

HOUSES IN MULTIPLE OCCUPATION STRATEGY 2009

Northern Ireland



**Housing
Executive**

Contents

Introduction	2
Definition of HMO	3
Aims and Objectives of a HMO Strategy	4
Objective 1: Compliance with HMO Standards	5
Objective 2: Information to Tenants	11
Objective 3: Management of HMOs	16
Objective 4: Adverse Effects of HMOs	20
Objective 5: HMOs and Regeneration	23
Appendix 1: Scale of HMOs in Northern Ireland	25
Appendix 2: Condition of HMOs in Northern Ireland	26
Appendix 3: Availability of HMO Grants	27
Appendix 4: HMO Management Regulations	30
Appendix 5: Initiatives on HMO Adverse Effects	31
Appendix 6: Training and Awareness Initiatives	32

Introduction

The HMO Sector can provide affordable housing for some of the most vulnerable and disadvantaged groups in society including benefit claimants or those on low incomes, students and foreign migrant workers. For many of these individuals, HMOs represent the only housing option available. However, there are a number of specific problems associated with HMO accommodation, the main ones being:

- By comparison with single family living, there are increased risks of injury or loss of life to residents and visitors in HMO accommodation that does not comply with HMO Standards.
- Physical housing conditions in HMOs remain materially worse than those in single family housing. In addition, many HMO properties fail the HMO Management Regulations.
- The legislation and the regulations associated with the HMO sector are complex, which can make it difficult for landlords and for tenants to understand fully their rights and obligations.
- The existence of HMO properties in the housing stock, particularly when such properties are in a concentrated location, are often associated with problems such as anti-social behaviour, noise, vandalism, refuse and litter and so on which have an adverse impact on other tenants and on the wider community.

The HMO Strategy Consultation document sets out the Housing Executive's thinking on these issues and makes a series of proposals for how these and other problems within the HMO sector might be addressed. After analysing the consultation submissions received we have incorporated suggested amendments and actions into the Strategy which we now publish.

The main thrust of the Housing Executive's HMO Strategy is to try to protect the health, safety and wellbeing of the occupants by setting standards for fire protection, kitchen facilities, washing and toilet facilities and space within HMOs. Our basic approach remains the same - to enforce these standards, primarily through the progressive implementation of the Northern Ireland HMO Statutory Registration Scheme, but also through other statutory action in areas where the Registration Scheme does not yet apply.

We would like to extend our sincere gratitude to all those who took the time and trouble to respond to the HMO Strategy Consultation. The consultation submissions have been very useful and informative in helping us to shape and amend the HMO Strategy for Northern Ireland.



Definition of HMO

The current definition of a HMO is set out in Article 143 of the Housing (NI) Order 2003. This defines a HMO as “a house occupied by more than 2 qualifying persons, being persons who are not all members of the same family”.

Qualifying persons means “persons whose only or principal residence is the house in multiple occupation, and for that purpose a person undertaking a full time course of further or higher education who resides during term time in a house shall, during the period of that person’s residence, be regarded as residing there as his only or principal residence”.

Article 3 of the Order defines a person as a member of another’s family if-

- a) “he is the spouse of that person, or he and that person live together as husband and wife, or
- b) he is that person’s parent, grandparent, child, grandchild, brother or sister.”

All of this in effect means that a couple who take in an uncle or an aunt or a nephew to live with them have created a HMO.

At a Judicial Review of the HMO Statutory Registration Scheme for Northern Ireland in 2005 the Judge made it clear that this definition of HMO was much too wide and was unsustainable, and that suitable amendments needed to be made to it. This in turn meant that the HMO Registration Scheme itself was also unsustainable. In response to the Judge’s comments the Housing Executive immediately applied the following two exemptions to the Registration Scheme:

- Any HMO that is occupied by persons who comprise no more than two families:
- Any HMO which is occupied by no more than two persons in addition to the owner(s) and members of the family of the owner(s).

These exemptions in effect mean that the HMOs that are specified for registration in Northern Ireland equate approximately, although not precisely, to those houses which are defined as HMOs in Scotland. Therefore adopting the Scottish definition of HMO in Northern Ireland would not reduce the number of HMOs that we will register under the Statutory Registration Scheme.

In Scotland the definition of HMO is similar to the Northern Ireland definition but with two key differences, namely:

- A HMO is a house occupied by three people from three different families, and
- The definition of family also includes uncles, aunts, nephews and nieces.

In response to the Judge’s comments the Department for Social Development has indicated that it will make a technical amendment to existing legislation so that the full Scottish definition of HMO will apply to Northern Ireland. The Housing Executive welcomes and supports this proposed amendment.

