



Policy Response
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Policy Response to Draft Houses in Multiple Occupation (HMO) Subordinate Regulations (Northern Ireland) and Code of Practice for Landlords

when everyone has a **home**

Introduction

Housing Rights was established in 1964 and is the leading provider of independent, specialist housing advice within Northern Ireland. We work to achieve positive change by protecting and promoting the rights of people who are in housing need. Housing Rights is uniquely placed to respond to this consultation, given that our policy work is informed by an evidence base, which draws upon the direct experience of our client casework service.

History of engagement

As the Department will be aware, Housing Rights previously gave evidence to the former Department for Social Development on the Houses in Multiple Occupation (HMO) Bill in 2015. At that time, Housing Rights welcomed the revised statutory definition of an HMO, as our experience suggested that the new definition would make it easier to identify an HMO. Housing Rights also supported the mandatory licensing of HMOs and the requirement placed upon HMO owners to ensure that such properties are licensed and comply with standards. We therefore welcome the subsequent Houses of Multiple Occupation Act (Northern Ireland) 2016, which has been fundamental in improving regulation and standards within the sector. We are pleased that the subordinate regulations have been brought forward to give effect to the provisions of this Act.

Response summary

- **Housing Rights welcomes the opportunity to comment upon the draft regulations and Code of Practice for Landlords, which provide clear guidance to Councils and landlords and which contain a range of progressive measures that should assist in enhancing standards within HMOs and protecting occupants within HMOs.**
- **Housing Rights particularly welcomes the inclusion of Regulations 1 and 3, which we believe will assist Councils in determining the suitability of living accommodation for multiple occupation. These regulations should also provide comprehensive safeguards in the interests of protecting the health and safety of occupants within HMOs.**
- **Housing Rights welcomes the fact that Councils will have the option of issuing conditions to bring HMOs up to standard (short of revoking a license) as this will help prevent homelessness. In order to ensure compliance on the ground, effective enforcement will be required.**

- **Housing Rights, along with other key stakeholders including Belfast City Council, had previously called for an equivalent of the Housing Health and Safety Rating Scheme (HHSRS), a comprehensive risk assessment tool, to be introduced in Northern Ireland. It is therefore welcome to note that the current regulations observe the HHSRS hazard ratings. The inclusion of Regulation 3 is most welcome in this regard.**
- **Housing Rights also welcomes the intended Code of Practice for Landlords, which we believe provides clear guidance to landlords regarding their responsibilities in the routine management of HMOs. We note current Departmental proposals to introduce tenancy information packs for tenants within the private rental sector and consider this to be a useful approach for those living within HMOs also, particularly as a means of communicating occupants' responsibilities.**

Response to Draft Regulations

Regulation 1

Housing Rights welcomes the inclusion of Regulation 1, which, it is expected, will provide Councils with clear guidance on how to determine whether or not an HMO is suitable as living accommodation, particularly with regard to the welfare of occupants. We also welcome the fact that, under the HMO Act 2016, Councils will have the option of issuing conditions in licenses to bring an HMO up to standard, in order to safeguard the health and safety of occupants. As stated overleaf, Councils should ensure stringent enforcement is carried out to confirm compliance with condition(s) in such instances.

Housing Rights understands that, operationally, Belfast City Council will act as a regional hub and will process all 'back office' operations (including inspections) in respect of the licensing of HMOs across Northern Ireland, with each individual Council retaining responsibility for decision-making regarding licenses. Housing Rights would emphasize the importance of robust and consistent decision-making across Councils in this regard.

Regulation 3

Housing Rights particularly welcomes the inclusion of Regulation 3 within the draft HMO Subordinate Regulations. We believe such protections are particularly crucial in HMO accommodation, where there can be a higher degree of turnover of occupants, many of whom have vulnerabilities and face greater risk as a consequence. We believe Regulation 3 will provide a comprehensive risk-assessment strategy framework for Council Officers to

work with when assessing potential hazards within HMOs. Housing Rights also welcomes the engagement of other services, including the Northern Ireland Fire and Rescue Service within this Regulation. We also support the clear guidance regarding landlords' responsibilities for protecting against such hazards that has been provided in the Code of Practice for Landlords.

Code of Practice for Landlords

Housing Rights welcomes the Code of Practice for Landlords, which we believe is very accessible and will provide clear guidance to landlords regarding their obligations in ensuring the health and safety of their occupants. To maximise the usefulness of this resource for landlords and the impact on the ground for occupants, Housing Rights believes it would be helpful to provide supplementary information for all stakeholders, in particular occupants, denoting occupant rights and responsibilities in clearly visible and accessible formats (including in alternative languages). For instance, under Section 12.2, it is stated that every occupier must allow the manager at all reasonable times to enter any living accommodation (though we would note that there is still a requirement on the manager to give reasonable notice to enter living accommodation). As stated earlier within this response, Housing Rights believes that there is merit in considering the Department's proposal to provide tenancy information packs within the wider private rented sector and in extending this to HMOs, as a means of communicating occupants' rights and responsibilities to them. We also note Departmental proposals to establish a dispute resolution panel within the wider private rented sector and believe that this may also be of benefit to HMOs.

For further information, please contact Laura McNamee, Policy & Public Affairs Officer at Housing Rights on 02890 245640 or laura@housingrights.org.uk