



## **Housing Rights Service and CHNI**

**Joint Policy Consultation Event on the Housing Bill (NI)  
A Consultation Document on 8<sup>th</sup> February 2010**

**Collation of feedback from the Workshops 1 & 2**

## HMO PROPOSALS

PROPOSALS	BACKGROUND & INTENDED BENEFITS	YOUR VIEWS
<p><b>1. Give the regulatory authority powers to secure documentary evidence of family relationships for the purposes of deciding whether or not a property is a HMO</b></p>	<p>An amendment to the definition of a HMO is included in the Housing (Amendment) Bill currently being considered by the NI Assembly. The affect of this change will be that certain extended family members living together will exclude a property from coming under the scope of regulation. Subject to this becoming law, the DSD proposes to minimise the scope for abuse of this new definition by requiring evidence of relationships within a house. The owner will be responsible for ensuring this clarification is provided.</p>	<ul style="list-style-type: none"> <li>● Very difficult to prove relationship between tenants – it’s impossible in some cases – need to look to the experience in Scotland and evidence use for succession cases locally.</li> <li>● Some participants felt that the risk was still the same for relatives sharing accommodation and cited the Roma case as an example.</li> </ul>
<p><b>2. Require landlords to notify the appropriate authority of any of their properties that appear to fall within the definition of a HMO</b></p>	<p>The Housing Executive (NIHE) is currently responsible for the regulation of HMOs to ensure that safety standards are maintained (it is envisaged that, under RPA, responsibility for the regulatory regime will transfer to councils). At present, the onus is on the NIHE to identify properties that should be placed on the register of HMOs. This adds unnecessary cost to regulation and diverts resources away from the effective enforcement of safety standards.</p>	<ul style="list-style-type: none"> <li>● Consider it a sensible move as it shifts the requirement onto landlords rather than having NIHE chasing after them.</li> <li>● However, consider a mandatory registration scheme for all landlords to be the necessary foundation to ensure effectiveness – much harder to evade.</li> <li>● Tax evasion issue and therefore there is likely to be a financial benefit to government to enforce registration.</li> <li>● There needs to be consideration of the fact that people living in HMO properties are afforded licensee status and therefore are not protected by the PTO – this legal anomaly needs to be addressed.</li> </ul>

<p><b>3. Increase the fines for non-compliance with the registration process for HMOs up to a maximum of £20,000</b></p>	<p>A similar registration regime operates in England where the maximum penalty for non-compliance with the registration process is a fine of £20,000. The proposal would provide effective deterrent to non-compliance with the HMO registration process.</p>	<ul style="list-style-type: none"> <li>• One participant advised that HMO registration has been effective in England – the key is the substantial penalty incurred for non compliance.</li> <li>• It was suggested that if a property fails to meet the HMO standard rent should be restricted through the rent office – as this happens for PRS properties that are not HMOs.</li> </ul>
--------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**DSD CONSULTATION QUESTIONS**

- **Do the proposals achieve the aim of making the existing system of regulating HMOs more effective?**

Generally these proposals we welcomed but could go further.

- **Are any alternative or additional actions needed to ensure that all homes which meet the HMO definition are registered and meet required standards?**

Mandatory registration of all private landlords is the key to addressing landlords evading their responsibilities.

- **Do you have any views on the best ways to implement the proposals on the evidence of family relationship?**

Concerns were highlighted regarding the exclusion of extended families under the HMO definition and how this is considered reasonable given that the risk can remain the same.

