

# | housing rights service |

## **Frequently asked questions on the Private Tenancies (NI) Order 2006**

### **Why is there a need for new legislation for private tenants?**

The Private Tenancies (NI) Order 2006 is the first major piece of legislation to affect the sector in almost 30 years. It aims to tackle unfitness through a system of enforcement and rent control and will place additional requirements on landlords to provide tenants with certain information.

With average house prices of almost £200,000, people who cannot afford to buy, or who cannot access social rented property due to high levels of demand, are increasingly turning to renting privately.

Housing Rights Service experience is that people renting often face problems with issues of affordability, unfair tenancy agreements, withholding of deposits and failure to carry out repairs. They have few statutory rights and are often unaware of the legal remedies that are open to them when problems arise. The new legislation acknowledges some of these issues and will hopefully raise property standards across the private rented sector.

### **How will the new legislation affect tenants?**

All private tenants already have certain basic rights these are a right to a rent book, freedom from harassment and illegal eviction, 4 weeks notice to quit and due process of law.

From April 1<sup>st</sup> new private tenants will also be entitled to receive a written

statement of tenancy terms, free of charge, and a rent book within 28 days of the tenancy starting. These documents have to contain certain information such as the landlord's name and contact details, the amount of rent, rates and any other charges, the deposit amount and the circumstances where it will be repaid, if applicable, and an inventory of any contents supplied with the property.

Landlords who do not provide this information will be committing an offence and may be prosecuted by the local district council and can be fined up to £2500.

New tenants will also be automatically entitled to a 6 month tenancy in cases where there is no tenancy agreement or where the length of the tenancy is not specified.

Fitness inspections are another feature of the new legislation. These will be mandatory for most properties built before 1945, although some exemptions apply. After the 1<sup>st</sup> April landlords of these properties must apply to their local district council for a fitness inspection within 28 days of a tenancy starting; failure to do so is an offence which may be prosecuted by the local district council and is punishable with a fine of up to £2,500.

### **What if you're living in a property that fails its fitness inspection?**

As well as bringing in fitness inspections the new legislation allows for rent control to be applied to properties which do not meet current standards of fitness for human habitation. If a property fails the fitness inspection the district council will serve a 'notice of refusal' on the landlord stating the reasons for refusal and indicating the necessary works required to make the property fit. A copy of the refusal will be sent to the Rent Officer for Northern Ireland who will set a 'controlled' rent. This rent will be the maximum that can be charged until the property is brought up to the fitness standard. The rent officer will make both the landlord and the tenant aware of what rent has been set.

## **Who is going to police the new legislation?**

The Private Tenancies Order puts district councils in the forefront of implementing its provisions by giving them new powers of enforcement in respect of properties which are unfit or are in need of substantial repair. They also have the power to prosecute in cases where the statement of tenancy terms or rent books are inadequate or not provided within 28 days of a tenancy commencing.

## **How can tenants get more information?**

For members of the public and tenants requiring practical advice we would recommend visiting our advice website [www.housingadviceNI.org](http://www.housingadviceNI.org). If you don't have access to the internet Housing Rights Service advice line is open Monday to Friday from 9.30am-1.30pm on 90 245640

### **Checklist post 1<sup>st</sup> April**

- Ensure that a statement of tenancy terms and rent book are received within 28 days of the tenancy commencing.
- Landlords of properties built before 1<sup>st</sup> January 1945, which are not exempt, must apply within 28 days of the commencement of a tenancy to have a fitness inspection carried.
- Tenants can apply for a fitness inspection to be carried out where a certificate of fitness is in operation but they believe that the property has become unfit.