

We believe that everyone has a right to decent, safe and affordable housing. People who are homeless, in debt or living in poor housing are at risk of becoming excluded from the social and economic life of our community. Our policy work is based on the experiences of individuals and families who contact us for advice. We work on their behalf to achieve positive change to housing legislation, policy and practice in Northern Ireland. This paper sets out their priorities for change.

THE FUTURE OF HOUSING POLICY IN NORTHERN IRELAND

The last comprehensive review into housing policy was carried out in 1995 with the publication of 'Building on Success'. Based on a Government White Paper for housing policy in England and Wales, this document set out proposals for the future direction of housing policy locally.

Since then, over the years there have been a number of reviews carried out into specific housing policy areas (including e.g. the Selection Scheme, Homelessness, House Sales Policy, Renting Privately, Rural Housing, Older People's housing needs and Affordability). Most of these resulted in the development of new strategies and some new housing legislation. However, most of these strategies and reviews were developed in isolation of each other and some failed to take account of broader government policy.

We believe that having devolved local government allows us the opportunity to develop a more co-ordinated approach to housing policy development. Housing Rights Service is calling on the NI Assembly to develop a comprehensive 'Green Paper' on Housing Policy outlining how the NI Executive proposes to respond to housing need locally.

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PREVENTING & ALLEVIATING HOMELESSNESS

- **The inclusion of the right to adequate housing to be included in a Bill of Rights.**
Currently there is no right to housing in Northern Ireland. We believe that everyone should have the right to decent, safe and affordable housing.

- **Implementation of the PSI Government strategy 'Including the Homeless' with the introduction of new legislation to protect and enhance the rights of homeless people as a priority.**

Homelessness is more than a housing issue. This has been recognised by the publication of this cross departmental strategy "Including the Homeless" in July 2007. The Housing (Amendment) Bill, currently making its way through the NI Assembly, contains a lot of new provisions recommended by this strategy including:

- a requirement for the Housing Executive to produce a homelessness strategy every 5 years
- a requirement for the Housing Executive to provide advice on homelessness and its prevention to anyone who needs it
- a right of appeal to county court against an adverse homelessness decision.

Housing Rights Service supports these provisions and looks forward to their speedy implementation. With regard to the provision of advice, we believe this should not be provided solely by landlords. Instead, it should be viewed as an opportunity to develop a strategic and co-ordinated approach to housing advice delivered through a mix of providers.

- **Review of temporary accommodation options and availability of support services to client groups with specific needs e.g. older people, people with disabilities and mental health issues, severe personality disorders and dependency issues.**

Through our work with homeless people it has become apparent that there is a distinct lack of suitable temporary accommodation for certain groups of clients particularly people with disabilities and mental health issues. This lack of provision and support is causing extreme hardship for many marginalised and vulnerable clients.

- **A requirement for lenders and social rented landlords to notify the Housing Executive where repossession action has been initiated.**

Under the 2007 homelessness strategy the DSD is considering introducing a requirement for lenders to notify the Housing Executive when they initiate action to repossess someone's home. Given the significant rise in repossession actions, we believe this should be included in legislation as it will enable the Housing Executive to actively refer the occupiers for housing debt counselling or advice on housing options.

- **Introduction of statutory definition of overcrowding.**
As a direct result of affordability problems and increased waiting lists many of our clients are living for longer periods in overcrowded and unsuitable housing conditions. However, there is no general statutory definition for overcrowding. We will therefore be advocating for a statutory definition to be introduced and for a clear link to be established between overcrowding and Full Duty Applicant status. (Currently regulations relating to overcrowding only apply to Houses in Multiple Occupation.)