## COMMUNITY SAFETY

PROPOSALS	BACKGROUND & INTENDED BENEFITS	VIEWS
<p><b>1. Injunctions against anti social behaviour, illegal use of premises and breach of tenancy agreement</b></p> <p>(a) <b>Widen the application of the existing form of injunction against anti-social behaviour;</b></p> <p>(b) <b>introduce a new form of injunction against illegal use of premises;</b></p> <p>(c) <b>place injunctions against breach of tenancy agreement on a statutory footing;</b></p> <p>(d) <b>provide for a power of exclusion from any premises to be attached to injunctions;</b></p> <p>(e) <b>provide for a power of arrest to be attached to injunctions, and</b></p> <p>(f) <b>extend the scope of injunctions to cover sites provided for Travelers.</b></p>	<p>NIHE, registered housing associations and private landlords can apply to the courts for injunctions to prevent <u>any person</u> from engaging or threatening to engage in conduct <u>causing</u> or <u>likely to cause</u> nuisance or annoyance etc. to persons residing in or visiting the landlord's property, or to persons engaging in lawful activity in the locality of such property. They can also be used to prevent the use of premises for illegal or immoral purposes, and to prevent individuals from entering landlords' property or the locality of such property.</p> <p>Landlords may also apply for injunctions to prevent tenants from breaching their tenancy agreements, although there is no specific legislative provision for this. At present, injunctions against the breach of a tenancy agreement cannot be used to exclude individuals from any description of premises.</p> <p>The proposed injunction would have a wider application than the existing one as it would cover behaviour <u>capable</u> of causing nuisance or annoyance, and would apply in respect of behaviour relating to or affecting <u>any</u> of a landlord's housing management functions. Such injunctions could also be used to exclude individuals from <u>any</u> premises if there is a threat of violence or risk of harm. Extending the scope of injunctions to cover Traveller sites would help to deal with anti-social behaviour on such sites.</p>	<ul style="list-style-type: none"> <li>• Serious concerns were expressed in relation to the proposal to widen scope of applying for injunction to include behaviour 'capable'.</li> <li>• PSNI representative's view was that this proposal has a very broad remit, as dealing with ASB often encompasses the PSNI, NIHE and the council – the group identified information sharing as a weakness in the current system of dealing with ASB. The wording of the proposal is very loose and leaves it at a discretionary level. There is a raft of legislation already in place to deal with ASB -not sure that this proposal actually does anything to strengthen this.</li> <li>• Is there any evidence to support that such injunctions are required?</li> <li>• If it is purely a preventative measure then it can be viewed as useful but could be if they are purely to facilitate fast track possession actions then it is very concerning.</li> <li>• Raised the possibility of using ABC's prior to this process.</li> <li>• Representative of Habinteg supports the proposal as ASB is a big problem for them and one not easily tackled; they tend not to go for possession, but try other ways of dealing with tenants, such as re-locating, etc. Felt that injunctions</li> </ul>

	<p>Placing injunctions against breach of tenancy agreement on a statutory basis would mean that such injunctions could also be used to exclude individuals from any premises where there is a threat of violence or risk of harm and would allow the courts to attach a power of arrest.</p>	<p>may give them greater options for dealing with ASB.</p> <ul style="list-style-type: none"> <li>• A number of group members had concerns with the part of the proposal related to injunctions covering Travellers' sites – fear that this could be used as a means of effectively evicting Travellers from the sites if they cannot return to their caravans. DSD clarified that it is not the intention of the injunction to exclude someone from the property; injunctions could however be used against people coming onto the site that do not reside on the site.</li> </ul>
<p><b>2. Enable NIHE and registered housing associations to extend the trial period of an introductory tenancy for up to 6 months.</b></p>	<p>An introductory tenancy currently lasts for a trial period of 12 months. If an introductory tenant engages in anti-social behaviour during the trial period, the landlord can seek an order for possession which the court will grant without requiring the landlord to prove grounds for possession. Otherwise, an introductory tenancy automatically becomes a secure tenancy when the trial period has expired.</p> <p>The DSD view benefits of this proposal being that landlords could choose to extend the trial period of an introductory tenancy where an introductory tenant's conduct gives cause for concern but would not warrant an immediate application for an order for possession. This would give such tenants an opportunity, and incentive, to modify their behaviour</p>	<ul style="list-style-type: none"> <li>• NIACRO expressed concern that this can impact on the process involved in vulnerable person becoming settled as the stress of an extension to probationary period can affect the tenant's mental health.</li> <li>• Concerns regarding the likelihood of subjectivity influencing these measures – particularly when the scope of injunctions is being widened to include behaviour capable of causing nuisance and annoyance.</li> <li>• Is there documentary evidence that this is needed?</li> <li>• Put in a support network when behaviour becomes issue to try to safeguard homes rather than evict</li> <li>• Currently in introductory tenancies if NSP served this will mean that the tenancy will remain introductory until</li> </ul>

