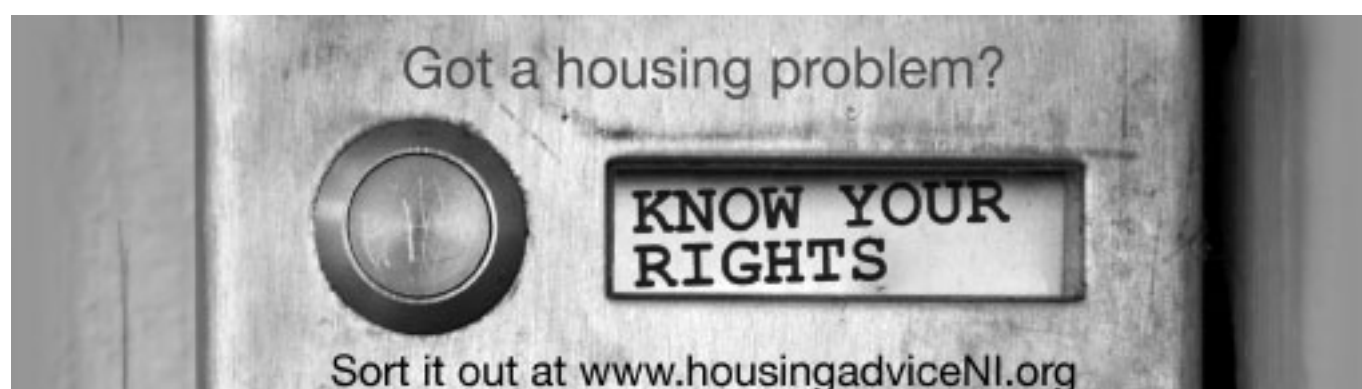
The redesign and relaunch of [housingadviceNI](http://housingadviceNI.org) in September 2005 was based on the findings of a usability study that we carried out in March 2005. In keeping with our user-focused design we carried out a full scale usability test on the new site to test whether we had solved the problems raised in our initial usability study. Users found the new site to be

much more usable and easier to find the information; they all said they would recommend it to a friend with a housing problem. The success of these changes can also be seen in the increase of both visitors and page views since the relaunch. Visitors to the site have doubled and there has been a 25% increase in the number of page views.

In addition to ensuring that the site is usable, we have also been aware that the site must be accessible for users with disabilities. While this is usually taken to mean blind users or users with visibility issues, we have been aware of the needs of all users with access issues – for example users with poor mobility or users with learning disabilities. [www.housingadviceNI.org](http://www.housingadviceNI.org) is designed with accessibility in mind. For example, it is fully accessible even if you aren’t using a mouse – a situation faced by many users with mobility problems.

The importance of ensuring site accessibility and usability cannot be overstated. This was highlighted in the recent ICTconsortiumNI’s web accessibility workshop in September 2005 of which we were part. The workshop was a great success, highlighting not only the awareness of the issue within the voluntary sector, but also the willingness of the sector to ensure that any advances in ICT are available to all sectors of the community.

Feargal can be contacted by emailing [feargal@housingrights.org.uk](mailto:feargal@housingrights.org.uk) or telephoning 028 9026 7920.



## Challenging Unfair Terms

*Cathy Hobson, Housing Adviser, Housing Rights Service, provides a practitioner's guide to unfair contract terms and the role of Trading Standards.*

Housing Rights Service regularly receives enquiries to its advice line about tenancy agreements and whether or not the terms contained in them are fair.

The Unfair Terms in Consumer Contracts Regulations 1999 state that tenancy agreements should not have unfair terms. Unfair terms are traps hidden in the small print or terms that impose unfair penalties, restrictions or obligations. It is the landlord's responsibility to ensure that the tenancy agreement does not contain any unfair terms and that it is clear to read and free from jargon. Unfair terms are not binding and a landlord cannot rely upon them.

Some examples of unfair terms include:

- terms allowing the landlord to evict a tenant without giving the minimum statutory notice i.e. under 28 days
- terms which make tenants pay excessive interest or charges for late rental payments
- terms allowing the landlord complete freedom to decide whether a tenant has breached the tenancy agreement eg. a clause allowing the landlord

alone to determine what constitutes a nuisance

- terms allowing the landlord the complete freedom to say how much of the deposit to keep at the end of the tenancy without challenge.

The 1999 Regulations apply a test of fairness to most standard terms in contracts. Regulation 5 (1) states that a standard term is unfair if *'contrary to the requirement of good faith, it causes significant imbalance to the rights and obligations arising under the contract to the detriment of the consumer'*. This requirement of 'good faith' embodies a general principle of fair and open dealing and terms should therefore be expressed fully, clearly and legibly.

Tenants who think that a term in a tenancy agreement is unfair should firstly approach their landlord for clarification. However, if this does not work they can contact the Trading Standards Service through Consumer Line for advice. Trading Standards is part of the Department of Enterprise Trade and Industry (DETI) and is responsible for ensuring that businesses, including landlords, comply with legislation aimed at protecting

consumers. They can examine the tenancy agreement and, if they believe that there are unfair terms, they can write to the landlord requiring them to stop using or enforcing those terms. As all enquiries are confidential they can do this without disclosing the complainant's details.

Under the 1999 Regulations, Trading Standards has the power to take action if it considers a term to be unfair. Additionally, tenants can use the Regulations to take action themselves. However, where there is a dispute as to the fairness of a term it will be up to the courts to make the final decision. Furthermore, under the Enterprise Act 2002, Trading Standards can also investigate traders, including Estate Agents, who breach the regulations and who fail to comply with their requests.

