



**Northern Ireland
Assembly**

**COMMITTEE FOR
SOCIAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

**Proposed Second Housing Bill –
Departmental Briefing**

18 February 2010

NORTHERN IRELAND ASSEMBLY

**COMMITTEE FOR
SOCIAL DEVELOPMENT**

Proposed Second Housing Bill – Departmental Briefing

18 February 2010

Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Mr David Hilditch (Deputy Chairperson)
Mr Billy Armstrong
Mrs Mary Bradley
Mr Mickey Brady
Mr Jonathan Craig
Mr Alex Easton
Ms Anna Lo
Mr Fra McCann
Ms Carál Ní Chuilín

Witnesses:

Ms Angela Clarke)
Mr Stephen Martin) Department for Social Development
Mr Michael Sands)

The Chairperson (Mr Hamilton):

I welcome Mr Michael Sands, the Department for Social Development's deputy director of housing; Mr Stephen Martin from the Department's housing Bill team; and Ms Angela Clarke, the Department's head of housing markets and supply, who are here to brief the Committee on the proposed second housing Bill. I may have to leave the room during the briefing, for which I apologise in advance. If so, you will be in David Hilditch's capable hands. Today's briefing is being recorded by Hansard because we are discussing primary legislation. Please give us a brief introduction, after which members will have an opportunity to ask questions.

Mr Michael Sands (Department for Social Development):

Good morning. I welcome this opportunity to discuss the proposed second housing Bill with the Committee. The Housing (Amendment) Bill, which passed Consideration Stage on Tuesday 16 February 2010, is intended to enhance and refresh the existing legislative framework without introducing any significant new policies. However, the consultation document that was published on 7 December 2009 makes proposals for more substantive legislation. I am going to focus on some of the issues that are contained in my written briefing, but I will be happy to elaborate on others during questions.

I will begin by discussing the private-rented housing strategy document. The consultation document mentions the fact that the strategy for the private-rented sector, 'Building Sound Foundations', which was published for consultation on 15 May 2009, contains a number of proposals that may be included in legislation. My written briefing outlines the specific proposals that are being considered for inclusion in a Bill. Officials intend to come to the Committee soon to give a more detailed briefing on all issues relating to the private-rented sector strategy, which will include a provision for a mandatory landlord-registration scheme, the introduction of a rent deposit scheme and enhanced fitness standards for the private-rented sector.

The proposals for private-rented housing — houses in multiple occupation (HMOs) — are designed to improve the existing system for regulating HMOs by shifting a greater proportion of the onus for identifying HMOs to the landlords, and to provide stronger incentives for landlords to comply with regulation by increasing the level of fines in line with those elsewhere in the United Kingdom.

The Housing Executive has a statutory responsibility to deal with homelessness, and the law allows for discretion in the way in which the Housing Executive meets that duty. Such discretion can include use of the private-rented sector. The Committee would expect, and the Department is anxious, that all available resources are brought to bear in dealing with the problem of homelessness.

Local housing authorities in England and Scotland already routinely meet their homelessness duty by placing applicants in private-rented accommodation. However, the Department is conscious of the need to safeguard the interests of homeless people who may be placed in the

private-rented sector. For that reason, it is proposed to amend the existing legislation to make it clear that homeless applicants should only be placed in the private-rented sector where the accommodation is suitable and will last for at least 12 months.

The feedback that has been received from stakeholders to date suggests that there is general recognition that the private-rented sector has a role in dealing with homelessness but that there are issues of affordability, the point at which the Housing Executive's duty will be deemed to be discharged and the definition of suitable accommodation. The Department takes the view that successful delivery of the strategy for the private-rented sector, to which I have already referred, would greatly facilitate the adoption of any policy to make greater use of the private-rented sector for the purposes of assisting homeless people.

There is an anomaly in existing legislation concerning certain persons from abroad who lose their eligibility for homelessness assistance after they have been assessed as full-duty applicants. That could put the Housing Executive in the position of having to decide whether to breach homelessness legislation by refusing assistance to such persons or to breach immigration legislation by making an allocation of social housing.