		<p>the issue has been resolved – why is this further measure needed.</p> <ul style="list-style-type: none"><li>• Habinteg expressed favour of this proposal. The experience seems to be that 12 mths is too short; if issues become apparent during the 12 mths period, by the time NSP is given and goes to court, 12 mths is usually gone and the tenant goes from introductory to secure, making it more difficult to sanction.</li><li>• HRS questioned whether the extension would apply to all tenants or only used where there's genuine cause.</li><li>• DSD advised that no apparent need for this was identified, but the landlords have acknowledged it as a potential scenario.</li></ul>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>3. Enable the courts to grant “demotion orders” in respect of Housing Executive and housing association secure tenancies where the court is satisfied that the tenant or a person residing in or visiting the dwelling-house has engaged in, or has threatened to engage in, conduct which would enable the court to grant an injunction against anti-social behaviour or unlawful use of premises and the court considers it reasonable to make such an order. A demotion order would effectively remove the tenant’s security of tenure.</b></p>	<p>Secure tenancies cannot be brought to an end except by obtaining a court order for possession which the court will not grant unless the landlord can prove that there are statutory grounds for possession.</p> <p>The DSD believes the intended benefits this proposal are that landlords may wish to apply for a demotion order where the conduct of a secure tenant gives cause for concern but the landlord would be reluctant to seek immediate possession. While “demoted” tenants could remain in the accommodation at the landlord’s discretion, they would be made aware that they could be evicted at short notice. This would give such tenants an opportunity, and incentive, to modify their behaviour.</p>	<ul style="list-style-type: none"> <li>• DSD advised that it hasn’t identified a particular need for ‘demotion orders’, however such orders are already in practice in England.</li> <li>• Is there an appeal mechanism against demotion orders?</li> <li>• Will the legislation state that a tenancy to become secure again after 12 months demotion?</li> <li>• Do landlords have to give a reason for eviction during a demoted tenancy – what is the level of evidence required? Concern over a lower test than ground 2 for eviction.</li> <li>• Habinteg felt this proposal was great and would serve as a great deterrent for tenants with ASB history. It would be their experience that tenants are on their best behaviour during the introductory period, but once they become secure, the ASB incidences are more likely to occur.</li> <li>• A number of group members were concerned with implications on resources – landlords would need to secure support for the tenants to give them reasonable opportunity to remedy the behaviour. If demotion orders are being used as a disciplinary action, support needs to be made available to the tenant to give them a chance to improve.</li> <li>• SmartMove was concerned about the</li> </ul>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>'discretion' given to the landlords to evict or keep in accommodation demoted tenants, as they see fit - if it's not implemented on similar grounds across the board, this could bring about significant variations in how tenants are treated between landlords.</p> <ul style="list-style-type: none"> <li>• The group felt more guidance is needed around this proposal and there is a risk of landlords painting with broad brushes in cases where there are specific circumstances – this could contribute to the risk of penalising tenants.</li> </ul>
<p><b>4. Require the court to take account of the following factors when considering applications for orders for possession of secure tenancies in cases involving anti-social behaviour:</b></p> <ul style="list-style-type: none"> <li>• the effect of any nuisance or annoyance;</li> <li>• the likely effect of such nuisance or annoyance continuing, and</li> <li>• the likely effect of a repeat of the nuisance.</li> </ul>	<p>DSD believes that the provision of clear guidelines for judges in possession cases should help to ensure that decisions are more consistent.</p>	<ul style="list-style-type: none"> <li>• Concern that the guidelines only take into consideration the impact of person's behaviour and not that there may be a defence to it and a requirement for support services to be put in place.</li> <li>• Group acknowledged that anything that would bring more consistency would be welcomed, but great care needs to be taken that such guidance would be balanced and that it wouldn't be applied in a penalising way.</li> </ul>