TACKLING HOUSING DEBT AND AFFORDABILITY

- **Introduction of flexible tenure options and a not for profit mortgage rescue scheme to support owners at risk of losing their home.**
We recommend the introduction of flexible tenure and a government backed mortgage rescue scheme to assist households who are experiencing financial difficulties and who are at risk of losing their homes. The aim of these schemes is to prevent homelessness and ensure communities can remain more sustainable and cohesive.
- **Pre-possession action protocols for social landlords to follow before initiating court action to repossess.**
These are a set of guidelines which two parties agree to comply with before considering litigation. These protocols were introduced by the NI Court Service for lenders and homeowners in October 2009. We believe they would also be very effective in rent arrears cases because they:
 - encourage early intervention
 - standardise practices
 - avoid costly litigation
 - allow parties to resolve issues themselves
 - reduce volume of cases/court timeIn England & Wales pre-action protocols for rent arrears have been in place since 2006. We urge the NI Court Service to bring forward consultation proposals for the introduction of pre action protocols for social housing rent arrears locally.
- **Access to legal aid to fund duty court schemes to provide legal representation to people facing repossession for arrears.**
In our experience people are more likely to keep their homes when they have access to good quality legal representation. People facing possession do not normally have the resources to fund this work themselves. In Britain, legal aid is available for these types of cases. Housing Rights Service believes there is a strong case for publicly funding this type of work in Northern Ireland too. In our response to the Northern Ireland Legal Service Commission's consultation on the Funding Code (October 2009) we has highlighted the pressing need to put in place the necessary framework

that will ensure the availability of legal aid funding for court representation in possession proceedings.

➤ **Better regulation of financial service providers, particularly sub prime lenders, to promote more responsible lending and marketing practices.**

It is important that financial service providers lend responsibly; ensuring customers are borrowing according to their income and ability to repay. Typically, customers who borrow from sub-prime lender tend to be more vulnerable and may have a poor credit history or a limited ability to repay a loan. Therefore it is important that these people are properly assessed and advised, as poor lending practices may lead to the borrower defaulting on their payments and ultimately losing their homes. It is imperative that current regulations are proactively enforced to tackle irresponsible lending and to protect the most vulnerable.

➤ **Promoting access to advice and affordable credit options**

One of the fundamental problems for those in debt is the high interest rates attributed to many of their loans. We believe that where traditional high street loans are not available, access to other low cost loans should be available especially to assist with housing related debts. We believe an affordable credit service linking social housing providers, credit unions and independent advice may be one way of addressing the problems and could help prevent home loss. Social housing providers are in an excellent position to tackle financial exclusion in their communities. By offering such support for their tenants they will contribute to cutting rent arrears, reducing evictions and helping produce settled and sustainable communities.

➤ **The development of an over arching government strategy on promoting Financial Inclusion in NI**

Given its impact on families, we believe it is timely to have a wider debate on the issues of financial exclusion and how it affected people's housing status. An anti-poverty strategy is in place in NI however it does not contain measures to promote access to affordable credit nor reflect the current economic climate. The devolved administrations in Scotland and Wales have already developed financial inclusion action plans and strategies. We believe the NI Assembly could be doing more to combat financial exclusion locally and therefore will be advocating the need for a local plan to tackle this significant problem.

INCREASING THE SUPPLY OF SOCIAL HOUSING

➤ **Increased public funding for investment in sufficient supply of new social housing**

We are not convinced that a target of social housing completions of 2000 p.a. (as recommended by the Affordability Review) is sufficient. A further review into social housing requirements is needed. The size and design of social housing also has implications for future housing provision. In some areas there is increasing pressure for two bedroom accommodation as household sizes decrease, but there is still a need for family accommodation as a lot of stock has been sold through the House Sales Scheme. As a general principle meeting the need for more affordable private housing should not be at the expense of building more socially rented homes.

➤ **Application of Article 40 of the Planning (NI) Order 1991 to secure developer contributions to affordable and social housing.**

The application of Article 40 is imperative for both the future provision of affordable housing and assisting with the future development of mixed tenure housing estates. When implemented, Article 40 will have the potential to augment the overall delivery of the social new build housing programme whilst creating mixed tenure communities. Large single tenure housing estates generally occupied by low income households are no longer desired. We believe that secured developer contributions can provide and maintain more sustainable and vibrant communities.

➤ **Bringing empty homes back into use e.g. through rating and using existing powers to occupy and vest vacant dwellings.**

The Affordability Review identified 9,900 dwellings as vacant which could be brought back in to use. Of the 9,900 homes identified only 5,000 are considered to be vacant for six months or more. Housing Rights Service is pleased that the NI Executive is committed to introducing the rating of empty homes but does not support the decision to defer this policy. Additionally, we believe that the Housing Executive can help increase the overall supply of housing stock by developing a programme to occupy and vest vacant properties using their existing powers.

➤ **Active promotion of socially mixed, shared and inclusive housing areas.**

There is growing recognition of the importance of promoting shared housing in both existing and new developments. There is no longer a demand or will to develop single tenure housing estates predominantly occupied by low income households from a specific community background. Instead of separately built private and social housing developments, Housing Rights Service supports the provision of a range of housing options for people with different income levels and religious or ethnic backgrounds, with no physical distinction between different forms of tenure.