Aims and Objectives of a HMO Strategy

The proposed Overall Aim is:

To safeguard the health and wellbeing of tenants and to facilitate housing choice by securing a HMO sector in which accommodation meets satisfactory physical and management standards.

The Objectives may be summarised as:

Objective 1

Ensure HMO properties are brought up to satisfactory physical standards, prioritising those properties where risk to the occupants is perceived to be the greatest.

Objective 2

Provide appropriate information and advice on the HMO Sector to tenants and prospective tenants and ensure that they are fully aware of their rights and responsibilities.

Objective 3

Ensure that HMOs are well managed.

Objective 4

Ensure that the adverse effects of concentrations of HMOs are reduced.

Objective 5

Support local regeneration strategies through the provision of good quality HMO accommodation in targeted locations.



How to Achieve the Stated Objectives

Objective 1

Ensure HMO properties are brought up to satisfactory physical standards, prioritising those properties where risk to the occupants is perceived to be the greatest.

a) The HMO Statutory Registration Scheme

The Housing Executive's primary concern regarding the HMO stock is for the health and safety of the occupants and any visitors to HMO accommodation. It is well established that living in a HMO that does not comply with all the required standards presents the occupant with a higher risk to his/her health and safety. The main risk areas are:

- **Fire Risk.** The number of deaths from fires in HMOs is much higher than in single family occupied dwellings, and the risk increases with the size of the dwelling. It is therefore important to ensure that HMOs comply with the standards for fire protection installations and equipment, and that such systems are serviced and maintained in working order.
- **Gas and electric installations.** Defective gas and electrical installations and appliances can also pose imminent danger to HMO occupants. It is a legal requirement that landlords should provide an annual certificate, provided by an installer who is registered with the relevant regulatory body, to confirm that all gas installations and appliances have been fully serviced and are safe to operate. Electrical installations should also be subject to a regular inspection, testing and certification regime.
- **Cooking and food preparation.** The cooking and preparation of food is potentially one of the most hazardous everyday activities. In a HMO, where a number of different people may be using the kitchen at the same time, the risks of injury are significantly increased.
- **Risk of accidents.** Accidents in the home are a major source of personal injury and death. In the UK annually, more than 4,000 people die as a result of accidents in the home and 2.7m people are treated at hospital accident and emergency departments. Again these risks are greater in HMOs than in single family occupied dwellings. Part of this risk stems from the age and condition of the property and how it is maintained and managed. The other part of the risk stems from the nature and vulnerability of HMO occupants. This applies especially to HMOs occupied by the elderly, by children and by people with drug or alcohol dependencies for example. However, young people in general may be vulnerable due to their age and lack of experience of household management. There is usually no head of household to set rules or standards of behaviour, and so accidents are more likely to occur.

The condition of HMOs in Northern Ireland is summarised at Appendix 2.

In light of the risks inherent in the sector the Housing Executive has:

- Established standards for HMOs in relation to a) fire protection systems and means of escape from fires; b) facilities for the preparation and cooking of food; c) washing and toilet facilities and d) minimum space standards for rooms;
- Progressively implemented a statutory HMO Registration Scheme, prioritising the larger properties for action through the declaration and management of a series of HMO Action Areas. The Registration Scheme requires full compliance with all HMO physical and management standards;
- Enforced the appropriate standards through the serving of statutory notices regardless of whether a HMO is located within a HMO Action Area.

The Registration Scheme was implemented in such a way as to target initially those properties which represent greatest risk to the occupants. These are the larger 3 and 4 storey houses within the main areas of concentration of HMOs. The Scheme targeted properties in areas of higher concentration of HMOs and also the larger houses in all district council areas. At the end of December 2008 a total of 1837 houses had been registered.

What we will do next:

- Following the HMO Strategy consultation we have revised the HMO Registration Scheme so that all HMOs in Northern Ireland (except those excluded from the Scheme) are now specified for registration. This has resulted in the following registration programme for Northern Ireland:

Year	HMOs Registered
2009-10	1592
2010-11	1922
2011-12	1127
2012-13	1052
2013-14	1628

- We will send copies of the Registration Scheme document to all landlords on the Housing Executive's database, to solicitors, to banks and mortgage lending institutions and other relevant or interested parties;
- We will advertise the Registration Scheme in national newspapers, regional newspapers, local newspapers and various magazines including Rural Community Network Magazines, the Housing Executive's Rural Matters Magazine, Property News and any other publications suggested. This media campaign will also encourage the reporting of dangerous or overcrowded HMOs;



