

26 March 2010

Bebhinn Ni Bhriain
Department for Social Development
RPA Bill Team
Urban Regeneration Strategy Directorate
Lighthouse Building
1 Cromac Place
Belfast, BT7 2JB

Dear Ms Ni Bhriain

Re: Draft Regeneration and Housing Bill

Thank you for inviting Housing Rights Service to comment on the draft Bill.

As the leading provider of housing advice and representation in Northern Ireland, we will be focusing our comments on Part 2 Housing.

In general, Housing Rights Service agrees with transferring these housing related functions to local councils. In particular, we support the transfer of responsibility for the enforcement of fitness standards, across all housing tenures, from the Housing Executive to local councils. These include the ability to serve repair, closing, deferred action as well as demolition notices. Housing Rights

Service has always supported the single agency approach to enforcement and believes that Environmental Health Departments in local councils are best placed to take on this function.

We also support the transfer of HMO registration to local councils. In our view localising this service, and linking it in with the enforcement of fitness standards, will be a more effective way of promoting registration and making it more difficult for HMO operators to avoid or evade their responsibilities.

However, we also have genuine concerns that giving individual councils this responsibility has the potential for different schemes to be in operation. This was identified as an area of weakness in the Scottish landlord registration scheme and was highlighted in a recent review.¹ In summary, the Good Practice Review found that each local authority had taken a very different approach to the management, implementation and enforcement of the scheme. The review maintained that there was no clear and consistent approach to processing applications across Scotland. Each local authority interpreted guidance differently based on local circumstances and resources. An important example of this is variations in applying the 'fit and proper test'. Landlords and agents with a number of properties across difficult local authority areas reported being subjected to different sets of checks and criteria depending upon the local authority area.

¹ See Arneil Johnston (2008) *Good Practice Review of the Implementation of Landlord Registration*.
www.scotland.gov.uk/Publications/2008/07/17153219/0



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Housing Rights Service believes that the Regeneration and Housing Act needs to minimize the risk of this happening in Northern Ireland. We believe strongly that there should be one HMO registration scheme which is implemented and enforced by all local councils. This is likely to require the NI Executive (through the relevant government department) to issue the registration scheme, along with guidance, and to oversee compliance. We feel this would lead to a simpler, fairer and more streamlined process for both landlords and tenants and also has the potential for cost savings.

In recognition that landlords operate across council areas, we would also like to see an amendment to Article 1(5) of Schedule 3. This requires councils to publish details of the registration scheme newspapers "in the district of the council". We recommend that this be changed to ensure that this information is also made available on a Northern Ireland wide basis.

Finally, Housing Rights Service welcomes the new "Duty to promote awareness of rights and duties..." with regard to HMO registration.

Thank you for considering this response. We would be happy to discuss further any of the points raised in this correspondence.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nicola McCrudden', with a stylized flourish at the end.

Nicola McCrudden
Policy & Communications Manager