<p><b>5. Enable NIHE and registered housing associations to withhold consent to an exchange where certain order for possession, ASBOs, demotion orders or injunctions have been made in respect of either party to the proposed exchange or a member of their households.</b></p>	<p>Secure tenants may, with the written consent of the social housing landlord, exchange houses on the basis of mutual assignment of their tenancies. Landlords cannot withhold consent except on one or more of the grounds for refusal specified in the legislation.</p> <p>DSD believes that the new ground for refusal could be used as a sanction against anti-social behaviour. There may also be, in individual cases, valid housing management reasons to prevent anti-social tenants from exercising an automatic right to exchange houses with other tenants.</p>	<ul style="list-style-type: none"> <li>• Discussion centred around practice whereby ASB perpetrators were able to just move on and cause the same hassles at another social rented property without the new housing provider being aware of there history.</li> <li>• No significant concerned noted.</li> </ul>
<p><b>6. Permit the disclosure of information about possession orders, demotion orders, injunctions etc where such information is required to enable social housing providers to withhold consent to a mutual exchange or to refuse to complete a house sale.</b></p>	<p>DSD believes that the disclosure of information about possession orders, demotion orders, injunctions etc would enable the Housing Executive and registered housing associations to prevent an exchange of tenancies or a house sale where this is necessary as a sanction against anti-social behaviour or there are housing management reasons for preventing anti-social tenants from exchanging houses or purchasing their homes.</p>	<ul style="list-style-type: none"> <li>• Would address the issue of moving the problem around without any knowledge of tenant's history in terms of ASB.</li> <li>• No significant concerned noted.</li> </ul>
<p><b>7. Give the Housing Executive power to take such action as it considers necessary for the prevention of crime and anti-social behaviour.</b></p>	<p>DSD believes that giving the Executive a statutory power to take part in crime prevention schemes would give it the proper authority to operate crime prevention initiatives.</p>	<ul style="list-style-type: none"> <li>• Highlighted by NIHE participant that this would be giving the Executive the legal impetus to address these situations. NIHE at the minute, while they do carry out these functions, they do not have statutory authority.</li> </ul>

## DSD CONSULTATION QUESTIONS

- **Do you agree that the proposals on community safety and anti-social behaviour are reasonable and provide social housing providers with appropriate tools to ensure their tenants and others can peacefully enjoy their homes?**

Group felt that getting the balance right is essential if these proposals are to be an effective way of dealing with the ASB. Some were concerned that this legislation is directed at weakening the security of tenure of social tenants and the way proposals are written gives more discretion to social landlords. Some feared that just by highlighting the repertoire of sanctioning options available to landlords will make landlords keener to exercise their power.

- **Are there any additional proposals which should be considered?**

Group felt that ASB is a multidisciplinary problem and tenants need to be offered more support in dealing with the issue.

## HOMELESSNESS PROPOSALS

PROPOSALS	BACKGROUND & INTENDED BENEFITS	YOUR VIEWS
<p>1. <b>Provide safeguards for homeless people in circumstances where the Housing Executive decides to discharge its homelessness duty by securing accommodation in the private rented sector.</b></p>	<p>NIHE has a statutory duty to deal with homelessness. Legislation requires that, where an eligible person is unintentionally homeless and in priority need (a “Full Duty Applicant”), NIHE shall secure that accommodation becomes available for that person’s occupation. NIHE normally seeks to do this offering a secure tenancy in the social rented sector. The proposed amendment would place certain safeguards on the use of the Housing Executive’s existing powers and make it clear that homeless applicants should only be placed in the private rented sector where the accommodation is suitable for their needs and the tenancy will last for at least 12 months. According to the DSD this would facilitate a more flexible response to dealing with homelessness and meeting housing need.</p>	<ul style="list-style-type: none"> <li>● Opinions were divided but using PRS generally, but most participants had concerns regarding the suitability of the PRS for housing vulnerable tenants. In particular, the very fact that it is a proposal to deal with increasing homelessness cases and by their very nature FDA applicants are most likely to be vulnerable.</li> <li>● It was highlighted that it could lead to a situation where all vulnerable people would be expected to consider PRS as a housing option – whereas common selection scheme applicants would be offered social housing.</li> <li>● Concerns were expressed regarding how much choice is going to be involved in this proposal – especially when the PRS option is likely to be a reasonable offer – concerns around coercion.</li> <li>● Strong opinion in the group that the wording ‘where appropriate’ needs to be clarified – if this is referring to the length spent on the waiting list or the suitability/vulnerability of client.</li> <li>● Other issues were raised regarding the 12 months and whether it is long enough.</li> </ul>