- We will lobby for a change in legislation to:
 - i) have the maximum fine in Northern Ireland for operating an unregistered HMO increased to £20,000, and
 - ii) have the facility to refer an unregistered HMO to the Rent Officer so that the rent that the landlord can charge for the property is restricted until such time as the HMO is registered and fully brought up to all of the required standards;
 - iii) have the facility to refer a registered HMO to the Rent Officer so that the rent the landlord can charge for the property is restricted until such time as any necessary works are carried out to make the house fully comply with HMO Standards;
 - iv) have minimum fines established, and higher maximum fines established, for any failure to comply with any other aspect of the HMO Registration Scheme, or any failure to comply with any Statutory Notice in relation to HMOs;
- We will lobby for stronger and immediate powers of entry in situations where we believe there may be imminent and significant risk to the health or safety of HMO occupants.

b) Other Enforcement Activity

Outside of registration areas there are HMOs in existence which are defective and/or dangerous, or which are overcrowded or otherwise present risks to the occupants. The Housing Executive can take whatever statutory action is necessary to deal with such HMOs. This action takes the form of serving appropriate statutory notices which can require that:

- the HMO is brought up to full HMO standards;
- the HMO is made fit for human habitation;
- the manager of the HMO is required to comply with the HMO Management Regulations;
- action is required to reduce any overcrowding in a HMO;

All of the above notices are time bounded, and if the landlord or manager of the HMO does not carry out the required works or take the required action in the specified time prosecution procedures are commenced.

What we will do next:

We will raise awareness, and encourage the reporting of dangerous or overcrowded HMOs, or of registered HMOs where the standards have not been maintained, through the following:

- We will encourage the reporting of dangerous or overcrowded HMOs through the media campaign associated with the Registration Scheme as above;
- We will offer training, information and support to Students Unions, and try to encourage the establishment of a specific full time Students Union Liaison Officer, to facilitate the dissemination of information to students and encourage students to report HMOs with confidentiality assured.

When such properties are reported to us we will:

- prioritise properties for inspection by having regard to the following factors which are indicators of higher risk properties:
 - a) The larger 3 and 4 storey houses;
 - b) HMOs that are known or believed to be overcrowded;
 - c) HMOs where there is specific risk information provided by such bodies as the Northern Ireland Fire and Rescue Service (NIFRS), the PSNI, Building Control or the tenants themselves.
- Where we learn that any of the above factors are present we will inspect the HMO within 15 working days. If none of these factors is present and the house is not yet specified for registration we will inspect the house as and when it is specified for registration. If the house is already registered and it is reported as defective we will inspect it within 15 working days in order to maintain the integrity of the Registration Scheme.

It is estimated that we will carry out enforcement inspections outside of registration areas on about 200 HMOs per year for the next two years. After this time the progress of the Registration Scheme will mean that this number will reduce significantly, but we will continue to try to encourage the reporting of dangerous or overcrowded HMOs even after registration.

c) Building a More Complete Picture of the HMO Sector

The Housing Executive has a database of approximately 11,000 HMOs (see Appendix 1). In overview this is accurate in areas where the HMO Statutory Registration Scheme has been applied. However, there are difficulties in ensuring that it is entirely accurate or comprehensive in other areas and it is believed that there are significant numbers of HMOs in various locations throughout the country, many created in the last few years, which are not recorded on our database. Therefore locating and identifying all HMOs in Northern Ireland forms part of this objective.

What we will do next:

We will try to build a more complete picture of the HMO Sector through the following:

- We will establish a dedicated HMO officer in every Housing Executive Grants Office. The dedicated officer will draw up and co-ordinate a programme of local research on potential HMOs;
- We will try to set up information sharing arrangements with a range of statutory bodies, organisations and individuals, including Housing Executive District Offices and the new Housing Executive Service Centres, Community Representatives, Migrant Workers Representatives and Welfare Organisations, Immigration Officials, Citizens Advice Bureau, Employers, the PSNI, the NIFRS, Environmental Health Departments, the Rural Community Network, and Estate Agents and Letting Agents. We will ask these bodies for any information they may have on the location of HMOs;



- We will seek powers, set in legislation, to require other organisations to provide us with relevant information to facilitate the discharge of our statutory function;

We will lobby for a change to the HMO Management Regulations so that

- i) managers of HMOs will be required to inform the Housing Executive of all the HMOs that they manage, and to inform the Housing Executive of the name and full contact information of the owners of these HMOs, and
- ii) owners of HMOs will be required to inform the Housing Executive of all the HMOs that they own and to inform the Housing Executive of the name and full contact information for the managers of these HMOs,
- iii) a minimum fine of £5,000, with a maximum fine of £10,000, to be imposed on anyone who wilfully fails to comply with these provisions,
- iv) have a minimum fine, and a higher maximum fine, established in legislation for any failure to comply with any other HMO Management Regulation.

d) Improving Space and Security Standards in HMOs.