The Department proposes to correct that anomaly by allowing the Housing Executive to end its homelessness duty when an applicant ceases to be eligible for homelessness assistance. That would also allow applicants to access the formal review and appeal procedures that are being introduced in the Housing (Amendment) Bill. Those procedures carry with them the possibility of access to temporary accommodation pending the outcome of any review or appeal. On the basis of the responses that have been received so far, consultees appear to accept the need to correct the anomaly.

The proposal on fuel poverty would provide statutory authority to social housing landlords to broker energy at a discounted price for their tenants. To date, this proposal has received broad support.

Landlords have a range of powers at their disposal to protect their tenants and others from antisocial behaviour. In line with the approach that is being taken in other jurisdictions, the consultation document sets out options for enhancing those powers. A number of the proposals on community safety reflect issues raised by the Committee during its scrutiny of the Housing

(Amendment) Bill. Those include enabling the Housing Executive and registered housing associations to share information about the various sanctions that may be enforced against individual tenants with a view to restricting the ability of antisocial tenants to move to other areas or to take advantage of the house sales scheme and providing social landlords with greater discretion to refuse an exchange of tenancies on the grounds of antisocial behaviour.

Members may be interested to know that the Department has recently issued guidance to the Housing Executive which points out that transferring antisocial tenants to other areas is not an appropriate method of dealing with the problem, and which directs the executive not to accept applications for transfer from tenants who have been, or who are likely to be, made the subject of an order for repossession. The guidance reminds the Housing Executive that mediation should be conducted in such a way that victims of antisocial behaviour are not subjected to further distress, and that mediation should only be resorted to in situations in which it appears to have a reasonable prospect of success.

I have already referred to the potential conflict that can arise when, under homelessness legislation, the Housing Executive owes a duty to a person who is not eligible for assistance because of their immigration status. A similar situation can exist when the Housing Executive owes a homelessness duty to a person who would normally be treated as ineligible for assistance because of their antisocial behaviour. The Department's position is that, although every case deserves to be treated on its merits, social landlords should not be obliged to accept as a tenant a person who is clearly unsuitable. The consultation document sets out proposals to address the problem, and we welcome the Committee's view on that.

The consultation paper makes a number of proposals for technical amendments to existing legislation in order to facilitate joined-up working and to remove unnecessary bureaucracy. Although no significant policy issues are involved, we understand that the Housing Executive and registered housing associations would welcome new legislation in those areas.

The consultation period ends on 26 February and, as yet, we have received few written responses. Our meetings with key stakeholders, including public meetings that were attended by at least one member of the Committee, have been productive, and, as with any consultation, a wide range of views have been expressed. I have already said that that early feedback suggests broad support for the proposals on HMOs and a general recognition of the potential role of the

private-rented sector in meeting housing need.

The proposals on fuel poverty and the technical amendments in chapters 5 and 6 of the document have widespread backing. There is also support for some of the community safety proposals, in particular those in relation to improving information sharing and empowering landlords to refuse an exchange of tenancies on the grounds of antisocial behaviour. The views so far on a number of the other community safety proposals have been mixed, with housing providers and elected representatives generally being supportive, but with parts of the voluntary sector expressing some reservations.

I hope that that gives members a clear overview of the proposals, and we welcome the Committee's feedback.

The Chairperson:

Thank you very much, that was very useful.

I will begin by asking a process question. As I am sure that you are aware, the Committee is facing a fairly heavy legislative programme for the remainder of this year and early next year. Therefore, we hope that the Second Stage of the new legislation can be passed before the end of May to allow us to commence the Committee Stage before the summer recess. From your perspective, is that target date achievable?

Mr Sands:

It is at this time. However, it depends on other activities that may be going on and on demands that may be placed on the Office of the Legislative Counsel for other Bills to be drafted.

Mr Stephen Martin (Department for Social Development):

As the proposals stand, it is unlikely that we could put them all in legislation by the end of May. It would be more achievable to select a number of proposals. However, the end of May is still a relatively challenging target date, and the end of June may be more deliverable.

The Chairperson:

OK.

Mr Hilditch:

Most of the proposals are fairly straightforward. However, can you give me some more detail on fuel poverty measures and the idea of the Housing Executive trying to purchase fuel on behalf of its tenants? How would that work?