		<ul style="list-style-type: none"> <li>• CIH representative agreed PRS may offer a way of meeting the housing need partially, however great concerns remain around the quality and effective implementation of safeguards. Advised that it is difficult to give clear opinions on something that needs further clarification and depends greatly on PRS strategy which is still in formation.</li> <li>• CHNI fears that offering PRS to the FDAs will bring imbalance on the social housing list and increase inequality, by offering them potentially higher rent, no security of tenure, no right to buy... This could disadvantage the most vulnerable and give the low-pointed applicants who will not be offered PRS a chance to wait for offers of social housing.</li> <li>• Some were concerned that 12 month tenancy is believed to be too short of a period – suggested minimum of 5 years; suggested that the NIHE adapts the practice of leasehold arrangements with the landlords to ensure some security of tenure. Although, leasehold arrangement may attract landlords of properties in low demand areas and of poor quality – need to make have strong registration/accreditation scheme in place.</li> <li>• Question asked what happens after 12 mths? DSD advised this is not yet established, and will depend on what the legislation says about the persistence of the NIHE's duty. If it is agreed that the</li> </ul>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>duty remains for a year and a day, than if the person becomes homeless after that period, they will have to be assessed again under a new application.</p>
<p><b>2. Provide for NIHE duty under homelessness legislation to come to an end in cases where a person ceases to be eligible for such assistance.</b></p>	<p>Existing legislation requires that NIHE must secure that accommodation for Fully Duty Applicants. However legislation also provides that certain persons from abroad are not eligible to be assisted under homelessness legislation depending on factors such as their immigration status and employment history. While housing legislation in England provides that a local authority's homelessness duty will come to an end if a person's eligibility ceases because of a change in their circumstances, there is no such provision in NI law. Addressing this defect would remove the legal anomaly by ending NIHE's duty in such circumstances. This would also benefit applicants by bringing them within the scope of the statutory rights to review and appeal which are being introduced in the Housing (Amendment) Bill.</p>	<ul style="list-style-type: none"> <li>• No significant comments noted – provided this is to address a legal anomaly.</li> </ul>
<p><b>DSD CONSULTATION QUESTIONS</b></p> <ul style="list-style-type: none"> <li>• <b>Do you agree that, like local housing authorities in England and Scotland, the Housing Executive should, where appropriate, discharge its homelessness duty by securing suitable accommodation in the private rented sector subject to certain safeguards?</b> Divided opinions; please see views summarised above. The general view, though, seems to be that offering PRS accommodation may be more appropriate with the low-pointed, general 'in housing stress' applicants, as opposed to vulnerable homeless applicants.</li> <li>• <b>Do you agree that appropriate use of the private rented sector would offer the Housing Executive a useful tool to meet an individual's housing need?</b> Need to clarify 'appropriate'. Opinion voiced that using the PRS may 'get people off the waiting list, but may not necessarily meet their housing needs</li> <li>• <b>Are there particular circumstances where such use of private rented sector accommodation would not be appropriate?</b> Vulnerable applicants – FDA's with small children, people with mental health problems, vulnerable young people [issue of single room rent brought up and the responsibility for ensuring tenants are compatible], sex-offenders, arsonists, in situation where intimidation/paramilitary threats were a contributing factor to homelessness, etc... A number of scenarios discussed where PRS may not be a suitable housing option. Opinions heard that it may be better to look at who it would be appropriate for, than not appropriate for – appropriate for low-pointed general housing applicants, or applicants with other homeless points, but not FDAs.</li> </ul>		

## HOMELESSNESS DUTY IN CASES OF ANTI SOCIAL BEHAVIOUR (pg 41 of document under 'Community Safety Section)

PROPOSAL	BACKGROUND & INTENDED BENEFITS	YOUR VIEWS
<p><b>Individuals who are unsuitable to be tenants of social housing because of their unacceptable behaviour should not be in a position to access social housing via the homelessness legislation, even if evidence of their unsuitability does not emerge until after the NIHE has established that their housing circumstances are such that they would otherwise meet the statutory criteria for homelessness assistance.</b></p>	<p>Where a homeless applicant is awarded Full Duty Applicant status, NIHE normally meets the full housing duty by providing a social housing tenancy. (Although the consultation document is proposing offering the option of private rented tenancies.) Article 7A(5) of the 1988 Order also allows the Housing Executive to treat applicants as ineligible for homelessness assistance on the basis of their unacceptable behaviour.</p> <p>Where individuals who have applied to the Housing Executive for homelessness assistance display anti-social tendencies <i>after</i> they are awarded FDA but <i>before</i> they are re-housed, existing legislation allows the Housing Executive no option other than to treat the individual in accordance with the full duty.</p> <p>DSD would welcome views on the most appropriate way to treat these individuals including views as to the need for any further legislation in this area. For example, make specific provision that the full homelessness duty is deemed to be discharged in these or to amend legislation to allow the NIHE to provide temporary accommodation plus advice and assistance to enable them to make their own housing arrangements.</p>	<ul style="list-style-type: none"> <li>• Participants highlighted that the environment of a hostel – temporary accommodation can cause serious detriment to a persons well being and unfortunately for some this can manifest itself in challenging ways. It is wrong to determine someone's suitability for social housing on the basis of their behaviour in what is essentially a stressful situation.</li> <li>• Human rights concerns expressed</li> <li>• It is extreme and considered by some a way of manipulating statistics at the expense of vulnerable people.</li> <li>• Group argued that great awareness is needed in terms of how homelessness affects people in temporary accommodation. Group cautioned against the objectiveness of snap judgements based on behaviour of people who are in temp accommodation, often under severe pressure and in stressful environment (such as hostels and living with family and friends) – and whose behaviour is influenced by their housing situation (i.e. fights in hostels, violence in overcrowded family situations).</li> <li>• Where do these clients go? What are their accommodation options?</li> </ul>