The Police Service for Northern Ireland has confirmed that in some areas the occupants of HMOs are regular victims of crime, especially burglaries. The Association of Chief Police Officers is keen to support the concept of Secured by Design (SBD), where protection against burglaries and other crime is built into the design of the house. Where SBD has been applied to certain areas in Scotland the number of burglaries has fallen dramatically.

Some time ago the Housing Executive arranged a series of meetings with the PSNI (Crime Prevention), Building Control, the Fire and Rescue Service, the Planning Service and representatives of Secured by Design (SBD) to discuss ways of making HMOs more secure. At these meetings a SBD solution was established that could be applied to any HMO without compromising the means of escape from the house, as follows:

- SBD approved doors and “accessible” windows (ie windows which can be readily accessed from the ground);
- Accessible windows to have laminated glass. In the case of double glazing there should be laminated glass in the outer panes;
- There should be external lighting to the front and rear of the dwelling. This lighting should operate off a photoelectric cell, should be vandal-proof, should be directional so as not to cause light pollution and switches should be inaccessible.

However, in some HMOs there may be other solutions that might contribute to the security of the house. These may include more secure back yards and gates, or in some cases the provision of alley gates. There is also a question as to whether any security measures should be applied retrospectively or only applied on first inspection of a HMO, and questions about the costs of such measures.

With regard to space in HMOs the existing standards that have been established are minimum standards for amenities and for some floor areas, depending on the number of people living in the house. However, in some cases where the conversions of shared houses into self-contained flats were being considered at Planning Appeals Commission hearings it was evident that the developer had adopted the minimum possible space standards in every room, resulting in a standard of accommodation that the Housing Executive considers to be unacceptable. It is apparent that the space standards for HMOs need to be revised to deal with this emerging trend.

What we will do next:

We will try to improve both space and security standards in HMOs through the following actions:

- We will seek specific legislation which will give the Housing Executive the legal powers to enforce the security standards;
- We will work with the Planning Service and other interested parties to develop and adopt a design guide for new HMOs which could be enforced as part of the Planning Approval Process;
- We will carry out a more detailed consultation on security standards for HMOs. This consultation will make additional specific proposals for the standards to be applied and specific proposals for the implementation and application of these standards;
- We will carry out a more detailed consultation on space standards for HMOs. This consultation will make additional specific proposals for the standards to be applied and specific proposals for the implementation and application of these standards;



Objective 2

Provide appropriate advice and information on the HMO Sector to tenants and prospective tenants and ensure that they are fully aware of their rights and responsibilities.

The legislation surrounding HMOs is quite complex and is found in a variety of Housing Orders and Regulations. This makes it difficult for tenants and prospective tenants to understand their rights and responsibilities as HMO occupants.

This in turn raises the possibility of the exploitation of tenants by unscrupulous landlords. The Housing Executive wishes to make clear that the vast majority of landlords run a professional operation. Indeed, whilst it is aware of only a relatively small number of cases of exploitation, it considers it important to minimise the risk and/or opportunity for this activity. Equally, the Housing Executive appreciates that the behaviour of some HMO tenants causes problems for the landlord and for other residents in the vicinity of HMOs.

It is estimated that at present students comprise about half of all HMO tenants in Northern Ireland. Many young people leaving home for the first time do not have experience of household management, have not been responsible for disposal of litter and refuse or for recycling, and do not receive information or instruction on these aspects in a timely way. They may not always be aware of the effect of certain behaviour on others living in a community. Therefore, when young people move into private rented accommodation, especially in areas of HMO concentrations, there are often problems of noise, antisocial behaviour and environmental degradation.

There is evidence of a growing number of foreign migrant workers living in HMO accommodation in many areas of Northern Ireland. Unfortunately, because of the nature of the population accurate estimates of their overall numbers are not available.

Apart from students and migrant workers there are other groupings who often rely on the HMO sector for their accommodation. These include young professionals but also people receiving Housing Benefit, people suffering or recovering from drug or alcohol dependency, homeless people and so on.

The Housing Executive has therefore considered it necessary to initiate a campaign to promote the HMO sector to tenants and prospective tenants and to try to ensure that they are more aware of their rights and responsibilities. We would like to be able to establish and maintain contact with tenants in the above categories, and with their relatives and those who care for them, so that all appropriate information about their rights and responsibilities can be made available to them on an ongoing basis.

