

# Housing Rights

Consultation Response

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@HousingRightsNI

**Housing Rights' response to the Consultation  
on Notice to Quit Periods**

**March 2026**

## Executive Summary

Housing Rights welcomes the proposed introduction of extended notice periods as an important step forward for renters' rights in Northern Ireland. Extended notice periods will support greater security of tenure, and provide tenants with longer preparation time to source, apply for, and access alternative accommodation should they receive a notice to quit from their landlord. This should help lower their risk of experiencing homelessness during the transition between tenancies.

This submission provides Housing Rights response to the proposals outlined in the Department for Communities consultation on longer notice to quit periods, per Article 14 of the Private Tenancies (Northern Ireland) Order 2006 as amended by Section 11 of the Private Tenancies Act (Northern Ireland) 2022. Our positions within this response have been informed by our advice experience, best practice from other jurisdictions and through engagement with people with lived experience through our policy and participation work.

Within the draft regulations and accompanying guidance document, the Department are proposing the introduction of four circumstances in which a landlord can give a shorter notice period than those set out in the proposed regulations. These Special Cases are as follows;

- Substantial arrears of rent
- Serious ASB
- Relevant criminal offence
- Occupation by landlord or landlord's immediate family

In scrutinising the proposed legislation and the accompanying guidance document, Housing Rights has identified three overarching themes that emerge across each of the Special Cases outlined in the Department's proposals.

### **1.0 Reduction in Rights**

Housing Rights is concerned that the Special Cases undermine the spirit in which the Private Tenancies Act was designed. The stated aim of the Bill was *'to make the private rented sector a safer and more secure housing option for a wider range of households'*.

However, the notice periods proposed in each Special Case represent a reduction in the tenant's rights. In some cases, these reduced notice periods will in practice have a disproportional impact on Section 75 groups and are likely to increase the risk of homelessness for vulnerable individuals. In reviewing the guidance documentation, we do not believe these risks are adequately considered or mitigated.

**It is Housing Rights view that under no circumstances is it appropriate to reduce a notice period to 2 weeks.** Two weeks is significantly shorter than the NIHE's current 28-day 'threatened by homelessness' period, and therefore runs counter to the policy intent of both the Homelessness Strategy and the Housing Supply Strategy, both of which are geared towards supporting homelessness prevention and intervention.

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A two-week notice period greatly reduces a tenant's ability to access vital independent advice and information, and limits the period of time the NIHE have to carry out the necessary homelessness assessments to ensure they are compliant with the relevant homelessness legislation.

In particular, the proposal to reduce the notice period to two weeks in response to issues of anti-social behaviour or criminality is deeply concerning, given the complexity, nuance and subjectivity that could arise in such cases. These issues are discussed in depth in the body of this response. In practice, a two-week notice period will likely pose a significant risk to vulnerable individuals, resulting in them experiencing street homelessness.

## **2. Recourse to Justice**

The draft regulations provide tenants the right to challenge a Special Case notice to quit if they believe the exception has been erroneously applied. However, the regulations make no provision for new or accessible justice routes. Furthermore, it is Housing Rights' view that the threshold of evidence required when seeking a reduced notice to quit period is inadequate in each of the Special Cases.

In practice, this means that tenants wishing to challenge a Special Case notice to quit must do so through the court system. This is time-consuming, intimidating and potentially prohibitively costly. Given that a notice to quit is, in essence, an eviction, Housing Rights is concerned that, under the proposed legislation, tenants are being actively disadvantaged in resolving disputes or accessing justice.

## **3. Risk of increased debt and vulnerability**

In principle, Housing Rights is opposed to rent arrears as a reason for shorter notice periods. This is due to the vast body of evidence showing that vulnerable households are more likely to end up in arrears and are disproportionately affected by affordability and access challenges in the current housing market. Housing Rights anticipate that under the current proposal, reduced notice periods for rent arrears have the potential to significantly increase the risk of lower-income households experiencing homelessness and destitution.

Housing Rights further believes the proposed Special Case in relation to 'substantial arrears of rent', which can be voided if the outstanding arrears are paid in full within a month, may have the adverse effect of driving tenants into debt, as they seek to urgently borrow money to repay the arrears. Given the lower levels of financial capability in Northern Ireland and the higher exposure to predatory loan sharks, including e.g. paramilitary lenders, may cause undue harm. This would undercut the efforts of the PSNI and the Department of Justice to 'end the harm' facing some communities in Northern Ireland, at the hands of paramilitary lenders.

**Across all four special case exceptions, there is a need to strengthen the robustness of the proposed guidance and the evidence requirements for the enactment of a shorter notice to quit period by landlords, to ensure exceptions are implemented fairly and consistently across the sector.** Housing Rights are particularly concerned about the disproportionate impact of the exceptions on already vulnerable groups, with the evidence-base highlighting the interconnectedness of such vulnerability with arrears, anti-social behaviour and criminal convictions.

Within the body of this response, Housing Rights addresses the nuances of each of the four special cases and makes a number of recommendations, which we believe are required to safeguard the

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rights of tenants, support the prevention of homelessness, and ensure the regulations are designed in such a way to be in keeping with the spirit of the Private Tenancies Act 2022. These recommendations are summarised below.

### **Recommendations**

- Housing Rights recommends that the Department for Communities introduce an adequate, free at point of access, dispute resolution service for private tenants, to ensure a recourse to justice.
- The Department for Communities should keep under review the impact the introduction of these regulations will have on homelessness in Northern Ireland. Furthermore, the findings of this review should be reported on a year after the introduction of the legislation.

### **In relation to the Special Case for Substantial Arrears of Rent**

- Extend the threshold for enacting this exception from two months of arrears to three months of arrears, bringing the legislation in line with the Private Housing Act (2016) in Scotland and the Renters Rights Act in England.
- Extend the proposed Notice to Quit periods for this exception from four weeks to eight weeks, to reflect the realities of the affordability and access challenges for households in the PRS experiencing financial difficulties.
- Conduct an assessment of the impact of this exception on vulnerable groups, particularly females, due to their disproportionate reliance on Universal Credit and the impact it is likely to have on accruing arrears.
- Amend the clause for repayment of arrears to state that where the tenant has either paid all the outstanding arrears within the notice period **or** has shown engagement in a reasonable, realistic repayment plan, the notice will not take effect as long as the tenant continues to engage in the repayment agreement.
- The regulations should explicitly link the enactment by landlords of this exception to the provision of evidence that the landlord has sought to reach a reasonable, realistic and sustainable repayment plan with the tenant in conjunction with independent advice.
- The regulations should require that in order for this exception to be enacted, the landlord must provide evidence of appropriate signposting to independent advice services, similar to that which is outlined in the pre-action protocol for social landlords, mortgage lenders, and the Scottish guidance given to PRS landlords.
- Due consideration should be given to the impact of this exception on borrowing from illegal lenders in Northern Ireland.

### **In relation to the Special Case for Anti-Social Behaviour**

- Ensure that no tenant will be disadvantaged by these exceptions by reducing the minimum notice period they are entitled to under current regulations. At the very least, the minimum acceptable path is to amend the notice-to-quit period to a minimum four-week notice, the equivalent of the 'threatened by homelessness' period.

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- Amend Article 12(1) of the regulations to stipulate that only evidence used in the statement of evidence can be adduced in court proceedings to ensure a fair trial for tenants.
- As elaborated on in the body of this response, cases may arise of mistaken antisocial behaviour, i.e., noise or, more seriously, domestic abuse. With this in mind, there is a need to amend the regulations to require that the statement of evidence contain proof of a landlord's attempt to sufficiently ascertain the cause of the perceived antisocial behaviour, and attempts to reach a collective solution with the tenant, including through independent mediation. In addition, the guidance should ensure that landlords are made aware of available support services.
- Keep the impact of this special reason under review and assessment with the intent of determining where tenants who receive it go next. Assess the need for low-threshold, timely support services if tenants present to NIHE, and assess interaction with future Proposals 2 and 3 with FRA to determine any impact on the Eligibility Test.
- Remove 'repeated noise nuisance' from the list of serious antisocial behaviour in the guidance.

#### **In relation to the Special Case for Relevant Criminal Offence**

- Ensure that no tenant will be disadvantaged by these exceptions by reducing the minimum notice period they are entitled to under current regulations. At the very least, the minimum acceptable path is to amend the notice-to-quit period to a minimum four-week notice, the equivalent of the 'threatened by homelessness' period.
- Place a time limit of 12 months after conviction on the issuing of a notice to quit in circumstances of a relevant criminal offence. This would provide for a more than adequate amount of time for landlord/tenant engagement, for the landlord to take all circumstances into account when deciding if they wish to issue a notice to quit, while protecting the tenant from being punished possibly years down the line for a previously committed offence, and from potential vexatious eviction.

#### **In relation to the Special Case for Occupation by a Landlord or a Landlord's family**

- Amend the regulation to stipulate that a statement of evidence be required, allowing the landlord to document why they or a family member needs to live in the property.
- The regulations should stipulate that a statement of evidence should also detail the minimum time period the landlord expects to make use of the property as a dwelling-house.
- Where this special case is relied upon, the regulations should prohibit the re-letting of the property for a period of 12 months following the end of the notice period.

## 1.0. Introduction

### 1.1. About Housing Rights

Housing Rights is Northern Ireland's leading independent provider of specialist housing advice. For over 60 years, we have been helping people to find and keep a home. We believe that prevention is better than the cure. Our work seeks to ensure that individuals and families living in Northern Ireland do not reach this crisis point. We recognise, however, that this is not always possible, and we also provide advice and assistance to help ensure that the experience of homelessness is rare, brief and non-recurrent.