## NIHE & HOUSING ASSOCIATIONS

PROPOSALS	BACKGROUND & INTENDED BENEFITS	YOUR VIEWS
<p><b>1. Give the Housing Executive and registered housing associations powers to broker energy at a discounted price for their tenants.</b></p> <p>(Pg 23 of document under 'Fuel Poverty')</p>	<p>The Fuel Poverty Taskforce recommended that social housing providers should be given powers in law to bulk purchase energy on behalf of their tenants. These powers could be exercised by a social housing provider acting alone or in collaboration with another provider of social housing. The DSD believes that economies of scale would make energy more affordable for tenants of social housing and contribute to the alleviation of fuel poverty in social housing.</p>	<ul style="list-style-type: none"> <li>It was highlighted that these powers should be extended to the PRS especially when it is proposed that the PRS will be assisting the NIHE in discharging its duty to homeless people.</li> </ul>
<p><b>2. Enable the Department to make regulations prescribing arrangements which may be entered into by the Housing Executive and other bodies in relation to the exercise of certain functions, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.</b></p>	<p>DSD believe that the proposal would enable the NIHE and other bodies to delegate functions, to pool resources and to transfer resources from one body to another so that there can be a single provider of services in key areas.</p>	<ul style="list-style-type: none"> <li>Support for inter –departmental working on the basis that there are multiple needs present that can cross many departments</li> <li>However, there are concerns that in terms of vulnerable people there could be a shifting of the responsibility to health whenever there is a fundamental need for a roof over ones head – Muckamore Abbey – learn from past failings – Bamford.</li> </ul>
<p><b>3. Enable the Housing Executive to provide indemnities to some or all of its members and staff.</b></p>	<p>DSD believe that the proposal would ensure that NIHE staff who are involved in the management of other housing-related bodies would be protected in the event of, for example, those bodies becoming insolvent.</p>	<ul style="list-style-type: none"> <li>No concerns expressed</li> </ul>

<b>4. Repeal primary legislation relating to the Rent Surplus Fund for housing associations.</b>	Registered housing associations have a statutory duty to show in their accounts surpluses arising from increased rental income (such surpluses are known as “the Rent Surplus Fund”). While similar legislation at one time applied to the rest of the United Kingdom, that legislation has been repealed. DSD believes that repealing the relevant legislation would remove an unnecessary bureaucratic burden from registered housing associations.	<ul style="list-style-type: none"><li>• No concerns expressed</li></ul>
--------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------

## EQUALITY ISSUES

Section 75 of the Northern Ireland Act 1998 requires the Department in carrying out its functions to have **due regard** to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have **regard** to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Department has undertaken an equality screening of the Housing Bill proposals contained in this document to determine if they are likely to have a significant impact on equality opportunity. This screening has not identified any adverse differential impact of the proposals on the equality categories outlined above.<sup>1</sup> The screening document is available at [www.dsdni.gov.uk/index/consultations/](http://www.dsdni.gov.uk/index/consultations/)

### RURAL PROOFING

The Department considers that the impact of the proposals would be felt mainly in urban areas. There does not appear to be any potential for an adverse differential impact on rural areas.

### Is there evidence of adverse differential impacts arising from any of the proposals for a new housing bill?

- The recent research findings into intergenerational homelessness were highlighted and the impact of chipping away at security of tenure on this trend.
- In terms of particular section 75 groups participants highlighted – young people and vulnerable people with a disability – particularly mental ill health & personality disorder.

---

<sup>1</sup> Differential impact occurs where a Section 75 group has been affected differently by a policy.