Private Rented Sector landlords have contact with their tenants at the start of the tenancy and at regular intervals throughout the year when rents are collected and rent books completed in compliance with the Rent Book Regulations. This offers the opportunity for landlords to influence tenant behaviour such as ensuring that they inform their tenants about expected standards of behaviour, including appropriate clauses about behaviour in tenancy agreements, instructing student tenants in safety procedures in the house and instructing student tenants about the arrangements for the proper disposal of refuse and litter and about maintaining the appearance of the property. In the case of students it is often the parents who act as guarantors for the tenancy, and they can readily be contacted by landlords about tenancy issues.

a) Student Tenants

The Housing Executive has introduced a number of initiatives to raise awareness of HMO issues to student tenants (Appendix 6). These have included:

- Meeting NUS-USI and Students Union representatives to provide information on HMO Standards and other issues;
- Attending University Campuses on designated days to talk to students about accommodation issues and hand out leaflets on living in the private rented sector and in HMOs;
- Presenting information at events where students living in specific areas of HMO concentration were invited to attend;
- Providing information to some 6th Form Colleges for distribution to "A" level students;
- We have made a web-site available where students can access lists of HMOs which are available for letting. The address of the website is www.nistudentpad.co.uk The web-site is free of charge to both landlords and students, and distinguishes between those properties that are registered under the HMO Statutory Registration Scheme and those that are not (Appendix 6 ii).

Through the above activities in the last two years we have distributed almost 10,000 information leaflets to students.

We have also provided awareness seminars for landlords who own HMOs that are specified for statutory registration in Belfast, Coleraine and Londonderry. In doing so the Housing Executive targeted those landlords who are believed to own only one or two HMOs as these were thought to be the most likely to be new landlords and the least likely to have been exposed to relevant information to date (Appendix 6i).



What we will do next:

In relation to providing information to student tenants:

- We will continue to attend University Campuses to distribute information to students. This will include information about the website, www.nistudentpad.co.uk
- We will continue to attend 6th Form Colleges to provide information to prospective HMO tenants. Logistically it will not be possible to attend all Colleges every year, so we will try to attend a select number each year and provide the information in DVD form to the other Colleges. We will encourage the Colleges to make this information available to parents as well as students;
- We will liaise with NUS-USI with a view to initiating a joint poster and leaflet campaign aimed at highlighting HMO Standards to students, together with their rights and responsibilities as tenants;
- We will liaise with the Students Unions to encourage them to create the post of full-time Accommodation Liaison Officers in areas of HMO concentrations. We will offer training, information and support to Students Unions to assist with this or with the dissemination of appropriate information to students;
- We will seek to establish web-based links using University platforms and portals to provide access to appropriate information. We will also seek to provide information in student magazines and in official University and Further Education College communications;
- In our information leaflets we will let students know about how and where to complain about HMOs.
- We will liaise with the Universities to see if it they could undertake to make a lecture period available to all students each year where information on HMOs, possibly in DVD form, could be provided. This could be a very useful and influential foundation for all of the above initiatives to build on.

In relation to persuading landlords to take a more active and proactive role in influencing tenant behaviour:

- We will liaise with the Department for Social Development in relation to legislation for all of the private rented sector, perhaps similar to the Antisocial Behaviour etc. (Scotland) Act 2004, that could require appropriate action from any landlord to influence tenant behaviour;
- We will lobby for legislation that would enable rent controls to be applied where the landlord has not taken appropriate measures to reduce tenant antisocial behaviour;
- We will carry out an additional consultation exercise on whether the Special Control Provisions within the HMO Statutory Registration Scheme should be applied to all HMOs in certain restricted areas only, or be made applicable to any registered HMO in Northern Ireland.

b) Foreign Migrant Worker Tenants

As with other tenant groups the Housing Executive would wish to be able to provide information on HMO issues and on their rights and responsibilities as HMO tenants to foreign migrant workers. We have tried to do this through such activities as:

- Attending and presenting at events organised by Trades Unions in Hospitals for foreign migrant workers;
- Attending and presenting at events organised for migrant workers by Housing Executive Offices;
- Attending and presenting at events where Hospital and Trust Accommodation Managers were present;
- Liaising with employers of migrant workers;

The strategy consultation produced a number of helpful suggestions for trying to provide foreign migrant workers with information about HMOs and about their rights and responsibilities as HMO tenants.