Mr Sands:

The idea is not that the housing suppliers would purchase the actual fuel at source, but that they would broker a good price that would be suitable for, and of benefit to, tenants. The whole idea is to use bulk purchasing power — the “Tesco effect” — through which they can guarantee to a supplier that there is a market and that a certain amount is required. The supplier would, himself, be able to make a bulk purchase and negotiate a further discount.

Mr Hilditch:

Would that brokering be done through a range of sources?

Mr Sands:

Yes. The proposal is in its early days as far as the Department is concerned, but it will benefit tenants. The Department may as well use its ability to bulk purchase and force prices down where it can.

Mr Craig:

I noted with interest the enhanced role that the Housing Executive will have regarding anti-social behaviour orders (ASBOs) and in dealing with antisocial behaviour. Will housing associations and other housing providers also have the ability to take out ASBOs? More importantly, will the proposed legislation enable all the housing associations, whether in the public or private sectors, to share information on tenants and their histories of tenancy? That issue that comes up time and again in the Public Accounts Committee, and the lack of shared information seems to be a block to dealing with very bad tenants.

Mr Sands:

During its discussions with the Committee on the Housing (Amendment) Bill, the Department expressed its concern at the difficulties in sharing information. The proposal that you mentioned will ensure that information is available to be shared between the Housing Executive and the housing associations. However, perhaps Stephen can provide a more complete answer to that

question.

Mr Martin:

When creating legislation, we must specify exactly what information will be shared and for what purposes. The consultation document is clear that the information will be shared in specific areas, such as exchanges and house sales, but, if the Committee feels strongly that there are other areas where information could be shared between social housing providers, the Department is very happy to consider its view.

The proposals do not actually make any changes to the existing provisions on ASBOs, but the Department is keen to examine the use of injunctions. Currently, housing providers can place injunctions on particular individuals as a result of their antisocial behaviour. However, to enforce those injunctions, the provider must go back to court. The Department wants to insert into the proposed Bill a power of arrest, so that a breach would be an arrestable offence, and, rather than having to wait several months for a court to enforce the breached injunction, a police officer would be able to arrest an individual. The Department wants to improve the existing powers and make them more workable; however, the powers associated with ASBOs would not be affected by the proposals in the document.

The Chairperson:

Would those powers apply to the Housing Executive or to the housing associations?

Mr Martin:

It would apply to both.

Mr Sands:

Following comments that have been made by the Committee, the Department is conscious of the role that housing associations play in comparison with that of the Housing Executive. It wants to ensure that, as far as possible, whatever restrictions are applied to Housing Executive tenants will also be applied to housing association tenants.

Mr Craig:

The one thing that the legislation must specify is what information can be transferred between housing providers in both the public and private sectors. A legal loophole exists, and some

individuals use it to destroy housing association properties and then put themselves on the Housing Executive list. They do the same thing several times over. They get away with it because the information on their tenancy history cannot be transferred and housing suppliers are unaware their tenant's histories.

Mr Martin:

The powers are pretty specific in the consultation document, but the Department is happy to consider broadening them to a more general level.

The Chairperson:

Have you looked at the issue of anti-social behaviour orders? You say that the law will stay as it is and that only the Housing Executive may avail of those sanctions against antisocial tenants. Have you looked at the possibility of extending that power to allow housing associations to do likewise?

Mr Martin:

No. We have not looked into ASBOs. They are primarily a criminal justice matter, so they normally lie outside the realm of housing legislation. That is not something that we have looked at in drafting these proposals.

The Chairperson:

Is that why you mentioned the injunction?

Mr Sands:

Yes. We do not have the authority to make such a change, because it is a criminal justice matter.

The Chairperson:

Jonathan, are you content with that?

Mr Craig:

As long as the officials take that view on board, I am content.

Mr Sands:

Mr Craig, we always listen to everything that the Committee tells us.

Mr Craig:

I know that you do.

Mr F McCann:

To follow on from what Jonathan said, one of the major problems is that if antisocial people are under pressure in one area, it is easy for them to cry intimidation and, if they are awarded intimidation points, that puts them directly to the top of the housing list. The question of a duty of care arises. Housing associations and the Housing Executive say that they have a duty of care to move such families because their intimidation points put them at the top of the list. They move those families into new areas without notifying the local community. Should the sharing of information allow people to challenge that? It does not at present.