Housing Rights passionately believes that no one should be without a home and work towards the goal that every citizen in Northern Ireland has a good quality, affordable and sustainable home that meets their needs. In particular, the organisation's services are targeted at people who need help to:

- Prevent them from becoming homeless;
- Find suitable rented accommodation;
- Sustain their tenancies;
- Explore their housing options;
- Avoid repossession and eviction;
- Tackle disrepair or poor conditions in their homes; and
- Meet their housing costs;
- Repay mortgage and/or rent arrears;
- Resolve disputes with their landlord and/or lenders.

In the year ending March 2025, our advice services dealt with queries from 13,162 households on 67,828 housing issues. We provide a specialist housing helpline open Monday to Friday, complemented by a digital Live Chat service accessed through a comprehensive user-led advice website [www.housingrights.org.uk](http://www.housingrights.org.uk). Our busy frontline advice service is supported by an advocacy and representation service staffed by dedicated caseworkers and a small legal team who prevent and alleviate homelessness by liaising with landlords, lenders, and other agencies, as well as providing representation for County and High Court.

In addition to preventing homelessness, our services also assist in promoting access to justice by providing an emergency court representation service (Housing Possession Court Duty Scheme), which assists households at risk of homelessness due to mortgage or rent arrears who are unrepresented in court proceedings. Since December 2019, we have also administered a Housing Mediation Service to address and avoid the escalation of disputes to prevent homelessness.

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The reach and expertise of our advisers also extends to Northern Ireland's prisons to assist those entering or leaving custody to safeguard tenancies and/or to access appropriate support to prevent homelessness on release.

We work to support communities and other frontline advisers across Northern Ireland by providing a well-established practitioner support programme, through our Community Housing Advice Partnership and through a comprehensive training and legal information service.

In addition to frontline specialist advice, representation and support services, Housing Rights has a policy and participation service that influences government policy decisions to improve housing and homelessness in Northern Ireland. Our policy work is informed by the views and experiences of the people who contact us for advice, aiming to support the identification of evidence-based, informed solutions.

## 2.0. Context and Nature of this Response

Housing Rights welcomes the introduction of extended notice periods, to be implemented through Section 11 of the Private Tenancies Act, as an important step forward for renters' rights in Northern Ireland. Extended notice periods will deliver greater security of tenure, and provide tenants with longer preparation time to source, apply for and access alternative accommodation should they receive a notice to quit from their landlord.

The proposals will introduce four new exceptions to the extended notice periods in the form of Special Cases, allowing landlords to serve a notice to quit for a shorter period than the newly lengthened minimum notice periods. To activate the exceptions, a landlord must provide a statement of evidence in the cases of:

- Substantial arrears of rent
- Serious ASB
- Relevant criminal offence

Provide a sworn affidavit in a case of:

- Occupation by landlord or landlord's immediate family

While this response will address each of the Special Cases in individual detail, there are three overarching themes which emerge across multiple or all of the Special Cases outlined in the regulations.

### 2.1. Reduction in Rights

Proposals to allow for the issue of a two-week notice to quit are incongruous with the spirit of the Private Tenancies Act. The stated aim of the Bill was *'to make the private rented sector a safer and more secure housing option for a wider range of households'*, which was achieved as part of a wider legislative package, through the introduction of longer notice periods<sup>1</sup>. These longer notice periods

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<sup>1</sup> [Private Tenancies Act \(Northern Ireland\) 2022](#)

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mark a welcome step forward for tenants' rights and for security of tenure in the private rented sector in Northern Ireland.

**However, the proposed time period of two weeks under this exception is regressive and essentially halves the minimum period currently available. The two-week period is therefore an outright reduction in the current rights that are afforded to tenants** (a minimum of four weeks) is insufficiently mitigated against in the proposed regulations, raising serious questions around proportionality, evidence required, risk of homelessness, ability to access advice and advocacy, and ability to be assessed fairly by the Northern Ireland Housing Executive (NIHE). Housing Rights does not want a situation to arise whereby rights that a tenant would have been entitled to under the current regulations<sup>2</sup> can be easily circumvented under the new proposed regulations, which were designed to enhance tenant rights, by the issuing of a statement of evidence. **For this reason, we strongly recommend that notice-to-quit periods should be no less than those to which tenants would have been entitled under the current regulations**, in keeping with the spirit of the Private Tenancies Act. We do, however, for reasons explained below, believe that **anything less than four weeks is unacceptable and presents a serious risk of homelessness for vulnerable individuals**. We would further remind the Department that the responsibility for homelessness and addressing homelessness ultimately resides with them, and the imposition of a possible two-week notice period is inconsistent with the Homelessness Strategy, Programme for Government and Housing Supply Strategy.

## 2.2. Recourse to Justice

The legislation provides a tenant the right to challenge a notice to quit with an exception if they believe the exception cited to be erroneously applied. For example, if they believe they are not in serious arrears or have not committed serious anti-social behaviour.

**However, the legislation does not provide for any new or accessible recourse to justice routes that a tenant may utilise if they wish to challenge the validity of their shorter notice to quit.** This leaves only the current means of challenge open to a tenant: the court system, which is intimidating, time-consuming, and potentially costly. **This is not an adequate recourse to justice, nor accessible to the average tenant, and Housing Rights are concerned that this provision will not have a meaningful safeguarding or mitigating impact.** It also runs contrary to the ethos and strategic intent of the Department of Justice's Enabling Access to Justice agenda.

Other jurisdictions offer alternative justice options outside the court system, or have made provision to increase access to justice for tenants. These include;

- In Scotland, notices in respect of the exceptions must first satisfy the First-tier Tribunal, and tenants can challenge the notice through the Tribunal, which is free at point of access<sup>3</sup>.
- England recognised this inadequacy in their own system and introduced a Housing Ombudsman<sup>4</sup> and reformed and strengthened their own first-tier tribunal<sup>5</sup>.

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<sup>2</sup> 4 weeks for tenancies less than a year, 8 weeks for tenancies in existence between 1 year and 10 years, 12 weeks for tenancies in existence for more than 10 years

<sup>3</sup> [Home | Housing and Property Chamber](#)

<sup>4</sup> [Guide to the Renters' Rights Act - GOV.UK](#)

<sup>5</sup> [Residential Property Division - Courts and Tribunals Judiciary](#)

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- In Ireland, the Residential Tenancies Board regulates landlords in the private rented sector and acts as a dispute resolution service where tenants can pursue justice<sup>6</sup>.

Whilst a housing mediation service for the private rented sector now exists in Northern Ireland, tenants and landlords cannot be compelled to take part in this type of dispute resolution, with mediation being voluntary. There is currently no equivalent adjudication system or tribunal service to those that exist in other jurisdictions. Housing Rights strongly encourages the Department to consider the implementation architecture necessary to support the roll-out of these proposals.

### 2.3. Risk of increased debt and vulnerability

In line with previous consultation responses, **Housing Rights remains opposed to rent arrears as a reason for shorter notice periods**. This position is informed by the evidence base showing that vulnerable households, particularly those on low incomes and dependent upon Universal Credit to meet their housing costs, are more likely to end up in arrears, and that these households are also disproportionately affected by the affordability and access challenges prevalent in the current housing market. In such a context and within the existing policy framework in Northern Ireland, **Housing Rights anticipate that the proposed exception has the potential to significantly increase the risk of these households' experiencing homelessness and destitution**.

**Housing Rights further believes the Special Case in relation to 'serious arrears' may have the adverse effect of driving tenants into debt**, which given the lower levels of financial capability in Northern Ireland and the higher exposure to predatory loan sharks including e.g. paramilitary lenders, may cause undue harm. This would also potentially undercut the efforts of the PSNI and the Department of Justice to 'end the harm' facing some communities in Northern Ireland, at the hands of paramilitary lenders.

In relation to Homelessness, and the Special Cases of 'Serious Antisocial Behaviour' and 'Relevant Criminal Offence' accompanied by a two-week notice period, Housing Rights is of the opinion that this notice period is deeply incongruous with the spirit of the Private Tenancies Act. The stated aim of the Bill is '*to make the private rented sector a safer and more secure housing option for a wider range of households*', which was achieved, as part of a wider legislative package, through the introduction of longer notice periods<sup>7</sup>. There is also the potential for direct conflict with the policy intent of the Homelessness Strategy<sup>8</sup> and the policy intent of the Housing Supply Strategy, titled '*A Home for Everyone*' and of which one of the key components is 'prevention and intervention.'<sup>9</sup> Housing Rights therefore considers the proposals for a two-week notice to quit period to be inconsistent with long-standing, key Departmental and NIHE strategic policy and planning.

These longer notice periods mark an undoubted and welcome step forward for tenants' rights and for security of tenure in the private rented sector in Northern Ireland. The proposed time period of two weeks suggested under this exception, however, marks not just an exception where those extended rights would not apply, but is an unacceptable halving of the insufficient minimum notice period a person would have been entitled to under previous legislation of four weeks. Therefore, **this exception has become not just a circumstance in which a tenant may forfeit their right to an improved notice period, but a reduction in rights that is insufficiently mitigated against in the**

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<sup>6</sup> [Home - Residential Tenancies Board](#)

<sup>7</sup> [Private Tenancies Act \(Northern Ireland\) 2022](#)

<sup>8</sup> [Northern Ireland Housing Executive - Ending Homelessness Together 2022-27](#)

<sup>9</sup> [Housing Supply Strategy - A Home for Everyone](#)

**proposed regulations. This raises serious questions around the proportionality of the proposed measure.**

### 3.0. Substantial Arrears of Rent

Housing Rights provides advice and support to tenants across the private rented sector in Northern Ireland. It is our experience that affordability and access-related issues are consistently among the most common reasons that tenants seek assistance. This reflects the scale and persistence of challenges in securing affordable, appropriate accommodation within the PRS, as well as the financial pressures many tenants face.