What we will do next:

- We will disseminate information through the medium of the Housing Executive's Consultation Forum on Equality and the Black and Minority Ethnic Housing Forum (BME);
- We will utilise the Housing Executive's links with Community and Voluntary Organisations such as STEP and the various Polish and other migrant worker representative organisations. We will consult with the South Belfast Round Table on Racism;
- We will communicate through private landlords, employers and Trades Unions;
- We will make information available at all Housing Executive offices and other outlets such as the Citizens Advice Bureau;
- We will channel information through the Housing Community Network;
- We will work with the Housing Rights Service to develop a joint promotional campaign and try to increase awareness of their website to migrant workers;
- We will try to make contact and establish relationships with individual migrant workers purely for the purpose of dissemination information;
- We will make suitable information available on the nistudentpad website in a number of different languages, and promote the website through the channels listed above.



c) Other HMO Tenants and the General Public

Apart from students and migrant workers there are other groups who often rely on the HMO sector for their accommodation. These include young professionals but also people receiving Housing Benefit, people suffering or recovering from drug or alcohol dependency, homeless people and so on. The Housing Executive would like to be able to establish and maintain contact with tenants in the above categories, and with their relatives and those who care for them, so that all appropriate information about their rights and responsibilities can be made available to them on an ongoing basis.

The Housing Executive also proposes to make information on HMOs available to the general public, with a view to increasing awareness among other potential HMO tenants and to help encourage the provision of information about problematic or dangerous HMOs.

What we will do next:

- We will provide suitable information on the NIHE website;
- We will seek to work with the Universities and the NUS-USI to make suitable information available on their websites;
- We will accept the suggestion to make suitable information available through District Councils' Advice Centres;
- We will liaise with the Chartered Institute of Housing to see how they might help with information dissemination;
- We will liaise with the NIFRS for their assistance with a sustained publicity campaign;
- We will produce suitable information for landlords to make available in their HMO properties, and seek an amendment to the HMO Management Regulation to enable the Housing Executive to enforce this;
- We will seek to establish reciprocal links between the NIHE website and the Housing Rights Service website in relation to relevant and accessible information for tenants and prospective tenants;
- We will consider making suitable information available in different formats including pocket sized publications.

Objective 3

Ensure that HMOs are well Managed

The HMO Management Regulations set out the duties of owners and managers of HMOs (see summary of the Management Regulations at Appendix 4) However, there are problems in getting compliance with some aspects of these regulations leading to a lot of enforcement and prosecutions of landlords. Where cases do proceed to prosecution a fine is usually imposed on the landlord, but such fines usually only amount to about £250. There is therefore little incentive for landlords to comply with these regulations, and little deterrent to non-compliance.

The result is, contrary to the provisions of the Management Regulations, many HMOs are created without the Housing Executive being informed about them, and therefore our HMO database is incomplete.

The HMO Management Regulations also require managers of HMOs to keep yards and gardens in repair, clean condition and good order, and to ensure that refuse and litter are not allowed to accumulate in the house or the curtilage of the house unless properly stored pending disposal. In particular the manager is required to provide, and maintain the provision of, suitable refuse and litter bins on a scale adequate to the requirements of the residents except in so far as such provision is made by the district council. Managers should also make such supplementary arrangements for the disposal of refuse or litter from the houses as may be necessary having regard to any service provided by the district council.

In practice in areas of concentration of HMOs many landlords and managers of HMOs do not comply with these regulations. In particular there has been a failure to provide, and maintain the provision of, wheeled bins for collection by the district council. Where bins have been provided they are not always presented for collection by the tenants.

In addition, landlords and their builders often dump materials in the back alleys, such as beds, mattresses, old white goods, old furniture etc. The result is that these areas of HMO concentration tend to be strewn with litter and debris, and the Street Cleansing sections of district councils have to allocate a disproportionately high level of resources to trying to keep these areas clean, with associated budgetary implications. It is therefore necessary to address the overall management of HMOs within this strategy.

a) HMO Management Regulations

What we will do next:

We will lobby for changes to the HMO Management Regulations so that:

- Regulation 12 is specific in requiring HMO Managers to provide wheeled bins rather than "suitable receptacles" for the disposal of waste and refuse;
- The Regulations are specific that the written tenancy agreement should contain clauses relating to the proper storage and disposal of refuse, including presenting the wheeled bins for collection;



- The manager of the HMO is required to display a notice in the house listing the times and dates of collection of wheeled bins, the notice to include instruction to the tenants on the proper storage and disposal of refuse;
- The manager of the HMO is required to make available within the house such information (as may be provided by the housing Executive) for use by the tenants to inform them of HMO Standards and of their rights and responsibilities as HMO tenants;
- The Regulations should specify a minimum fine and a higher maximum fine for any failure to comply with any of the Regulations.
- The Regulations require the owner of the house, the manager of the house, any person who has an interest in the house and any person who lives in the house to state in writing any information in his/her possession that is required by the Housing Executive for the purpose of enforcement of HMO Standards or of the HMO Management Regulations;

