



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Housing (Amendment) (No. 2) Bill
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281
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Relevant Background Information

In May of last year, the Department for Social Development (DSD) published a consultation document "Building Sound Foundations: a Strategy for the Private Rented Sector". The Council provided a detailed response to this consultation at that time and the Department indicated that, subject to the results of the consultation, the proposals in the strategy would be included in a proposed Housing Bill.

On 7th December 2009 the DSD published a further consultation with respect to the Housing Bill with additional proposals for the regulation of Houses in Multiple Occupation (HMOs), different approaches to tackle fuel poverty and a range of suggestions to build on existing powers to deal with homelessness and community safety with regard to tenants. The Committee considered this at its meeting of 3rd February 2010 and subsequently submitted a detailed response which was ratified by the Council on 1st March.

The Housing (Amendment) (No.2) Bill was formally introduced to the Northern Ireland Assembly on 22nd June 2010 and has been referred to the Committee for Social Development for the Committee Stage. The stated purpose of the Bill is to enable better regulation of the private rented sector, provide new tools to tackle fuel poverty, promote effective housing management and clarify existing law in respect of homelessness. The clerk of the Committee for Social Development has written to the Council's Chief Executive outlining the main provisions of the Bill and inviting written evidence on behalf of the Council for the Committee Stage of the Bill (Appendix 1).

Whilst the previous Council submissions continue to be pertinent to the main thrust of the Bill, there are some points which may require additional clarification.

On 1st March 2010, the DSD published proposals for a Regeneration and Housing Bill which included provision for district councils to promote energy efficiency within their own areas. The Council did respond to that consultation through the Strategic Policy and Resources Committee of 15th April, 2010 including comments on the energy efficiency proposals. That provision however is now being taken forward in the Housing (Amendment) (No. 2) Bill.

The Committee has requested that any written evidence should be forwarded to them, preferably by e-mail, by Monday 23rd August.

Key Issues

The Draft Bill:

- The Housing (Amendment) (No.2) Bill has been referred to the Committee for Social Development for the Committee Stage.
- The Council has been invited to submit written evidence.
- The Council has already submitted two detailed responses to Housing Bill consultations in 2009 and 2010.
- The Council submissions continue to be broadly pertinent to the draft Bill
- The Bill enables the Department to make regulations for a mandatory registration scheme for all private landlords however the Committee indicates that the scheme is described as “light touch”.
- The Department has not clarified which authority would regulate the rent deposit scheme.
- Proposals to give district councils powers to promote energy efficiency were originally included in a draft Regeneration and Housing Bill and are now included in the Housing Bill. The Council has commented on this as part of the SP&R Committee’s response in April of this year.
- Submissions, preferably by e-mail, to be sent to the committee by 23 August 2010.

Draft response

A copy of the draft letter of response is attached at Appendix 2.

The Council welcomes the Bill and would refer the Committee to the Council’s previous responses to the consultation document, Building Sound Foundations: a Strategy for the Private Rented Sector (Appendix 3) and the draft Housing Bill (Appendix 4).

The Council seeks clarification of the Department’s reference to a “light touch” registration scheme. It is vital that the scheme requires landlords to register all their properties and that councils are responsible for both administering and regulating the scheme. The Council also seeks clarification from the Department regarding its commitment in the strategy document to raise the fitness standard for the private sector, as there is no reference to this in the Bill, and it should also seek to clarify which authority should regulate the rent deposit scheme.

The Council restates its comments to the Department in its response to the Regeneration and Housing Bill with regard to the introduction of a power to allow district councils to promote energy efficiency in residential accommodation, namely:-

- The Council welcomes the proposal to provide councils with powers to promote domestic energy efficiency as an element in the drive to address fuel poverty.
- The Council understands that an option for a national Fuel Stamps Scheme will be included as a proposal for consideration in a DSD public consultation in the current Fuel Poverty Strategy due out in the spring of this year.

- In order to facilitate this type of support to the fuel poor however the Department may wish to consider a more explicit inclusion in the draft Bill that would ensure that Councils have a clear *vires* for such schemes by specifically empowering them to support schemes that are designed to assist the management of heating costs in residential accommodation.
- The administration of this function would have significant resource implications for councils. The Council would welcome full and formal consultation in relation to the nature and extent of resource provision.
- The Council observes that there is an existing synergy with functions it currently holds with building control having a regulatory function in relation to building regulations and responsibility for energy performance certificates. A certain level of expertise already exists in Councils in respect of this function.

Resource Implications

The Council currently funds its Fuel Stamps scheme through the thematic budget for people and communities. The Council's recommendation however for explicit powers for councils to assist in the management of heating costs in residential accommodation would require formal consultation with the Department in relation to the extent of resource provision.

Recommendation

It is recommended that the Committee agrees the draft response to the Committee for Social Development as set out within Appendix 2.

Decision Tracking

The Head of Environmental Health will ensure that the Committee's submission is sent to the Committee for Social Development by the required date.

Documents Attached

- Appendix 1 - Letter of 23rd June to the Chief Executive from Mr Peter McCallion, Clerk of the Committee for Social Development.
- Appendix 2 - Draft response
- Appendix 3 – Council response to the DSD's Consultation Paper: Building Sound Foundations: A strategy for the Private Rented Sector (August 2009).
- Appendix 4 – Council response to The Housing Bill (Northern Ireland) - A consultation document (February 2010).