Additionally, Housing Rights operates a dedicated landlord advice helpline and delivers a mediation service aimed at preventing tenancy breakdown. Through early engagement and supported negotiation, rental arrears can often be addressed constructively, enabling tenants to sustain their tenancies and avoid homelessness. When both parties engage, Housing Rights' mediation service achieves successful outcomes in 94% of cases. This frontline experience informs Housing Rights' response regarding the risk associated with shortened notice to quit periods for tenants in rent arrears, and the safeguards needed to prevent homelessness among those in financial difficulties in the PRS.

In line with previous consultation responses, Housing Rights remains opposed to rent arrears as a reason for shorter notice periods. This position is informed by the evidence base showing that vulnerable households, particularly those on low incomes and dependent upon Universal Credit to meet their housing costs, are more likely to end up in arrears, and that these households are also disproportionately affected by the affordability and access challenges prevalent in the current housing market. In such a context and within the existing policy framework in Northern Ireland, **Housing Rights is concerned that the proposed exception has the potential to significantly increase the risk of these households experiencing homelessness and destitution.**

#### 3.1. Definition of 'substantial' arrears

Housing Rights is concerned that the proposed definition of 'substantial arrears' is not an appropriate threshold given the current policy environment and lived realities of private renters in Northern Ireland. The current proposals outline that a shorter notice-to-quit can be served if arrears are equivalent in worth to 8 weeks' or 2 months' rent, depending on payment frequency. **However, our experience is that such rent arrears commonly reflect short-term financial shocks rather than indicating sustained or wilful non-payment.**

For many individuals and families encountering unexpected circumstances such as injury, relationship breakdown or job loss, the risk of rental arrears is further compounded by the current five-week delay in receiving Universal Credit following an application. Research by the Joseph Rowntree Foundation (JRF) in Northern Ireland found that the five-week wait for UC had a marked negative effect on people's lives, primarily through the financial hardship that it caused on households in both

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the short and long term<sup>10</sup>. Households waiting for their first universal credit payment will likely fall behind on that month's rent, as well as struggle to purchase essentials such as food and utilities. Whenever they do receive the first payment, they are often already in debt, especially if they have made use of the Advance Payments offered. This increases their risk of falling further into rental arrears, and two months' worth of arrears can quickly accrue without an opportunity for finances to stabilise.

Therefore, it is Housing Rights view that it is unreasonable to allow an exception to standard notice to quit periods based on a threshold of two months, as it does not enable tenants who are struggling with short-term affordability issues to resolve their arrears without risking eviction.

**Housing Rights recommends that the Department consider extending this threshold to three months arrears, bringing the legislation in line with the Private Housing Act (2016) in <sup>11</sup> and the Renters Rights Act in England<sup>12</sup>.**

### 3.2. Impact of four-week NTQ period on households in financial difficulties

Additionally, Housing Rights is concerned that a four-week notice period remains insufficient to enable tenants to secure alternative accommodation within the private rented sector, particularly for those already experiencing financial crisis. Affordability and access constraints pose significant barriers across the sector. Those experiencing financial difficulties and already in rental arrears are likely to encounter further barriers to securing a new tenancy, particularly in securing a deposit and one month's rent in advance. Recent research by Housing Rights and Threshold found that 9% of renters in Northern Ireland have experienced difficulties in paying rent, a higher figure than in the Republic of Ireland. The study highlighted that those on lower incomes, single-parent households, and those receiving housing support are disproportionately affected, being two to three times more likely to fall into arrears<sup>13</sup>. These groups are also among the most vulnerable to challenges in securing accommodation in the PRS<sup>14</sup>.

This concern is heightened for low-income households in receipt of Universal Credit. Research conducted at the end of 2025 by JRF found that recipients of Universal Credit across the UK were one and a half times more likely to be in household arrears, including rent, than other low-income households<sup>15</sup>. Additionally, as of August 2025, 60% of Universal Credit claimants in Northern Ireland were female<sup>16</sup>, meaning that **this NTQ exception has the potential to disproportionately affect females compared to males and therefore, particular care should be taken by the NI Assembly to assess the impact of this exception on females in Northern Ireland, under their section 75 duty<sup>17</sup>.**

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<sup>10</sup> [Universal Credit could be a lifeline in Northern Ireland, but it must be designed with people who use it](#)

<sup>11</sup> [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#)

<sup>12</sup> [Renters Rights Act 2025](#)

<sup>13</sup> [Renting on the Island of Ireland: An All-Island Survey of Private Rented Sector Tenant](#)

<sup>14</sup> [Housing challenges faced by low income and other vulnerable privately renting households](#)

<sup>15</sup> [No let-up for millions of families in hardship: JRF's cost of living tracker, winter 2025 | Joseph Rowntree Foundation](#)

<sup>16</sup> [Universal Credit Publication, NISRA, November 2025](#)

<sup>17</sup> [Northern Ireland Act 1998](#)

If the evidence underpinning the Private Tenancies Act<sup>18</sup> indicates that a four-week NTQ period is insufficient for the average private rented sector tenant to secure suitable alternative accommodation, it is inevitable that such a timeframe will be even less adequate for tenants who are already experiencing financial hardship, such as those in rental arrears. **It would therefore be unreasonable to assume that households in greater economic vulnerability could secure alternative accommodation within the same period;** in practice, they are likely to face heightened barriers and extended timescales.

Across demographics, these pressures are intensified in the context of Northern Ireland's continued absence of a published and implemented Anti-Poverty Strategy, which limits the availability of co-ordinated, preventative measures to address financial hardship. Without such a framework, households facing temporary income shocks are less able to recover, and the proposal of a four-week notice to quit period risks already vulnerable households experiencing homelessness. In turn, this would exacerbate the existing pressures on the Northern Ireland Housing Executive to provide emergency and temporary accommodation. **Housing Rights recommends that the Department extend the proposed NTQ period for tenants in substantial arrears in line with the NTQ periods being implemented by the Private Tenancies Act<sup>19</sup> to reflect the Department's ambition to prevent homelessness<sup>20</sup> and the realities of the PRS in Northern Ireland.**

### 3.3. Guidance & Evidence

**It is the view of Housing Rights that a notice to quit in the case of arrears should always be viewed as a last resort**, and that landlords should prioritise early intervention and rectification alongside tenants to prevent homelessness. Whilst the proposed guidance states that landlords '*should take time to understand the tenant's circumstances and work with them to explore potential solutions*', clarity and accountability are needed to ensure that this guidance is enacted fairly and consistently across tenancies. Housing Rights believes that protections similar to those for social housing tenants and those with mortgage arrears should be extended to those in the PRS. In the case of this consultation, protections, including clearer pre-action protocols and a requirement for landlords to evidence that they have pursued appropriate mitigation measures to deal with arrears before a notice is issued, particularly in attempting to reach a repayment plan, should be considered.

Housing Rights does not deem the proposed clause '*where a notice to quit has been issued in the case of a tenant being in substantial arrears of rent, but the tenant pays all outstanding arrears by the date that notice is to take effect, that notice does not take effect*' to be a reasonable and proportionate mitigating action, and believes that it does not go far enough to support tenants to maintain their tenancy in the current realities of the private rented sector. As noted below, it may also have the adverse effect of driving tenants into debt, which given the lower levels of financial capability in Northern Ireland and the higher exposure to predatory loan sharks including e.g. paramilitary lenders, may cause undue harm. This would also potentially undercut the efforts of the PSNI and the Department of Justice to 'end the harm' facing some communities in Northern Ireland, at the hands of paramilitary lenders.

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<sup>18</sup> [Private Tenancies Act \(Northern Ireland\) 2022](#)

<sup>19</sup> [Private Tenancies Act \(Northern Ireland\) 2022](#)

<sup>20</sup> [Lyons announces £2.5m for homelessness prevention services](#)

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The most recent statistics from PropertyPal show that the average rental figure in Northern Ireland at the end of 2025 was £995 per month<sup>21</sup>, meaning in order for a tenant to 'pay all outstanding arrears' within the four-week NTQ as well as paying their current month's rent, they would have to access on average £2,985 within one month. If tenants cannot access this full amount within four weeks, this legislation proposes no other method for tenants to keep their tenancy, even if they are motivated and willing to do so. As outlined in the previous sections, tenants who fall into arrears are more likely to be low-income households, reliant on Universal Credit, and often experiencing short-term financial shocks. As these tenants are likely already experiencing affordability constraints, it seems completely unreasonable and near impossible to expect tenants to pay back the full amount of arrears within four weeks to maintain their tenancy and avoid potentially becoming homeless. Through Housing Rights dedicated mediation service, rental arrears are among the top reasons that tenants and landlords seek help. This service often addresses arrears effectively by agreeing on repayment plans that enable tenants to demonstrate sustainable engagement and maintain their property without placing further financial strain on the landlord.

Therefore, it is Housing Rights view that the clause for repaying arrears within 4 weeks is unreasonable as the only alternative to eviction. Instead, the Department should consider amending this clause to allow for tenants who have agreed to, and are engaging in, a reasonable, realistic repayment plan. Based on the irrationality of the expectation that tenants will be able to pay three months' worth of rent within one month, particularly when they are already in financial difficulty, **Housing Rights recommend that the clause state that where the tenant has either paid all outstanding arrears or has shown engagement in a reasonable, realistic repayment plan developed with a housing debt and/or debt adviser, the notice will not take effect as long as the tenant keeps to the repayment agreement.**

Tenants in arrears within the social rented sector in Northern Ireland are entitled to multiple protections to sustain their tenancy under the Pre-Action Protocol<sup>22</sup> for social landlords regarding ejectment proceedings which are based on rent arrears. The protocol places a responsibility on social landlords to maintain and sustain tenancies, which includes; contacting the tenant as soon as reasonably possible if the tenant has fallen into arrears, providing signposting to appropriate sources of free independent advice and agreeing reasonable, realistic and sustainable repayment plans based on the tenant's current income and expenditure, among others. Notably, the protocol outlines that if the tenant complies with an agreement to pay the current rent and reasonable, realistic and sustainable sums towards arrears, then the landlord must agree to postpone court proceedings as long as the tenant keeps to such agreement.