Many issues relate to the use of injunctions. I know of no research into the use of ASBOs; however, other jurisdictions have not found them to have been as effective as promised. Often, they are used to scare people, rather than to deal effectively with a problem. We need to look at other ways of dealing with this. The Housing Executive and housing associations should issue guidance on antisocial behaviour, and it should be in plain English, or whatever language may be required. In many cases, such guidance is an exercise in doublespeak, and that makes it very difficult for people to understand their rights.

As to registration of landlords in the private-rented sector, I have not seen published results of the consultation. My understanding is that the vast majority of people called for mandatory registration of the private-rented sector, with strict legislation to ensure compliance. The officials mentioned mandatory registration but, according to my reading of these documents, it seems to be light-touch regulation, which will not impact on the whole sector.

My other criticism relates to HMOs. I support the fact that the fine will be raised to £20,000. However, the raising of the maximum fine does not matter so much; the minimum fine is what causes problems. Even if the Assembly decides on a £20,000 maximum fine, bad landlords can still take on the chin a £100 or £200 fine and walk away. Therefore, there must be minimum and maximum fines in order for the penalty to have an impact.

My last point is about registration. I thought that this Bill would deal with that. If my

understanding is correct, another Bill will be introduced in May or April next year to deal with that. Is that correct?

The Chairperson:

The witnesses have told me that they are not here to discuss some of the points that Fra McCann has raised. However, these are issues that the Committee is concerned about. Whatever you can say will be helpful.

Ms Angela Clarke (Department of Social Development):

We attended the Committee and gave a summary of the results of the consultation. Mr McCann is correct; there was overwhelming support for a light-touch, mandatory registration of private landlords. The Minister is now committed to bringing that forward, and it will be a part of the second housing Bill.

Mr F McCann:

Is it contained in this Bill?

Ms A Clarke:

Yes; this Bill will include a provision for the mandatory registration of private landlords.

Mr F McCann:

During the consultation, was a light-touch registration scheme mentioned, or was mandatory registration mentioned only?

Ms A Clarke:

Many people made a distinction between a light-touch registration scheme and the much more robust regulations that are in place for HMOs because of their nature. People felt that a registration scheme was needed and that private landlords should be required to register their details so that the information can be used to ensure that enforcement is undertaken properly and followed up.

Mr Sands:

The legislation will not refer to light-touch registration. We will agree that when the processes on registration are introduced.

Ms A Clarke:

The details of the scheme are being considered and worked on, and that is a slightly longer process.

Mr F McCann:

Can you talk about the HMO fines?

Mr Sands:

We have to get approval for the introduction of those fines. We have agreed to them, but the setting of a minimum fine is beyond our control. That is up to the magistrate or whoever deals with the court case.

Mr Martin:

We can look at that issue and consult the Court Service to find out whether that is possible. Generally, the Court Service resists minimum fines, but we will certainly have a conversation with it to find out whether we can consider that proposal.

Ms Lo:

Many people would support and welcome a mandatory, light-touch registration scheme. How will that be reconciled with the Bill, which legislates for the establishment of a voluntary accreditation scheme?

Ms A Clarke:

I accept that. As a result of the consultation, we recognise that mandatory registration is required. Accreditation will be linked to that at a later stage, but the first priority will be to carry out mandatory registration.

Ms Lo:

The Housing Rights Service is keen that a light-touch scheme be introduced. That is good.

Your briefing paper mentions homelessness, which could affect, for example, migrant workers. Your paper states that a change to legislation:

“would enable applicants to take advantage of their statutory right to a review of any decision affecting their eligibility,

which is being introduced under the Housing (Amendment) Bill”.

What do you mean by that?

Mr Martin:

An anomaly exists in Northern Ireland that does not exist in other parts of the UK. The Committee will remember from its consideration of the Housing (Amendment) Bill that immigration legislation sets entitlements to social assistance, including housing. Essentially, two bits of law conflict. Homelessness assessments are made at one point in time by the Housing Executive, and, at that point in time, the Housing Executive decides whether someone meets the various homelessness tests and becomes what is referred to as a full-duty applicant. Under homelessness law, once someone has been defined as a full-duty applicant, the Housing Executive owes them a statutory duty.