We will recommend to the Department for Social Development a comprehensive approach to improving the management of the PRS in general, whether through the introduction of an Approved Code of Practice or through some other approach.

b) HMO Registration Fees

To date the Housing Executive charges a modest fee for the Statutory Registration of HMOs. The present fee is the equivalent of £15 per tenant per year for first registration, and the fee for renewal of registration after 5 years is specified in legislation as half of the applicable fee for first registration. The fees are used to improve the management of properties in the HMO sector and to alleviate the adverse effects of HMOs on the host community through funding such activities as:

- Providing training to landlords of houses specified for registration;
- Providing funding for Community Safety Wardens in the Holyland area of Belfast and in Derry City;
- Providing funding for the three churches in the Holyland and Stranmillis areas of Belfast who are engaged in work which helps to reduce the adverse effects of HMOs in these areas;
- Providing a website for student occupied properties free of charge to landlords and tenants. The website also provides information to tenants and encourages tenants to seek registered accommodation;
- Providing copies of the HMO Management Regulations and other information to landlords and tenants.

There was very strong support within the strategy consultation submissions for a significant increase in the registration fees charged.

What we will do next:

- We will increase the HMO Registration Scheme fee from the equivalent of £15 per tenant per year to £25 per tenant per year;
- We will allocate additional funding for Community Safety Wardens in areas of HMO concentration;
- We will discuss with relevant District Councils the possibility of helping with additional cleansing resources in areas of HMO concentration;
- We will fund the provision of information and the raising of awareness of HMO issues from the registration fee income;

c) Landlord Training

A recent report to the Housing Executive on the private rented sector by the University of Ulster confirmed that “the majority of landlords are relatively new” to the private rented sector, with many entering it in the last 5 years. It may often be the case that a new landlord lets a house as a HMO without even being aware of what multiple occupation means or of the legislation that applies. Therefore the Housing Executive has provided training and awareness seminars to those HMO landlords who are believed to own relatively few houses in the areas first specified for registration.

What we will do next:

- We will offer our one-day professional awareness seminars to all landlords and managers of HMOs that are specified for registration;
- We will liaise with the Housing Rights Service to take up their offer to assist with the development of an accredited landlord training programme that will result in the award of a recognised qualification for those who pass the course;
- We will lobby for a change to the HMO Registration Scheme legislation so that managers and landlords may be required to attend compulsory training to help them to reduce any adverse effects on the neighbourhood emanating from their HMOs.

d) HMO Inspection Programme

Ensuring that HMOs are brought up to standard is only part of the process of regulating HMOs. It is also important to ensure that they are maintained to a good standard, and that fire protection systems etc. are maintained in full working order. The Housing Executive has now revised the HMO Registration Scheme so that all qualifying HMOs in Northern Ireland now have specified registration dates. This means that most HMOs will be brought up to standard through the programmed enforcement process associated with the Scheme. However, in the short term there will still be HMOs that fall outside of the Scheme and which may have enforcement action applied to them through the serving of statutory notices.



What we will do next:

- We will specify every relevant HMO in Northern Ireland for registration by specific dates;
- We will fully inspect a registered HMO every 5 years, at time of renewal of registration;
- We will inspect a random 10% sample of registered HMOs every year;
- We will carry out inspections on HMO properties in response to complaints from tenants or concerned neighbours, especially where there are deemed to be significant risks to the occupants;
- We will carry out inspections on HMOs in response to Environmental Health Officers as part of the implementation of the Private Tenancies Order.

Objective 4

Ensure that the adverse effects of concentrations of HMOs are reduced.

Occupants of HMOs tend to be a transitory population without any strong ties to the area in which they live. This is particularly true of student tenants. Concentrations of HMOs in the sort of numbers seen in South Belfast and elsewhere may cause adverse impacts on the amenity and character of the area, and on the lives of the people living in the area whether these are long term residents or other HMO tenants. The adverse effects of concentrations of HMOs can include:

- Increased problems of anti-social behaviour, noise and car crime;
- Increased problems of litter, refuse and vermin. Landlords do not provide the necessary wheeled bins and tenants do not present refuse properly for collection;
- Increased parking and traffic problems;
- Increase in other crime including burglary and violence, where HMO occupants are often the victims of the crime;
- Increased pressure on services such as water, sewers etc.