Whilst this duty does not currently apply to private landlords in Northern Ireland, such protections highlight the stark contrast with the vulnerability and lack of protection for tenants in the private rented sector. Whilst historically this protocol was introduced in the social sector as it traditionally housed the most low-income and vulnerable tenants, this distinction is no longer so evident. Due to the disproportionate supply of social housing relative to current demand, the private rented sector increasingly houses those who would traditionally be more reasonably housed in the social sector, including low-income households and those reliant on Universal Credit. Recent research by Housing

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<sup>21</sup> [NI Housing Market Update: Q4 2025](#)

<sup>22</sup> [Pre Action Protocol for Ejectment Proceedings based on Non-Payment of Rent in Social Housing Sector](#)

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Rights and Threshold found that increasingly the PRS is not tenants' preferred tenure but is their only option<sup>23</sup>. The NIHE appear to have recognised the convergence of the similarities across these tenures in the fourth proposal in the Fundamental Review of Allocations, which enables the Housing Executive to meet its homelessness duty on a "tenure-neutral" basis<sup>24</sup>. However, this further highlights the disparities in protections across tenures and advocates for the implementation of protections in the PRS that reflect those social tenants have.

Within such a context, it is Housing Rights' view that the proposed guidance does not go far enough to protect tenants within the PRS. This is particularly in regards to the limited efforts expected of landlords to prevent homelessness, and the documentation required to evidence such efforts. Whilst the guidance makes reference to repayment plans and advises landlords' to seek such mitigations, Housing Rights do not consider this a robust enough mitigation. Rather, it is preferable that the landlord's effort to discuss and establish a repayment plan should be a requirement in the regulations and should be documented in the evidence a landlord must submit when issuing a NTQ under this special case. Therefore, **Housing Rights recommends that the enactment of the 'substantial arrears' exception should be linked to the provision of evidence that the landlord has sought to reach a reasonable, realistic and sustainable repayment plan with the tenant. Ideally, this would include a referral to independent free and expert sources of housing debt and debt advice such as Housing Rights for support.** Such a clause should ensure that if a tenant engages with this plan and makes sums towards the arrears, the NTQ becomes void while the tenant continues to fulfil the agreement.

Additionally, evidence suggests that tenants experiencing financial difficulties and in arrears of rent benefit greatly from independent debt, housing and benefits advice and furthermore, that such advice has a positive economic impact on the public purse long-term<sup>25</sup>. Whilst the proposed guidance details information for landlords on independent advice organisations in the appendix, the regulations do not place an explicit responsibility on landlords to signpost the tenant to the appropriate support or resources. **Housing Rights urges the Department to include an explicit expectation on landlords' implementing this exception as a reason for a short NTQ to provide appropriate signposting to independent advice services, similar to that which is outlined in the Pre-Action Protocol for social landlords, and the guidance given to PRS landlords in Scotland**<sup>26</sup>.

In terms of the evidence required from a landlord to action the exception on the basis of 'substantial arrears of rent', the guidance outlines that a landlord must provide only a 'statement of evidence' detailing the arrears of the tenant. However, in light of the recommendations made above, **Housing Rights recommends that these requirements are amended to include evidence from the landlord of appropriate signposting to independent advice services, as well as evidence of an attempt to agree and implement a repayment plan with the tenant.** Such protections would support the Department's commitment to homelessness prevention by promoting the sustainment of tenancies where possible, while also ensuring that the landlord is not further impacted financially.

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<sup>23</sup> [Renting on the Island of Ireland: An All-Island Survey of Private Rented Sector Tenant](#)

<sup>24</sup> [Fundamental Review of Allocations](#)

<sup>25</sup> [The Economic Value of Advice, NICVA](#)

<sup>26</sup> [Pre-action protocols and seeking repossession of private rented housing on rent arrears grounds](#)

### 3.4. Risk of illegal lenders

Within a local context in Northern Ireland, it should be noted that in situations where tenants in financial crisis are at risk of homelessness, either through having imposed the unrealistic expectation of repaying 2 months of arrears within one month or trying to secure a new tenancy within 4 weeks, there is a substantial risk of borrowing from illegal lenders such as 'loan sharks'. Loan sharks remain a particular risk in Northern Ireland due to their association with paramilitary activities, and borrowing often results in further financial crisis, threat of violence and isolation for borrowers.

Illegal lenders, commonly referred to as 'loan sharks' or 'payday lenders', are individuals or organisations that offer credit without the required legal authorisation and regulatory oversight. They often charge excessively high interest rates and fees, and are commonly characterised by using intimidation, coercion, or threats to enforce repayments<sup>27</sup>. Those borrowing from such lenders are primarily low-income households, unable to access credit from mainstream lenders and utilise these loans to pay for everyday expenses or unexpected emergencies<sup>28</sup>. A study by Ulster University found that reasons for borrowing from illegal lenders in Northern Ireland were rooted in poverty-related issues, which had been exacerbated by changes in the welfare system<sup>29</sup> and will therefore disproportionately impact those in rent arrears within the PRS. Evidence shows that interest rates associated with these loans are extremely high and that debt rapidly escalates once a payment deadline is missed, which perpetuates existing financial difficulties for households<sup>30</sup>. Tenants in such situations will experience enormous affordability barriers to accessing alternative accommodation, and are at greater risk of homelessness and destitution. Furthermore, research shows that borrowing from illegal lenders is highly impactful on stress, mental health and suicide rates due to the enforcement of repayment, which often comes through violence, threats and intimidation<sup>31,32</sup>.

Housing Rights are concerned that the proposed exception to shorter NTQ periods in the case of 'substantial arrears of rent' in its current form has the potential to increase households' risk of borrowing from illegal lenders. This risk is likely to come predominantly through pressure on tenants to either pay the full amount of arrears alongside their current month's rent within one month, or to access finances to secure alternative accommodation within four weeks, as the alternative to homelessness.

The Minister of Justice has repeatedly referred to the impact of illegal lending on already vulnerable individuals and communities. The Tackling Paramilitarism, Criminality and Organised Crime Programme is working to deliver the NI Executive's priority of addressing the challenging issues associated with paramilitarism in Northern Ireland. However, putting people at risk of borrowing from illegal lenders has the potential to undermine the work of the Executive in this area. Based on the existing evidence, Housing Rights believe this potential risk could be mitigated through strengthening tenant protections in the enactment of this exception, as outlined in sections 3.1-3.3.

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<sup>27</sup> [Loan sharking: changing patterns in, and challenging perceptions of, an abuse of deprivation](#)

<sup>28</sup> [Expensive Lending in Northern Ireland](#)

<sup>29</sup> [Illegal Money Lending and Debt](#)

<sup>30</sup> [Illegal Money Lending and Debt](#)

<sup>31</sup> [Christians Against Poverty research into illegal lending in Northern Ireland](#)

<sup>32</sup> [Illegal Money Lending and Debt](#)

## 4.0. Antisocial Behaviour

Many of the people in contact with Housing Rights' advisers each day have encountered antisocial behaviour (ASB) and are seeking advice on how to deal with it. Additionally, some people in contact with Housing Rights have been involved in or accused of ASB. These clients seek advice from Housing Rights on a range of issues, including the processes that the Northern Ireland Housing Executive (NIHE) employs to deal with ASB, advice on how to challenge an accusation of ASB, or signposting to support services to address their own behaviour and tackle the root cause of their behaviour which has been perceived as anti-social.

Housing Rights therefore has direct experience of working with tenants who have been both victims of ASB and those who have perpetrated ASB. Our primary objective as an organisation is the prevention of homelessness, believing that access to a safe, affordable and stable home for everyone will lead to a healthier, happier and more productive society.

Access to safe and stable accommodation can reduce instances of criminogenic (causing or likely to cause criminal behaviour) circumstances arising, which may lead to ASB or criminality. Further, with homelessness itself being a criminogenic risk factor, we believe access to a stable home can reduce interaction with the criminal justice system, which in itself has been evidenced to be criminogenic in nature.<sup>33</sup>

This evidence-backed belief, combined with our unique experience with people in housing need who have experienced ASB from both sides, has informed Housing Rights' response to this proposal.

**Housing Rights has serious concerns around the proposal to impose a two-week notice to quit as an exception to the longer notice periods in cases of 'serious antisocial behaviour.' Unlike in the social rented sector, there are no processes and systems proposed to ensure that ASB is prevented in the first instance and that appropriate support when behaviour which may appear antisocial, but is actually vulnerability, appear.**

### 4.1. Insufficiency of a two-week notice period and risk of homelessness

Housing Rights is of the opinion that this proposal is deeply incongruous with the spirit of the Private Tenancies Act. The stated aim of the Bill is *'to make the private rented sector a safer and more secure housing option for a wider range of households'*, which was achieved, as part of a wider legislative package, through the introduction of longer notice periods<sup>34</sup>.

These longer notice periods mark an undoubted and welcome step forward for tenants' rights and for security of tenure in the private rented sector in Northern Ireland. The proposed time period of two weeks suggested under this exception, however, marks not just an exception where those extended rights would not apply, but is an unacceptable halving of the insufficient minimum notice period a person would have been entitled to under previous legislation of four weeks. Therefore, **this exception has become not just a circumstance in which a tenant may forfeit their right to an improved notice period, but a reduction in rights that is insufficiently mitigated against in the**

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<sup>33</sup> [An Evidence Review of Recidivism and Policy Responses](#)

<sup>34</sup> [Private Tenancies Act \(Northern Ireland\) 2022](#)

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**proposed regulations. This raises serious questions around the proportionality of the proposed measure.**

Indeed, as if to underscore the unacceptable nature of a two-week notice to quit, **this is only half of the statutory 'threatened by homelessness' period**, severely limiting the period of time for the Northern Ireland Housing Executive (NIHE) to carry out all necessary homelessness assessments, as they require 28 days to process a homelessness application and award full duty applicant status (FDA). There may be a case that the NIHE will likely find individuals intentionally homeless because of antisocial behaviour and therefore not award FDA, however, Housing Rights has extensive experience assisting clients who have been awarded FDA because they have complex needs or display vulnerabilities.