For most people, that is fine because their circumstances do not change. However, the entitlement of some people is based on their immigration status. If the circumstances of such a person were to change because, for example, they lost their employment, they could lose their entitlement to social assistance. When the Housing Executive makes an allocation, the individual retains their full-duty-applicant status, and, therefore, the Housing Executive owes them a statutory duty. At the same time, under immigration law, the Housing Executive cannot allocate a social tenancy, so it cannot make a decision on an allocation without breaking one or law or the other.

Ms Lo:

The current practice is that such people are told that they are not allowed any more housing assistance.

Mr Martin:

I am not quite sure what the operational practice is, but, legally, the Housing Executive is not entitled to allocate a house in those circumstances.

Ms Lo:

If a migrant worker were to lose his or her job, he or she would not have access to public funds if he or she had not worked for more than 12 months, for example. Will the legislation enable the individual to call for a review?

Mr Martin:

The Housing Executive cannot currently make a decision, because, if it were to do so either way, it would be breaking the law. Essentially, a limbo is created. We are trying to allow the Housing Executive to make a decision to make an individual ineligible because of his or her immigration status, and the individual can then appeal through the mechanisms that are being put in place by the Housing (Amendment) Bill. Therefore, that person would have access to their rights to review and appeal, which they do not currently have. That is the benefit that the legislation would bring to the individual. The present limbo situation is unsatisfactory for the applicant and the organisation, and we are trying to address that.

Ms Lo:

What would happen in that appeal? Would the immigration law be deemed to have superior status to the homelessness legislation, as is currently the case?

Mr Martin:

That is one way of looking at it. We cannot change immigration legislation because it is a non-devolved matter, but homelessness legislation is a devolved matter, and we are trying to address the problem by changing the homelessness legislation to allow the Housing Executive to make an individual ineligible. That would end the Housing Executive's statutory duty to that person. That is the approach that we propose.

Ms Lo:

That is no advantage to the person, so the sentence in your briefing paper does not make sense to me.

Mr Martin:

It is advantageous all round in that a decision that is reviewable and appealable in the courts can be made. The individual, therefore, can have his or her rights of review and appeal, which include, potentially, temporary accommodation during the process.

Ms Lo:

Are you saying that it would be up to the courts to decide?

Mr Martin:

The Housing (Amendment) Bill proposes a right of review and appeal when the Housing Executive decides to make someone ineligible. A decision by the Housing Executive will be reviewable and appealable. The Housing Executive is currently unable to make a decision on the instances that we are talking about because it would breach either one law or another. We seek legislation to allow the Housing Executive to reach a decision and for the individual to get clarity on his or her position and to seek a review or an appeal of that decision initially through the Housing Executive's procedures and then through the courts. Potentially, the individual would be entitled to temporary accommodation during the process. The Housing Executive would work with them to find alternative accommodation should their review or appeal not be upheld.

Ms Lo:

Ultimately, which law will be applicable? Will it be our own domestic law on homelessness, or will it be the national law on immigration?

Mr Martin:

We propose to amend the Housing (Northern Ireland) Order 1988, which deals with homelessness, to allow the Housing Executive to bring its homelessness duty in those instances to an end. Essentially, we will address the anomaly by making an amendment to a devolved piece of legislation on homelessness.

Mr Sands:

To answer your question directly, the UK-wide, Home Office legislation takes precedence. We are trying to adjust that as far as we can to address the situation that is pertinent to Northern Ireland. The Home Office legislation is the guiding legislation, and we are trying to deal with the legislation beneath it.

Ms Lo:

So the proposed legislation may give those people a few more months to appeal, during which they may still be eligible for accommodation. At appeal stage, they may be turned down.

Mr Martin:

Yes, unless some error, mistake or oversight occurred during the process that could be upheld at the review or appeal. This anomaly exists only in Northern Ireland. The structure of English

legislation, for example, does not allow for that situation; the person is simply declared ineligible. That catch-22 exists only in Northern Ireland, and we are seeking to address it.

Ms Lo:

That does not happen in practice. The Roma families were not allowed emergency accommodation when they were forced out of their homes, because they had no recourse to public funds.

Mr Martin:

That case is different. We are referring primarily to A8 nationals.