The Office of Fair Trading publishes 'Guidance on unfair terms in tenancy agreements'; copies of which can be obtained from the OFT website at [www.oft.gov.uk](http://www.oft.gov.uk). Advice on unfair contract terms can also be obtained by phoning Consumer Line on 0845 600 6262 or by visiting them on line at [www.consumerline.org](http://www.consumerline.org).

# Accommodation & Homeless Advice services

CHNI

Council for the Homeless NI

If you're concerned about your housing situation, or if you're homeless, your first stop for help should be NI Housing Executive

## NI Housing Executive (NIHE)

Antrim	94428142
Armagh	37523379
Ballycastle	20762014
Ballymena	25644211
Ballymoney	27663442
Banbridge	40662721
Bangor	91270761
Belfast, District 1 (West)	90328282
Belfast, District 2 (East)	90324558
Belfast, District 3 (West)	90323642
Belfast, District 4 (North)	90241525
Belfast, District 5 (West)	90329442
Belfast, District 6 (North)	90326477
Belfast, District 7 (South)	90248312
Belfast, Homeless Advice Centre	90317000
Carrickfergus	93351115
Coleraine	70358111
Cookstown	86762004
Derry, Collon Terrace	71373683
Derry, Waterloo Place	71266227
Derry, Waterside	71311490
Downpatrick	44613551
Lisburn, Antrim Street	92665222
Lisburn, Dalry Farm	90611199
Lurgan	38326417
Magherafelt	79631121
Newry	30267331
Newtownabbey	90365911
Omagh	82247701
Portadown	38361895
Strabane	71382637

## NIHE afterhours homeless service

Armagh & Dungannon.	37522381
Banbridge & Craigavon.	38334444
Belfast & Co. Down.	90565444
Coleraine, co. Antrim, Cookstown & Magherafelt.	94468833
Derry.	71345171
Enniskillen.	66324711
Newry & Mourne.	30835000
Omagh.	82245211

## Self referral Accommodation

You can refer yourself to the following services:

### Single Men & Women

#### Co. Antrim & Down

Dunclug Apartments	25648049
Living Rivers Lighthouse	25647654
Simon Community (Bangor)	91469223
Simon Comm. (D'patrick)	44614178
Simon Comm. (Larne)	28275175

### Single Men & Women

#### Co. Armagh

Edward Street hostel	38359596
Linen Court	37511545
Lurgan Foyer	38324680

#### Co. L'Derry & Tyrone

Dillon Court, Strabane	71880739
MUST, Cookstown	86762065
Simon Comm. (Coleraine)	70352300

#### Belfast

Flax Foyer,	90593301
Hosford House,	90455311
Inverary House	90652844
Ormeau Centre	90238091
Simon Community NI projects:	
Belfast Foyer	90686200
Cliftonville Pk Avenue	90756572
Falls Road	90319099
Sainfield Road	90493488
Springwell House	90248801

#### Derry City, Lisburn & Newry

First Housing Aid & Support Services	71266115
Simon Community (Derry)	71311461
Simon Community (Lisburn)	92603059
Simon Community (Newry)	30266044

### Families

#### Co. Antrim

Millhouse Mews, Ballymena	25644797
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#### Co. Tyrone & Derry

SATH, Strabane	71383098
Clarendon Street shelter, Derry	71262129

### Women only

Regina Coeli House, Belfast	90612473
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### Domestic violence

24 Hr Domestic Violence Helpline 08009171414

#### Women's Aid Resource Centres

Antrim, B'mena, Larne & N'abbey area	25632136
Belfast & Lisburn	90666049
Causeway	70356573
Cookstown & Dungannon	86769300
Craigavon & Banbridge	38343256
Fermanagh	66328898
Foyle	71280060
Newry	30250765
North Down & Ards	91273196
Omagh	82241414
Roseville House, Belfast	90643659
Sydenham House, Belfast	90656444

### Men Only

#### Derry

House in the Wells,	71267957
Methodist City Mission,	71309388

### Men Only

#### Belfast

Morning Star	90333500
Rosemount House	90590752
Salvation Army	90320320
Utility Street Hostel (21+ yrs. of age)	90321132

#### Other accommodation

#### Belfast

Life House, (single pregnant women)	90249414
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#### Derry

Clooney Terrace, (young people)	71283131
Foyle Valley House, (women & alcohol related issues)	78362089
Northlands, (alcohol related issues)	71313232
Strand Foyer (young people)	71281155

#### Newry, Ballymena & Omagh

Guan Mhuire, Newry (alcohol related)	30262429
Millhouse Mews (pregnant lone parent)	25647797
SL-EIGHT, Omagh (16-25 years)	82259000

#### Other Numbers

Housing Rights Service	90245640
Multidisciplinary Homeless Support	90330433
Law Centre (Belfast)	90244401
Law Centre (Derry)	71262433
Homecare Support Services	37511333
Homeplus Outreach Services	90200062
Welcome Outreach Services	90234387
RETHINK Advice/Advocacy Service	90602133
ANIMATE (Migrant Worker issues)	87729439
STEP (Dungannon area, Migrant Workers)	87729002
NI Council for Ethnic Minorities	90238645

#### Citizen's Advice Bureaux

Antrim	94428176	Derry	71362444
Ballymena	25644398	Fermanagh	66324334
Banbridge	40622201	Larne	28260379
Bangor	91270009	Lisburn	92662251
Belfast	90503000	Lurgan	38323571
Coleraine	70344817	Newry	30262934
Cookstown	86766126	Portadown	38353260
Down area	44614110	Strabane	71382665

CHNI cannot be held responsible for changes to information which may occur after publication, nor for the decisions or actions of organisations thereafter.

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