For tenants who display these acute vulnerabilities (disabilities, care needs etc.), the NIHE will struggle to place them in suitable, emergency temporary accommodation within two weeks, **potentially leading to an increase in street homelessness of vulnerable individuals**. This clause, therefore, would not provide for robust safeguards and protections for vulnerable individuals, and may be open to legal challenge under the European Convention on Human Rights.

**The two-week notice also limits the tenant's access to independent, specialist housing advice and advocacy.** In Housing Rights' opinion and extensive experience, a two-week notice to quit greatly reduces the chance of a tenant finding alternative accommodation in either the private rented or social rented sectors and greatly increases their risk of becoming homeless. This is in direct conflict with the policy intent of the Homelessness Strategy<sup>35</sup> and the policy intent of the Housing Supply Strategy, titled 'A Home for Everyone' and of which one of the key components is 'prevention and intervention.'<sup>36</sup> Housing Rights therefore considers the proposals for a two-week notice to quit period to be inconsistent with long-standing, key Departmental and NIHE strategic policy and planning.

From the perspective of an independent housing advice and advocacy charity, we anticipate that two-week notice periods will pose serious challenges to us in supporting evicted tenants to access new accommodation within the condensed time period and the current lack of suitable options.

It would also, in practice, mean that if a tenant disagreed with the notice and wished to challenge its veracity in court from within the home, the time required to process it would likely mean they would undoubtedly breach the contract by overstaying the notice.

Finally, if we put a two-week notice period into the context of other UK jurisdictions, the comparison is stark.

In Scotland, the Private Housing (Tenancies) (Scotland) Act 2016<sup>37</sup> provides for exceptions to indefinite tenancies for notices to quit to be issued, including for antisocial behaviour. The accompanying notice period for this exception under Scottish legislation is four weeks, double the period proposed by these regulations. In Scotland too, the landlord must satisfy the First Tier Tribunal as to the merit of the notice to quit, which is a much more accessible pathway to justice than the current system in Northern Ireland.

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<sup>35</sup> [Northern Ireland Housing Executive - Ending Homelessness Together 2022-27](#)

<sup>36</sup> [Housing Supply Strategy - A Home for Everyone](#)

<sup>37</sup> [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#)

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In Wales, the ground for evicting a tenant on the basis of antisocial behaviour is established under the Renting Homes (Wales) Act 2016<sup>38</sup>, and again is accompanied by a four-week minimum notice period.

In England, the Renters' Rights Act<sup>39</sup> will provide for an immediate notice to quit for antisocial behaviour under two different circumstances. The first (Ground 7A) is where a court has found the tenant to be in breach of antisocial behaviour injunction. When the court has found against the tenant, the landlord may issue the notice to quit. The other circumstance (Ground 14) is discretionary and requires the landlord to provide proof of the antisocial behaviour to the court before gaining a possession order. The court will consider all evidence and circumstances and, if it is satisfied, grant the landlord possession of the property. Although the Renters' Rights Act provides for the same notice period, it includes built-in protection against vexatious notices to quit in the form of a First Tier Tribunal and the establishment of a new Private Rented Sector Landlord Ombudsman service, which will be free to access for tenants. Northern Ireland currently lacks similar protective measures.

**Both Wales and Scotland require a four-week notice-to-quit period for antisocial behaviour, and in all other UK jurisdictions, there is more accessible access to justice than what currently exists in Northern Ireland.** This would leave Northern Ireland, should this clause proceed, as an outlier in allowing for both an exceptionally short notice period and poor access to justice or recourse to challenge. This highlights the unreasonableness of this notice period and raises serious questions around access to justice, which is addressed in the next section.

**Housing Rights recommends that the Department amend the regulations to ensure no tenant experiences a reduction in the notice periods provided to them under current regulations. At the absolute minimum and as a mitigation against the risk of homelessness, the Department should guarantee a minimum of four weeks to comply with the statutory 'threatened by homelessness' period, and allow sufficient time to access independent advice and advocacy.**

## 4.2. Access to Justice

Housing Rights believes that the challenge mechanisms currently in place, which are essentially only through the courts, are not sufficient in terms of access to justice. Challenging through the court is time-consuming and potentially prohibitively expensive for lower-income or vulnerable tenants. It is also the experience of Housing Rights' solicitors that securing representation for a case in the private rented sector is extremely difficult.

Tenants have the right to a fair hearing, but this is difficult under normal circumstances for private tenants, and this regulation risks erecting further barriers for a tenant who would otherwise wish to pursue a challenge. **In the opinion of Housing Rights, a combination of the two-week notice period and the current provision of access to justice means that it is unreasonable to expect that a tenant would be able to adequately and fairly challenge a notice-to-quit based on the antisocial behaviour exception.**

**We are further concerned that Article 12(1) of the regulations, which states that evidence may be adduced in court proceedings which hasn't been included in the statement of evidence, interferes with the tenant's right to a fair hearing.** Given the extreme difficulty of securing representation for

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<sup>38</sup> [Renting Homes \(Wales\) Act 2016](#)

<sup>39</sup> [Renters' Rights Act 2025](#)

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tenants, they have a right to know the case against them, whereas this regulation allows an accusation that they may not be able to prepare for.

Antisocial behaviour is a deeply complex area and is recognised as such within the wider housing sector and the justice system. Social tenants, for example, are protected by various preventative policies which include mediation, acceptable behaviour contracts and support for perpetrators, and a multi-step process presided over by an accountable public authority in the NIHE or specialist organisations with expertise in housing associations.<sup>40</sup> Both NIHE and housing associations, furthermore, have responsibilities for homelessness and providing accommodation to vulnerable clients, and therefore have vested interest in maintaining tenancies and working collaboratively with tenants to address behaviours.

The majority of landlords will have no such specialism in antisocial behaviour and are therefore ill-equipped to make these complex decisions. They also possess no such responsibilities for homelessness or retaining the tenancy. These dynamics, by their very nature, pose a higher risk for vulnerable clients displaying potentially problematic behaviour of being made homeless. Landlords will act in their own self-interest. The lack of means for a tenant to challenge through the justice system and the low threshold for evidence required to issue a notice to quit for antisocial behaviour are insufficient checks on this risk.

**Housing Rights recommends that Article 12(1) of the regulations is amended to stipulate that only evidence used in the statement of evidence can be adduced in court proceedings to ensure a fair trial for tenants.**

### 4.3. Evidence Required

Given that this special case provides for what Housing Rights considers to be a counterproductive and imbalanced notice period, Housing Rights has concerns that the evidence required to trigger the notice period is not robust enough to adequately protect a tenant's rights or allow for a reasonable opportunity for defence if the tenant wishes to challenge the notice.

A two-week notice period marks a reduction from the current minimum of four weeks, a period deemed insufficient and therefore lengthened by the elected representatives in the Northern Ireland Assembly. **This regulation, however, further imbalances the power dynamic in the landlord/tenant relationship by placing the onus on the tenant to prove their innocence in court if they feel they have been unjustifiably served notice**, with all the accessibility and access-to-justice barriers that come with it, rather than on the landlord to prove wrongdoing before issuing the notice and making a tenant homeless.

Unlike social landlords, private landlords have no obligation to provide support to a private tenant, conduct interviews, or follow strict procedures when evicting a tenant. The tenant does not have the right to ask for a review of the landlord's decision, except by challenging the notice to quit in court.

In effect, this clause allows a landlord to provide a tenant with a two-week notice to quit and a statement of evidence, which may contain only eyewitness reports of parties and/or loud televisions, with no independent or legal assurances of the veracity of the claims made in the statement. The tenant would then have two choices: to abide by the notice-to-quit period, or, in the unlikely event

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<sup>40</sup> [https://www.nihe.gov.uk/getattachment/4286287d-927c-444a-a5ca-0a52ee84b6c8/statement\\_of\\_policy\\_antisocial\\_behaviour.pdf](https://www.nihe.gov.uk/getattachment/4286287d-927c-444a-a5ca-0a52ee84b6c8/statement_of_policy_antisocial_behaviour.pdf)

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they have the means and/or will, to challenge the notice to quit in court. If they refuse to leave the property while they challenge because they believe the notice to quit is invalid, they would likely be breaching the tenancy agreement and be open to a possession order and an Enforcement of Judgements Office ejection from their home. **Housing Rights does not agree that this is a reasonable threshold for determining whether a person will become homeless within two weeks.**

There is a further potential adverse impact arising from this low evidence threshold, which may disproportionately affect women and require further mitigation under Section 75. In England, as part of the formation of the Renters' Rights Act, the UK Government attempted to amend the antisocial behaviour eviction ground, so that behaviour 'capable' of causing annoyance can lead to eviction, rather than behaviour 'likely' to cause annoyance.

The Government were presented with considerable evidence that the change in threshold could be used to evict a tenant who is the victim of domestic abuse, who cannot address the root causes of domestic abuse-related antisocial behaviour. **Victims of domestic abuse are overwhelmingly women and are four times more likely than other tenants to have antisocial behaviour complaints made against them.**<sup>41</sup> **The Safe At Home report states that this is often due to misidentification of domestic abuse as antisocial behaviour.** Neighbours who hear frequent shouting, screaming or banging might report antisocial behaviour when some of the residents, most often women and children, may be at risk of serious harm.