- **Further restrictions to the house sales scheme to safeguard the supply of social housing including:**
 - a reduction in the level of discount to £16,000
 - extending the claw back period
 - restricting certain property types to protect higher demand accommodation such as larger accommodation, single storey dwellings and special purpose housing.

Whilst we acknowledge personal choice in becoming a homeowner, the overriding purpose of social housing must be to offer good quality, affordable, secure housing for low income households and those who cannot afford to buy. It should not exist primarily as an avenue for owner occupation. Over the years, the house sales scheme has had a significant impact on the supply of affordable housing for rent particularly where the provision of new affordable homes has failed to keep pace with the numbers being lost through sales. Inevitably this has led to an increase in homelessness and longer waiting lists. Further restrictions on the current house sales scheme are necessary to safeguard the supply of social housing.

- **Lifetime / Adaptable Homes Standards to all new dwellings.**

Incorporated into the design of lifetime adaptable housing is the provision for modification to the home without the need for any major reconstruction. It has been recognised that lifetime adaptable housing can be provided at marginal extra financial cost and enables occupants to spend longer in their homes. Lifetime homes are safe and accessible for children, older people and wheelchair users and can be readily adaptable should the occupant become infirm. These housing standards present a cost-effective and sustainable alternative and are very much welcome. Lifetime Homes is now also a requirement of the Housing Association Guide.

IMPROVING PRIVATE RENTED ACCOMMODATION AND HOW IT IS MANAGED

- **Mandatory registration for private landlords and letting agents incorporating a dispute resolution service and statutory deposit scheme.**

Housing Rights Service actively supports the need for more effective regulation of the private rented sector. The Department for Social Development (DSD) is examining the feasibility of a landlord registration scheme. This perhaps is needed now more than ever at a time when Government and the Housing Executive are promoting greater use of the sector as a viable housing option for more families and individuals. We firmly believe that this can only be achieved by requiring landlords and agents to register with a central agency which would also have responsibility for setting up and administering a system for resolving disputes and managing tenancy deposits.

- **Greater security of tenure and notice to quit periods.**

With greater reliance on the private rented sector there is a need to ensure that the option exists for tenants to be able to remain in occupation of their home for greater lengths of time. Currently the length of most tenancy terms is normally agreed between landlord and tenant. Where no clear term is specified, tenancies created after 1 April 2006 have an automatic 6 month default term. Thereafter, it becomes periodic e.g. monthly. Similarly, the notice to quit period should reflect the length of the tenancy. We recommend that the notice to quit period, given by the landlord, is set on a sliding scale depending on the length of time the tenant has spent in occupation.
 - **Legal protection for tenants against retaliatory eviction for enforcing their rights.**

Tenants should have legal protection while enforcing their rights. We have numerous cases where landlords have decided to evict tenants for pursuing repair remedies or requesting rent books/landlords details etc.
 - **Comprehensive accommodation standards to cover fitness, disrepair, thermal comfort and energy efficiency.**

The Private Tenancies (NI) Order 2006 focuses on enforcing fitness standards contained in the Housing (NI) Order 1992. These reflect the minimum physical habitable condition and, although a property can be classified as fit, it could still be unsafe because of defects not covered by this legislation or could lack modern facilities such as central heating. Government should be aiming to raise accommodation standards in Northern Ireland by introducing more comprehensive standards such as those in Britain (i.e. the 'Decent Home Standard' and the 'Housing Quality Standards'). We would therefore welcome review of the current fitness standards and would like to see more modern standards reflected in legislative commitment.
 - **Active promotion of the rights and responsibilities of tenants and landlords.**

Many landlords and tenants remain unaware of their rights and responsibilities, despite the publication of DSD guides to renting privately. Further work is needed to promote awareness of rights and responsibilities if the sector is to be more heavily relied upon in the future. We recommend that this includes a publicity campaign.
 - **A centrally co-ordinated rent guarantee scheme for Northern Ireland.**

Renting privately can be a very expensive option particularly for people on a low income. In some areas rent in advance and a deposit can amount to around £900 up front. There are a number of different schemes in Northern Ireland which are managed by separate agencies. Their geographical spread is limited and they operate different criteria and services. From a client's perspective it would be easier if there was one organisation managing the scheme which was available across NI.
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