Ms Lo:

If A8 nationals have not worked for more than 12 months under the workers' registration scheme, they have no recourse to any public funds in Northern Ireland.

Mr Martin:

Yes. The situation that we are trying to address is one that involves someone who was eligible at the point at which they applied to the Housing Executive, but whose eligibility then changed because their personal circumstances changed. That involves a relatively small number of people, but the Housing Executive finds itself in an invidious position. In order to make a decision, it has to break the law. That is not something that we will countenance or support. This anomaly must be addressed.

Mr Sands:

We must be careful that, as far as UK-wide legislation is concerned, Northern Ireland does not open a door that allows many others to come in and take advantage of that particular situation, because that would be to the detriment of others on the waiting list.

Mr F McCann:

I was going through the documents last night. One of my difficulties with the proposal is that the provision of accommodation is not clear from it or from what you have said. It must be clear for everyone, so that people know their rights. It gives the impression that the law has been changed so that the Housing Executive's responsibility no longer exists and that people are being left to their own devices. That needs to be cleared up.

The problem may affect only a very few people; but if it affects one person it is wrong.

Ms Lo:

People do not deliberately make themselves homeless. You will have heard the case of the woman who lost her leg through sleeping rough.

Mr Sands:

These are early days for the legislation. As the Bill progresses, we will firm up the proposals. The explanatory document and others will set out the exact position. It is good and healthy for us to hear the debate, but we need to tease out those points and ensure that we have covered them clearly and that people understand exactly what their position is and to whom and where they can go for help.

The Chairperson:

This is a set of circumstances in which members genuinely want to help those in distress. However, we have to accept and understand that there is national immigration legislation that sits above this. The anomaly will have a detrimental effect on the Housing Executive's position. It must be dealt with; and the way in which that is done may not seem to be consistent with our desire to care for people. However, unfortunately, it probably has to be done.

Ms Lo:

Northern Ireland received £1 million from the UK Migration Impacts Fund to help to address the pressure on public services that are caused by legal immigration. However, neither ethnic minorities nor migrant workers have seen any of that money. We have received £1 million this year, and we will possibly receive £1 million next year. Where has that money gone?

The Chairperson:

I am not sure whether where, when and to whom that money went —

Ms Lo:

That covers all public services. I am sure that DSD has not seen that money.

Mr Sands:

I am not aware of that, Ms Lo.

The Chairperson:

We will seek clarification as to what agency or Department received that money. We can get more detail on this.

Mr Brady:

Thank you for your presentation. My question was similar to Jonathan Craig's, about the Housing Executive's role in crime prevention and antisocial behaviour. You mentioned the breach of injunctions and powers of arrest. This is about enforcement. When exclusion orders became molestation orders, particularly in relation to domestic violence, powers of arrest became more effective. If there is no enforcement, such orders are not effective at all.

(The Deputy Chairperson [Mr Hilditch] in the Chair)

Mrs M Bradley:

Some of what I wanted to say has already been touched on by Jonathan Craig and Fra McCann. My point was on the community safety aspect, which is one that we have to thrash out. Whether houses are owned by a landlord, an agent or a housing association, it is difficult for an ordinary person to live with antisocial behaviour. The ordinary person may have bought their house from the public authority, and, as a private owner, they have nowhere to go. I am greatly concerned about community safety, and we really must get it right, because it has caused a lot of trouble. Landlords seem sometimes to be untouchable, as, indeed, do some housing associations. It needs to be made very clear to them that that cannot be the case any more and they must be accountable.

Mr Sands:

We share that opinion. Antisocial behaviour is a social scourge, and, unfortunately, people round this table have to deal with it. The Department will do all that it can within its remit to provide sufficient powers to the likes of the Housing Executive and housing associations to try to combat antisocial behaviour by even the design of houses and schemes, so that we do not create the pockets and areas where individuals can gather and carry on.

Mrs M Bradley:

Derry City Council and the Housing Executive have set up a warden scheme in the city. That has definitely improved things. Unfortunately, we do not have enough wardens to go into all areas at the one time. They are spreading themselves thinly and trying to cover all areas, which is well nigh impossible.