**The low threshold for evidence, as outlined in the regulations, risks two-week notices to quit without thorough investigation or regulatory oversight being issued to vulnerable victims of domestic abuse.** As elaborated on in the body of this response, cases may arise of mistaken antisocial behaviour, i.e., noise or, more seriously, domestic abuse. With this in mind, there is a need to amend the regulations to require that the statement of evidence contain proof of a landlord's attempt to sufficiently ascertain the cause of the perceived antisocial behaviour, and attempts to reach a collective solution with the tenant, including through independent mediation. In addition, the guidance should ensure that landlords are made aware of available support services.

#### 4.4. Guidance and Proportionality

Housing Rights has concerns about the guidance's proportionality. Our concerns rest within the context of the proposed two-week notice period and the comments we have raised when discussing access to justice. There is an argument that it may not be appropriate to have a longer notice period in some of the examples of antisocial behaviour outlined in the guidance. However, many of the behaviours listed in the guidance overlap significantly with criminal behaviour, which falls within the responsibility of the police and the justice system. In the most serious cases, the criminal justice system would be expected to step in, and has several options at its disposal to restrict access to the property for the safety of neighbours. These include the ability to impose bail conditions which restrict return to the accommodation, or antisocial behaviour injunctions or orders which can ban access to the property. **These options provide an already established pathway for dealing with serious antisocial behaviour or persistent antisocial behaviour which poses danger or significant nuisance to tenants.** Housing Rights, therefore, questions the need for a two-week notice period in these instances.

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<sup>41</sup> [Safe at Home: Domestic abuse and housing providers - SafeLives](#)

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On the other hand, however, given that many people who display antisocial behaviour are vulnerable themselves, **Housing Rights considers it difficult to justify the risk of homelessness of a two-week notice period for incidents of noise nuisance.** We acknowledge that noise nuisance can be exceptionally annoying for residents and impact their quality of life.

However, our experience with our mediation service is that noise issues often arise not from sustained antisocial or disruptive behaviour, but from structural issues in the building, such as thin walls and ceilings. We would not want to see people being issued a two-week notice period and risk homelessness in these instances. Our mediation service also often finds that this can be resolved through engagement, with solutions arising from awareness of neighbours' schedules and understanding when it is acceptable to make more noise and when to be quiet. We would expect this to be the first step for landlords. It may be helpful if evidence of this engagement were required to be in the statement of evidence when issuing a notice for noise nuisance, in cases where the landlord deems it has been ignored by the tenant.

We maintain, however, that, given the noise nuisance is not placing neighbours in immediate danger, as could be argued with threats of violence or behaviours overlapping with criminal activity, a two-week notice period and the additional risk of homelessness are a disproportionate response.

#### 4.5. Interaction with the FRA Proposals 2 and 3

In the sections above, we have raised concerns about the increased risk of homelessness that could result from a two-week notice period. An additional concern is the potential interaction with future Proposals 2 and 3 of the Fundamental Review of Allocations (FRA), scheduled to go live in Autumn 2026<sup>42</sup>.

Proposal 2 has the policy aim of *'an applicant who has been involved in unacceptable behaviour should not be eligible for social housing or Full Duty homelessness status unless there is reason to believe – at the time the application is considered – that the unacceptable behaviour is likely to cease.'* It is outlined that 'reason to believe' can be measured through the person's engagement with relevant support services.

Proposal 3 has the policy aim of *'the Housing Executive may treat a person as ineligible for Full Duty homelessness status on the basis of their unacceptable behaviour at any time before allocating that person a social home'*<sup>43</sup>.

In an instance where someone has received a two-week notice to quit for antisocial behaviour from a private landlord, they will be leaving the accommodation with an antisocial behaviour profile, which, alongside insufficient time to access advice or advocacy, **will greatly restrict their ability to find alternative private rented sector accommodation.**

Their only realistic option for finding accommodation would be to apply to the NIHE. However, in the process of assessment it is likely that the notice to quit will be considered relevant evidence, and, under the FRA proposals, their likelihood of being granted FDA status drops significantly. They will find themselves likely without accommodation, without a statutory duty, and without a realistic prospect of finding private rental sector accommodation.

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<sup>42</sup> [The Housing Executive - Fundamental Review of Allocations](#)

<sup>43</sup> [Consultation Outcome Report- A Fundamental Review of Social Housing Allocations](#), page

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**This presents obvious risks of increased street homelessness**, which will require mitigation. Low-threshold and timely support services will be required. Challenges we see arising from these circumstances include how we support these tenants to access accommodation, what options they would have available, and, given the short two-week period, whether there will be a plan in place for low-threshold temporary accommodation for interim duty. We would appreciate clarification of the policy on this going forward.

#### 4.6. Emerging trend of punitive antisocial behaviour measures

Placed within the context of recent Departmental proposals, which have sought to address antisocial behaviour, **Housing Rights is concerned that this most recent proposal is the latest in an emerging trend toward a more punitive response to antisocial behaviour**, which is neither justified nor evidenced to be effective.

In December of 2023, the Department for Communities and the Department of Justice consulted on a series of proposals which addressed antisocial behaviour in isolation and within a housing context. Proposals included lowering the threshold for obtaining an Antisocial Behaviour Order (ASBO), reviewing the minimum age at which an ASBO could be ordered, and widening the definition of ASB. In terms of housing, there were proposals to make Housing Associations relevant authorities, grant social landlords the power to exclude tenants from the home, and, perhaps most alarmingly, allow for Absolute Grounds for Possession.

These proposals toward more punitive measures to address ASB, in essence, by making it easier and quicker to make people homeless, appear to be a trend despite antisocial behaviour incidents being at their lowest levels since recording began in 2006/07<sup>44</sup>, indicating there is no emerging crisis of antisocial behaviour to respond to.

#### 4.7. Linkages between homelessness, vulnerability and antisocial behaviour

Addressing the linkages between antisocial behaviour and homelessness, an examination of the literature and research highlights that **homelessness is a contributing factor to antisocial behaviour, and becoming homeless is only likely to exacerbate the behaviour**.

A study carried out by Northumbria University<sup>45</sup> stated that *'antisocial behaviour was often a consequence of being homeless, and not the cause...crime and substance misuse were frequently responses to, rather than the causes of, homelessness.'* Even for those who had antisocial tendencies before being made homeless, *'antisocial behaviour could be traced back through a lifetime of exclusion, characterised by traumatic childhood experiences, including parental addiction, bereavement, going into local authority care, neglect and physical and sexual abuse.'*

A 2022 population-based study of homelessness, antisocial behaviour and violence victimisation among young adults in Victoria, Australia, found that *'homelessness appears to be acutely (cross-sectionally) associated with increased risk for violence victimisation and for antisocial behaviours. Homeless young adults report considerable vulnerability to violence victimisation and engaging in a*

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<sup>44</sup> [Anti-Social Behaviour Incidents Recorded by the Police in Northern Ireland Update to 30th September 2025](#)

<sup>45</sup> [Anti-social behaviour a consequence, rather than a cause of homelessness](#)

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*wide range of survival-related antisocial behaviours, or violence in response to threats, vulnerability or marginalisation.*<sup>46</sup>

Housing Rights is aware that this piece of legislation is not intended to address the root causes of antisocial behaviour, but highlights this evidence to demonstrate the measure's futility. **Two weeks to find new accommodation presents unreasonable challenges and puts those who have committed antisocial behaviour into a situation more likely to directly cause further antisocial behaviour**, thereby displacing it onto another private landlord, where the cycle will repeat, or onto the Housing Executive.

In addition, Housing Rights repeats the points made in the section above dedicated to the insufficiency of a two-week notice period. Many people who commit antisocial behaviour often display complex needs and acute vulnerabilities of their own, and given the increased risk of homelessness that a two-week notice provides, **Housing Rights has serious concerns that this clause does not provide for robust protections for vulnerable individuals and may be open to challenge under the European Convention on Human Rights**. The Northern Ireland Assembly must be aware of this danger and careful to legislate within its competence.

Housing Rights understands and accepts a landlord's right to proportionately protect their property and accepts and advocates for the right to safety and peace for neighbours of those committing antisocial behaviour. We know that antisocial behaviour is a difficult issue, one that requires a balanced approach to the needs of the person 'responsible' and those of the community. We recognise that the rights of the wider community can prevail over those of the tenant and are sympathetic to the intent behind this clause.

We believe two weeks to be counterproductive, unreasonable, unrealistic to challenge and poses an increased risk of homelessness, particularly for vulnerable individuals. Tenants evicted through this mechanism will likely find themselves with an antisocial behaviour profile, without accommodation and no statutory duty.

**Housing Rights recommends that the Department ensure that no tenant will be disadvantaged by these exceptions by reducing the minimum notice period they are entitled to under current regulations. At the very least, the minimum acceptable path is to amend this to a minimum four-week notice, the equivalent of the current minimum notice period.**

This would ensure it is coherent with the spirit of the Private Tenancies Act, remains legally sound, and would allow organisations like Housing Rights to provide adequate advice and casework to assist the tenant to find alternative accommodation, whilst also allowing the Housing Executive sufficient time to assess homelessness should it be required.

## 5.0. Relevant Criminal Offence

Housing Rights would first note that many of the themes raised in our comments in response to the ASB exemption are applicable in relation to a relevant criminal offence. **We believe that a two-week notice period is counterproductive, unreasonable and increases the risk of homelessness. We again**

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<sup>46</sup> [A population-based study of homelessness, antisocial behaviour and violence victimisation among young adults in Victoria, Australia - PubMed](#)

**urge the Department to consider amending this minimum period.** There are, however, additional factors that are impacted in the case of a relevant criminal offence.

