

ANNEX B

NOTICE TO QUIT CONSULTATION

Overview

The Private Tenancies Bill which is currently making its way through the NI Assembly contains a clause to increase the Notice to Quit period that a landlord is required to give a tenant to 8 weeks for tenancies lasting more than 12 months up to 10 years. It also amends the Notice to Quit that a tenant has to give to 4 weeks if the tenancy has not been in existence for more than 10 years and 12 weeks if more than 10 years.

The Department wants to test if 8 weeks is a sufficient timeframe to allow tenants (resident in their homes for more than a year) to find an affordable, suitable new home and has therefore included a range of alternative Notice to Quit options for you to consider.

Minister Hargey asked for some further research to be carried out on a range of Notice to Quit options and this work was recently completed by the Chartered Institute of Housing. This research has been summarised within the consultation document to provide additional context.

It is important to note that the draft Bill contains a provision which would allow the Notice to Quit to be amended in the future.

Why your views matter

The aim of the public consultation is to seek a comprehensive range of views and opinions which the Department can use to inform its' policy position on any extension to the Notice to Quit period.

The Department will consider the responses received and, following that, publish a consultation report on the Departmental website, which will set out an analysis of responses and the Department's next steps.

The information you provide in completing this survey will be controlled and processed in line with Data Protection Legislation by the Department. To find out more about how we handle your personal information, DfC's Privacy Notice can be viewed online at www.communities-ni.gov.uk/dfc-privacy-notice

In order to facilitate the survey, Citizen Space, which is not operated by DfC, is used as a data processor. Details of Citizen Space's privacy policy can be found online at www.delib.net/legal/privacy_policy

Further information

In responding to this consultation please do not submit any sensitive personal data or information. You are under no obligation to provide personal details in responding to this consultation.

We will only use your information for the purposes of analysis of feedback to this consultation.

Introduction

Please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation:

(Required)

- I am responding as an individual
- I am submitting an official response on behalf of an organisation

Responding as an individual

If you are responding as an individual, which of the following best describes your interest in the consultation? (please tick one)

(Required)

Please select only one item.

- I am interested from a tenant perspective
- I am interested from a landlord perspective
- Other (please specify in space below)

Responding on behalf of an organisation

If you are responding on behalf of an organisation, which of the following best describes your organisation? (please tick one option)

Please select only one item.

- Private Landlord
- Social Landlord
- Letting agent
- Local Government/Council
- A housing sector representative body
- Charity dealing with housing issues
- Other (please specify in space below)



Notice to Quit

In responding to the questions below, please try to support your response with facts, data, specific examples or other forms of evidence to substantiate your point of view.

The purpose of Notice to Quit

Either a tenant or a landlord may end a tenancy by giving a Notice to Quit. This provides time for the landlord to make arrangements to find a new tenant and gives the tenant time to find somewhere else to live. The usual length of a private tenancy Notice to Quit in Northern Ireland is the same for tenants and landlords although it is worth noting this was temporarily amended during the Covid emergency.

When a tenant gives Notice to Quit to a landlord it is normally because they have secured alternative accommodation whereas when a landlord gives a tenant a Notice to Quit that tenant then has to secure suitable affordable alternative accommodation which can be challenging in terms of supply and affordability. Therefore the Department considers that the Notice to Quit a landlord is required to give a tenant should be longer than the notice that a tenant is required to give.

The Department is particularly interested in views on the length of Notice to Quit that landlords should give to tenants.

1. Do you agree that the length of notices to quit for landlord and tenants should be different?
 Yes
 No

The Council would like to ensure that a tenant is given adequate notice so that they may find suitable alternate accommodation which can be difficult in the privately rented sector.

Use this box for further explanation if required:

That Notice to Quit should vary depending on the length of time in the tenancy

The Department considers that the longer a tenant has lived in a private tenancy the more disruption a Notice to Quit will cause as they try to secure suitable alternative accommodation.

2. Do you agree that Notices to Quit should vary depending on the length of the tenancy?

Yes

No

Use this box for further explanation if required:

Where a tenant has occupied a property for a significant period of time, they will have developed strong links to a particular area especially for children attending school and for those who require access to additional community or voluntary support.

The extended period of time will allow tenants more time to find suitable accommodation to meet their needs and individual circumstances.

Tenancies less than 12 months

The Department proposes to retain a 4 week Notice to Quit for tenancies of up to a year. There are various reasons for this, including:

- Most tenancies start with a one year contract, so while a Notice to Quit being issued is good practice, the end date of the tenancy is specified from the beginning. The statutory Notice to Quit only applies where there is no written contract or the contract does not contain a fixed term.
- Tenants require short term contracts for a variety of reasons, and these are required to be flexible. The Department does not want to overly constrain the supply of such tenancies, given the need for them.

3. Do you agree that the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks?

Yes

No

The Council supports the view that 12 month fixed term tenancies should be given more than 4 weeks notice to quit

If no, what length do you think it should be, and what information can you provide in support of this?

Tenancies from 12 months to 10 years in length

The Bill proposes an 8 week Notice to Quit for these tenancies, but it has been suggested that this still may be inadequate for tenants to find alternative suitable accommodation they can afford.

The Department is seeking views on any further extension to the 8 weeks' Notice to Quit contained in the Private Tenancies Bill and if extended whether any exemptions should apply.

4. What do you think the Notice to Quit period that a landlord will be required to give a tenant should be (where the tenancy is between 12 months and 10 years in length)?

- 8 weeks
- 12 weeks
- 6 months (26 weeks)
- Other

The temporary 12 week notice to quit period has been beneficial in protecting tenants during the pandemic and should be continued for these longer term tenants.

If other, please specify.

5. Do you think that there should be exemptions to this notice period?

- Yes
- No

If yes what should those exemptions be and what should the reduced Notice to Quit period be for those exemptions?

Exemption	Reduced Notice to Quit if this exemption applies
Specific grounds for Notice to Quit such as breach of legislation (eg: significant meter fraud, ASB conviction, significant damage to property.) or significant rear arrears	4 weeks

6. The Notice to Quit specified in legislation will apply across the Private Rented Sector, including to tenancies related to Houses in Multiple Occupation (HMO) properties.

Do you think the length of Notice to Quit for those tenants living in an HMO, or for exemptions to the Notice to Quit, should be different from that of other tenants in the Private Rented Sector?

- Yes
 No

6. The Council were advised by the Landlord Association for Northern Ireland and by several prominent landlords at its licensing committee meeting on the 16 December 2020, that HMO's accommodation provides affordable housing to a cross section of society, including: -

- homeless persons,
- single people on low incomes,
- victims of domestic abuse,
- people suffering with addictions,
- refugees,
- asylum seekers,
- young professionals, and
- students.

The Council supports the view that tenants of HMOs should be given at least the same legislative protection as other private rented tenants and the department may want to consider strengthening protection for vulnerable groups.

If so in what way?