Mr Sands:

That seems to be a particularly successful scheme. The Holylands scheme and the scheme in Londonderry are working and are helping people. However, as you rightly say, Mrs Bradley, it is a question of resources and what is available to spread such schemes around. Sometimes, you rob Peter to pay Paul.

Ms Ní Chuilín:

Paragraph 14 of the Department's briefing paper states:

“it is proposed to amend the existing legislation to make it clear that homeless applicants should only be placed in the private rented sector where the accommodation is suitable and will last for at least 12 months.”

There is an acute shortage of public housing in my constituency of North Belfast. As a result, the private-rented sector has been used, and some tenants have had to pay additional top-up money, which, in some cases, has led to them being further disadvantaged. We are talking about people in poverty. In addition, the accommodation is not even suitable for family needs.

In areas with a high demand for social housing, the meaning of the phrase “where the accommodation is suitable” needs to be stretched out and tested. It really needs to be more specific. I am talking about the provision of proper heating and insulation. The paper refers to fuel poverty. I visited a flat before Christmas where a woman with three kids lived. The windows had old, wooden sash frames. The draughts were extreme, and she was spending a fortune on electricity to heat the place. She was told that she should be thankful, and she was thankful that she had somewhere in the mouth of Christmas. However, she is still living there, and that is not good enough. She is sitting with whatever points she has, and she will be sitting there for a long time.

She is not the only person in a similar situation, and unless we specify exactly what “suitable accommodation” means — that includes any additional top-ups and the regulation of private landlords, because registration should be included as a measure of suitability — we will be regulating misery and poverty by default for a lot of people in constituencies that experience high

demand for social housing.

Mr Sands:

Obviously, “suitable” would be very difficult to define in legislation, because each individual has his or her own requirements. We are introducing a registration scheme to regulate more strictly and to make sure that accommodation, whether an apartment or house, is suitable for the needs of a particular family. The question of rent is much more difficult, because the private landlord is entering into that scheme by making the house available. However, at least the tenant has security of tenure for a minimum of 12 months. It will be up to the Housing Executive or housing association to conduct a process with that landlord to ensure that the rent is not exorbitant and matches, perhaps, the housing allowance in that area.

Ms Ní Chuilín:

I appreciate that the local housing allowance is linked to that. However, at a very basic level, the legislation needs to be turned round. The legislation may not look right, may be difficult to read or may not look the way that we want it to. However, it is about spending public money and, therefore, there needs to be value for money and an assurance that that money is being well spent. Having a roof over your head is not enough. That is below even basic standards. At the very least, there should be a baseline that private landlord accommodation must meet a decent home standard. That needs to be sorted out.

Mr Sands:

Your points are well made, and we agree with you entirely. It is about making sure that that is carried out at the point at which a family is put into the accommodation.

Ms Ní Chuilín:

That is not the case. It is arbitrary and depends on the constituency. I have spoken to my colleagues from all over and have asked them about accommodation standards, and that is my yardstick. The situation may be different for me and Fra; there are differences between North Belfast and West Belfast. Despite that, there are a lot of similarities. However, in South Belfast and East Belfast, it is completely different. In parts of Fermanagh and South Tyrone, or parts of Derry, the situation is completely different again. There are too many disparities, and it is too arbitrary. If there is an opportunity in the Bill to make right the things that we could not make right through the Housing (Amendment) Bill, we should take it.

Mr Sands:

Again, we will perhaps look at the registration scheme to ensure that the Housing Executive and housing associations are only putting individuals into accommodation that is already registered with the Housing Executive and that is up to a suitable standard.

Ms A Clarke:

It is in its early stages, but some of the work that the Housing Executive is doing at the moment on the partner landlord scheme makes it very clear that accommodation has to meet certain standards. Those standards include affordability, basic standards and physical condition. Some of the private-rented sector accommodation is excellent; however, some of it is very poor.

Ms Ní Chuilín:

Yes.

Mrs M Brady:

As Carál said, some type of inspection by the Housing Executive or by another organisation should be taking place to ensure that the accommodation that people are taking up meets certain standards. People with young children are living in conditions that are a total disgrace. An inspection would be one way of getting round that.

Mr Sands:

That would be suitable.

The Deputy Chairperson (Mr Hilditch):

Thank you very much for that briefing.