## 5.1. Impact on people leaving custody

Housing Rights delivers the Housing Advice in Prisons project, which is jointly funded by the Northern Ireland Prisons Service and the NIHE. This project assists those entering and leaving custody and safeguards tenancies and access to appropriate support to prevent homelessness on release. **There are clear links between homelessness and reoffending<sup>47</sup> and access to stable homes for ex-offenders has been evidenced as reducing reoffending by as much as a fifth.<sup>48</sup>** This work has been credited by the Northern Ireland Audit Office as contributing to reducing rates of reoffending in Northern Ireland.<sup>49</sup>

Both Housing Rights and the NIHE now provide housing support to people leaving prison custody to prevent the risk of homelessness on release. **It is our firm view that a two-week notice period would pose a serious challenge to the ability to provide independent advice and support to prisoners who are released shortly after receiving a notice.** The Housing Rights team has a caseload of upwards of 100 people at any given time, and it normally takes a month for individuals we support to be assigned a peer advocate and/or provided with direct advice and advocacy. **This could potentially result in people leaving custody being released into homelessness without adequate advice and support to access new accommodation, thus increasing their chances of being released into street homelessness.** The inclusion of an exception relating to relevant criminal offence, no matter how narrowly drawn, potentially increases the stigma facing people leaving prison, reducing their chances at rehabilitation. It would also seriously undermine the work being done to secure accommodation for people on release from prison custody, which is an important priority in the Department for Communities' Interdepartmental Homelessness Action Plan.

In addition, our normal procedure for maintaining a tenancy for people in custody involves reaching out to the landlord to secure agreement to continue the tenancy and achieve a successful homelessness prevention case. A two-week notice to quit significantly reduces this potential window of engagement, especially given the heavy caseload. Again, this reduces our opportunity to reach a mutual agreement between the tenant and landlord, which may allow the tenant to address their behaviour on release and maintain their tenancy in the long term.

It is Housing Rights' own experience through our work in prisons that clients who are released into no accommodation are more likely to return to prison than those who are released with accommodation to occupy.

## 5.2. Lack of a time-limited window

Housing Rights agrees with the relevant criminal offences as set out in the guidance, and that it may not be appropriate to offer the extended notice period in this narrow scenario. **We are, however, concerned that there is no limit placed either in the regulations or in the guidance which provides for a cap on the time period in which this notice to quit must be issued.**

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<sup>47</sup> [Homelessness prevention for care leavers, prison leavers and survivors of domestic violence, All Party Parliamentary Group for ending Homelessness, 2017](#)

<sup>48</sup> [Accommodation, homelessness and reoffending of prisoners: Results from the Surveying Prisoner Crime Reduction \(SPCR\) survey \(publishing.service.gov.uk\)](#)

<sup>49</sup> [NI Audit Office Report - Reducing Adult Reoffending in NI](#)

This allows for a situation where a tenant may be convicted of a relevant criminal offence, have been tried through the judicial process, served their sentence and be in the process of rehabilitating themselves, but still be served a notice to quit with a two-week notice period, an unspecified period of time later. Housing Rights does not agree in principle that a tenant who has paid their debt to society and is actively trying to rehabilitate themselves and reintegrate into the community should be susceptible to this. Indeed, it would, in effect, be an unreasonable second punishment for a crime the tenant has already been punished for. It would be prudent, in Housing Rights view, to ensure that these regulations have built-in protections against this scenario arising.

Precedent for this can be found in Scotland. The aforementioned Private Housing (Tenancies) (Scotland) Act 2016<sup>50</sup> provides for a period of one year after the tenant has been convicted, during which the landlord must apply to the First Tier Tribunal to evict the tenant. **Housing Rights recommends that a similar time limit be placed upon the issuing of a notice to quit in circumstances of a relevant criminal offence under the proposed regulations, and that this be reflected in the published guidance.** This would provide for a more than adequate amount of time for landlord/tenant engagement, for the landlord to take all circumstances into account when deciding if they wish to issue a notice to quit, while protecting the tenant from being punished possibly years down the line for a previously committed offence, and from potential vexatious eviction.

## 6.0. Occupation by a Landlord or Landlord's family

Housing Rights respects that a landlord has rights to control and use of the property, protected under Article 1, Protocol 1 of the Human Rights Act 1998<sup>51</sup> and has no disagreement with the length of the notice-to-quit period provided for under these proposed regulations in cases of legitimate use for occupation of the premises by the landlord or the landlord's family. Indeed, this regulation is necessary to ensure that the legislation complies with the Human Rights Act.

**Housing Rights' concerns are not with the existence of this regulation, but with the lack of safeguards that could leave it open to exploitation.** These concerns stem from our client experience, a low threshold of evidence required to action the shorter notice period, and a lack of recourse for a tenant to challenge the validity of the landlord's claims.

## 6.2. Potential for Exploitation of Special Case and Client Experience

Housing Rights' opinion is that this section is open to abuse by landlords and will be exploited. Our helpline advisers often hear from tenants who are evicted because the landlord has told them they are selling the house, moving back in themselves, or moving a member of their family in. The tenant will often ring Housing Rights for help and support because they have seen the house relisted several weeks later at a higher rent price, or the accommodation has been listed on Air BnB.

In addition, section 9 (1) of the regulations stipulates that the landlord must require the accommodation as a 'dwelling-house.' Yet the regulations do not stipulate a time limit for this. A house can be used as a dwelling-house for a month before being re-let again. This raises serious

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<sup>50</sup> [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#)

<sup>51</sup> [Human Rights Act 1998](#)

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questions about proportionality. Is it proportionate for a landlord to make a tenant homeless so they, or a member of their family, can use the home as a dwelling-house on a short-term basis?

Housing Rights could foresee extreme instances where this may be the case, a sudden danger of homelessness for the landlord or the landlord's family, for example, or if they have been victim to a disaster such as fire or flood, yet the regulations do not stipulate that any evidence is required of *why* a landlord needs the home as a dwelling house, or for how long they require it. This creates a significant imbalance of power dynamic and is open to exploitation by landlords.

### 6.3. Affidavit and Evidence

Section 10 states that no statement of evidence is required if the landlord wants to occupy the property. This leaves the entire special case open to the exploitative behaviours we have outlined above. **In essence, there would be nothing to stop a landlord from pretending they want their family to live in their house.** While this, of course, would be a small minority of questionable landlords, it is behaviour that Housing Rights has observed impacting people who use our services. **To mitigate this, Housing Rights recommends that the regulations require a landlord to document why they or their family member needs to live in the property.** This evidence could detail vulnerabilities, illnesses, the risk of homelessness, or any other relevant information that demonstrates the need for the exceptional notice to quit to be issued.

Housing Rights understands that an affidavit must be provided confirming that the landlord seeks possession of the property for their occupation or for a member of their family. However, Housing Rights does not agree that these safeguards are sufficient when considering whether to make someone homeless. A landlord could express an intention to occupy the property and change their mind after the tenant vacates. The landlord would not be acting unlawfully if they did this. They could then specify a short period of occupation and relet the property in future.

**In addition, solicitors who swear affidavits are not required to check if the contents have merit. Solicitors merely affirm that they have witnessed the applicant's signature.**

### 6.4. Lack of Recourse to Justice

In a similar manner to the points made above in Sections 4 and 5 of this response regarding recourse to justice, this legislation provides no recourse for the tenant to challenge the validity of the landlord's claims. The tenant may challenge the notice at court, but only after filing a notice of intention to defend. This legislation has the potential to increase defended proceedings at court and increase legal costs for both the tenant and the landlord.

### 6.5. No distinction in guidance between Fixed-Term and Periodic Tenancies

Housing Rights is aware that these regulations cannot apply to fixed-term tenancies. However, this is not explicitly stated in the guidance and may cause confusion for landlords and tenants who are not fully aware of the law.

**To avoid any mistaken notices to quit being issued under this special case, Housing Rights recommends that the Department insert a line in the guidance which makes the distinction between fixed-term and periodic tenancies clear.**

## 6.6. Safeguards and Mitigation

To provide built-in safeguards against exploitation of this special case, **Housing Rights recommends that a statement of evidence be required, allowing the landlord to document why they or a family member needs to live in the property.** This evidence could detail vulnerabilities, illnesses, the risk of homelessness, or any other relevant information that demonstrates the need for the exceptional notice to quit to be issued. **Importantly, it should also detail the minimum time period the landlord expects to make use of the property as a dwelling-house for.**

In addition, while Housing Rights understands that it cannot be achieved through this legislation, we **recommend that the Department, at the earliest possible juncture, establish a free-at-point-of-access dispute resolution and adjudication service to provide accessible access to justice for tenants who feel they have been unfairly evicted.**

**Housing Rights recommends that the Department clarify which tenancy type this regulation will apply to and ensure that it is consistent with consumer rights law.**

Finally, to mitigate against the exploitative use of this Special Case, **Housing Rights recommends that these regulations draw on lessons from the Renters' Rights Act<sup>52</sup> in England. If a landlord is using this special case to evict a tenant early, it is imperative that they be held to account. Therefore, in cases where a landlord uses this ground to evict a tenant with a shorter notice to quit, the regulations should prohibit the re-letting of the property for a period of 12 months following the end of the notice period.**

## 7.0. Conclusion & Recommendations

To summarise, whilst acknowledging the need to establish special case exceptions to the longer notice to quit periods to be enacted in the Private Tenancies Act, Housing Rights are deeply concerned that the proposals for these exceptions as they stand, risk undermining the spirit of the PTA and have the potential to threaten the NI Executive's wider policy agenda, particularly concerning homelessness prevention.

Housing Rights has expressed an overarching concern about the lack of an accessible and fair recourse to justice for tenants wishing to challenge the decision of their landlord to enact these exceptions. Additionally, it is Housing Rights' view that **any introduction of a two-week notice to quit period is a reduction in rights compared to the current legislation and significantly increases the risk of homelessness**, therefore such proposals are contrary to the aim of the PTA which was *'to make the private rented sector a safer and more secure housing option for a wider range of households'*. Notably, this is half of the statutory 'threatened by homelessness' period which will significantly limit the capacity of the NIHE to assess such applications and provide the appropriate response.

Across all four special case exceptions, there is a need to strengthen the robustness of the proposed guidance and the evidence requirements for the enactment of an exception by landlords, to ensure exceptions are implemented fairly and consistently across the sector. Housing Rights are particularly concerned about the disproportionate impact of the exceptions on already vulnerable groups, with

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<sup>52</sup> [Renters' Rights Act 2025](#)

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the evidence-base highlighting the interconnectedness of such vulnerability with arrears, anti-social behaviour and criminal convictions.

Underpinning this response is our assertion that there is insufficient access to justice for private tenants in Northern Ireland to allow them to realistically challenge any special case notices to quit they might receive. Northern Ireland has no equivalent of the First Tier Tribunal, no free at point of access dispute resolution service or private rented sector ombudsman through which they may be able to exercise their right to challenge one of the special cases. Their only option is through the courts, which are prohibitively expensive, experience deep delay issues themselves, and where it is notoriously difficult to secure representation in private rented sector dispute cases.

The lack of such a dispute resolution service to provide tenants with accessible and realistic pathways to justice undermines these regulations from the moment they are implemented. Although we recognised this shortcoming cannot be addressed within these regulations, Housing Rights recommend the Department, with all urgency:

- Introduce an adequate, free at point of access, dispute resolution service for private tenants, to ensure recourse to justice
- The Department for Communities should keep under review the impact the introduction of these regulations will have on homelessness in Northern Ireland. Furthermore, the findings of this review should be reported on a year after the introduction of the legislation.

### **Substantial Arrears of Rent**

Arrears are, by and large, the result of financial difficulties beyond a tenant's control rather than wilful non-payment of rent. For many individuals and families encountering unexpected circumstances such as injury, relationship breakdown or job loss, the risk of rental arrears is further compounded by the current five-week delay in receiving Universal Credit following an application. Research by the Joseph Rowntree Foundation (JRF) in Northern Ireland found that the five-week wait for UC had a marked negative effect on people's lives, primarily through the financial hardship that it caused on households in both the short and long term.

Households waiting for their first universal credit payment will likely fall behind on that month's rent, as well as struggle to purchase essentials such as food and utilities. Whenever they do receive the first payment, they are often already in debt, especially if they have made use of the Advance Payments offered. This increases their risk of falling further into rental arrears, and two months' worth of arrears can quickly accrue without an opportunity for finances to stabilise.

Arrears, therefore, are an accurate indicator of specific vulnerabilities in the household. We do not agree, therefore, that a shorter notice period is the solution as it increases the risk of destitution and homelessness.

We further believe that the threshold for substantial arrears of rent should be increased to the equivalent of three months, in line with Scotland. This will allow greater opportunity for tenants experiencing short-term financial shock to maintain their tenancies, especially taken in tandem with our recommendation as outlined below, to allow for the notice to quit to be void if the tenant and landlord can agree a reasonable repayment plan acceptable to both parties.

### **Recommendations:**

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- Extend the threshold for enacting this exception from two months of arrears to three months arrears, bringing the legislation in line with the Private Housing Act (2016) in Scotland and the Renters Rights Act in England.
- Extend the proposed Notice to Quit periods for this exception from four weeks to eight weeks, to reflect the realities of the affordability and access challenges for households in the PRS experiencing financial difficulties.
- Conduct an assessment of the impact of this exception on vulnerable groups, particularly females due to their disproportionate reliance on Universal Credit and the impact it is likely to have on accruing arrears.
- Amend the clause for repayment of arrears to state that where the tenant has either paid all the outstanding arrears within the notice period **or** has shown engagement in a reasonable, realistic repayment plan, the notice will not take effect as long as the tenant continues to engage in the repayment agreement.
- The regulations should explicitly link the enactment by landlords of this exception to the provision of evidence that the landlord has sought to reach a reasonable, realistic and sustainable repayment plan with the tenant in conjunction with independent advice.
- The regulations should require that in order for this exception to be enacted, the landlord must provide evidence of appropriate signposting to independent advice services, similar to that which is outlined in the pre-action protocol for social landlords, mortgage lenders, and the Scottish guidance given to PRS landlords.
- Due consideration should be given to the impact of this exception on borrowing from illegal lenders in Northern Ireland.

**Anti-social Behaviour:**

Housing Rights has direct experience of working with tenants who have been both victims of ASB and those who have perpetrated ASB. Our primary objective as an organisation is the prevention of homelessness, believing that access to a safe, affordable and stable home for everyone will lead to a healthier, happier and more productive society.

Access to safe and stable accommodation can reduce instances of criminogenic (causing or likely to cause criminal behaviour) circumstances arising, which may lead to ASB or criminality. Further, with homelessness itself being a criminogenic risk factor, we believe access to a stable home can reduce interaction with the criminal justice system, which in itself has been evidenced to be criminogenic in nature.

This evidence-backed belief, combined with our unique experience with people in housing need who have experienced ASB from both sides, has informed our recommendations.

Housing Rights has serious concerns around the proposal to impose a two-week notice to quit as an exception to the longer notice periods in cases of 'serious antisocial behaviour.' Unlike in the social rented sector, there are no processes and systems proposed to ensure that ASB is prevented in the first instance and that appropriate support when behaviour which may appear antisocial, but is actually vulnerability, appear. Furthermore, the proposal for a two-week notice to quit are contrary to the aim of the PTA which was '*to make the private rented sector a safer and more secure housing option for a wider range of households*' and is incongruous with the strategic direction of the Homelessness Strategy, the Housing Supply Strategy and the Programme for Government. Notably, this is half of the statutory 'threatened by homelessness' period, which will significantly limit the capacity of the NIHE to assess such applications and provide the appropriate response, as well as the

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ability for organisations such as Housing Rights to provide adequate independent advice or advocacy. This proposal, therefore, greatly increases the risk of street homelessness for vulnerable individuals.

**Recommendations:**

- Ensure that no tenant will be disadvantaged by these exceptions by reducing the minimum notice period they are entitled to under current regulations. At the very least, the minimum acceptable path is to amend the notice-to-quit period to a minimum four-week notice, the equivalent of the 'threatened by homelessness' period.
- Amend Article 12(1) of the regulations to stipulate that only evidence used in the statement of evidence can be adduced in court proceedings to ensure a fair trial for tenants.
- As elaborated on in the body of this response, cases may arise of mistaken antisocial behaviour, i.e., noise or, more seriously, domestic abuse. With this in mind, there is a need to amend the regulations to require that the statement of evidence contain proof of a landlord's attempt to sufficiently ascertain the cause of the perceived antisocial behaviour, and attempts to reach a collective solution with the tenant, including through independent mediation. In addition, the guidance should ensure that landlords are made aware of available support services.
- Keep the impact of this special reason under review and assessment with the intent of determining where tenants who receive it go next. Assess the need for low-threshold, timely support services if tenants present to NIHE, and assess interaction with future Proposals 2 and 3 with FRA to determine any impact on the Eligibility Test.
- Remove 'repeated noise nuisance' from the list of serious antisocial behaviour in the guidance.

**Relevant Criminal Offence:**

Housing Rights delivers the Housing Advice in Prisons project, which is jointly funded by the Northern Ireland Prisons Service and the NIHE. This project assists those entering and leaving custody and safeguards tenancies and access to appropriate support to prevent homelessness on release. **There are clear links between homelessness and reoffending and access to stable homes for ex-offenders has been evidenced as reducing reoffending by as much as a fifth.** This work has been credited by the Northern Ireland Audit Office as contributing to reducing rates of reoffending in Northern Ireland.

It is our firm view that a two-week notice period would pose a serious challenge to the ability to provide independent advice and support to prisoners who are released shortly after receiving a notice. The Housing Rights team has a caseload of upwards of 100 people at any given time, and it normally takes a month for individuals we support to be assigned a peer advocate and/or provided with direct advice and advocacy. This could potentially result in people leaving custody being released into homelessness without adequate advice and support to access new accommodation, thus increasing their chances of being released into street homelessness. The inclusion of an exception relating to relevant criminal offence, no matter how narrowly drawn, potentially increases the stigma facing people leaving prison, reducing their chances at rehabilitation. It would also seriously undermine the work being done to secure accommodation for people on release from prison custody, which is an important priority in the Department for Communities' Interdepartmental Homelessness Action Plan.

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We further do not want a situation arising whereby someone can be effectively punished twice for the same crime, once by conviction and twice down the line by being made homeless. Therefore, to protect those who have served their sentence and are reintegrating back into society in a positive manner, we suggest a gated time window of 12 months where this special case can be used.

**Recommendations:**

- Ensure that no tenant will be disadvantaged by these exceptions by reducing the minimum notice period they are entitled to under current regulations. At the very least, the minimum acceptable path is to amend the notice-to-quit period to a minimum four-week notice, the equivalent of the 'threatened by homelessness' period.
- Place a time limit of 12 months after conviction on the issuing of a notice to quit in circumstances of a relevant criminal offence. This would provide for a more than adequate amount of time for landlord/tenant engagement, for the landlord to take all circumstances into account when deciding if they wish to issue a notice to quit, while protecting the tenant from being punished possibly years down the line for a previously committed offence, and from potential vexatious eviction.

**Occupation by a landlord or a landlord's family:**

Housing Rights' opinion is that this section is open to abuse by landlords and will be exploited. Our helpline advisers often hear from tenants who are evicted because the landlord has told them they are selling the house, moving back in themselves, or moving a member of their family in. The tenant will often ring Housing Rights for help and support because they have seen the house relisted several weeks later at a higher rent price, or the accommodation has been listed on Air BnB.

To guard against the exploitation of this special case, we suggest the following mitigation measures.

**Recommendations:**

- Amend the regulation to stipulate that a statement of evidence be required, allowing the landlord to document why they or a family member needs to live in the property.
- The regulations should stipulate that a statement of evidence should also detail the minimum time period the landlord expects to make use of the property as a dwelling-house.
- Where this special case is relied upon, the regulations should prohibit the re-letting of the property for a period of 12 months following the end of the notice period.

# Housing Rights

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