Individually or in combination these impacts can have a significant adverse impact on the local neighbourhood. Disproportionate extra resources have to be committed by the Statutory Agencies, Universities and others with responsibility for dealing with the adverse effects associated with areas of high concentration of HMOs.

a) Use of Special Control Provisions of the Statutory Registration Scheme

These are Provisions for preventing HMOs, either by reason of their existence or the behaviour of their residents, from adversely affecting the amenity or character of the area in which they are situated. The Provisions may be applied to an area where there are significant and persistent problems of anti-social behaviour or other adverse effects.

Where the Provisions apply, and where an adverse effect occurs, the manager of the HMO is required to take such steps as are reasonably practicable to prevent the adverse effect or to reduce it. The reasonably practicable steps might include the inclusion of certain clauses in the tenancy agreement, the provision of adequate refuse and litter bins, obtaining references for tenants, and ultimately commencing eviction procedures. If the manager fails to take such steps as are reasonably practicable the registration of the HMO may be withdrawn. In these circumstances the landlord can not legally let the house as a HMO. To date these Provisions only apply to registered houses in the Fitzroy area of Belfast.



What we will do next:

- In the consultation on this aspect of the HMO Strategy opinion was divided between applying the Provisions to all registered HMOs in specific areas and making the Provisions applicable to any HMO in Northern Ireland.
- We will carry out an additional consultation exercise on the application of Special Control Provisions, offering a choice between the above two options and indicating the pros and cons of each.

b) Other Approaches

A number of agencies and organisations have responsibilities for dealing with some of the adverse effects of concentrations of HMOs. For example:

- The PSNI can deal with crimes committed and some aspects of anti-social behaviour;
- The Noise Pollution Control section of the district council can deal with problems of noise emanating from within a house;
- The Street Cleansing Section of the district council can deal with problems of litter and refuse collection;
- Environmental Health Officers can deal with any public health nuisance in the area;
- Building Control can deal with any defective house or garden walls which present a danger to the public;
- The Universities take disciplinary action against students who behave in an antisocial way;
- The DOE Roads Service has powers to deal with badly located or overflowing skips, a common problem in HMO areas;
- The Housing Executive, apart from ensuring compliance with HMO Standards and existing HMO Management Regulations, can apply Special Control Provisions to registered houses to help reduce the adverse effects;
- In addition the Community Safety Wardens now have an important role to play in the Holyland area of Belfast and part of Derry City.

Landlords are in a unique position to also influence tenant behaviour through the power of the tenancy agreement and through contacts with tenancy guarantors. Unfortunately in too many cases there is a lack of constructive input from landlords in this respect.

What we will do next:

- We will liaise with the Department for Social Development to try to obtain stronger legislation to ensure that landlords are required to play a more active and proactive role in dealing with the adverse effects of HMOs;
- We will explore the possibility of setting up a Voluntary Accreditation Scheme for landlords, which would contain some incentives for participation and which would focus primarily on management aspects of HMOs;
- We will try to encourage landlords to seek references for all their prospective tenants.
- We will continue to provide suitable information to students at Universities and at 6th Form Colleges, and continue to work with the Universities, Students Unions and others to introduce to young people the need for responsible behaviour;
- We will consider additional support for alleygating or for Community Safety Wardens where these are deemed beneficial in areas of HMO concentration;
- We will liaise with the Housing Rights Service to consider the possible benefits of setting up a HMO Forum.



Objective 5

Support local regeneration strategies through the provision of good quality HMO accommodation in targeted locations.

Although it sometimes attracts adverse comments the HMO sector nevertheless fulfils a very important role in the housing market. In particular the creation of HMOs can be significant in the regeneration of town centres and other areas.

a) HMO Grant Aid for Regeneration Areas

The Housing Executive will therefore support the HMO sector in its role in contributing to wider regeneration objectives. Certain areas in Northern Ireland have been identified as areas where regeneration is required (Appendix 3). These areas are:

- Town Centre Living Initiative Areas (TCLIAS);
- Rural Priority Areas (RPAS);
- Grants Urban Priority Areas;
- Terraces where Group Repair work has been carried out;
- Arterial routes in Belfast.

The Housing Executive will support the regeneration of these designated areas by providing Grant Aid to bring properties up to a good standard.

What we will do next:

- We will provide HMO Grant Aid to upgrade existing HMOs in Rural Priority Areas, Grants Urban Priority Areas, Group Repair Terraces and designated Arterial Routes;
- We will provide HMO Grant Aid to upgrade existing HMOs, or to convert any building into a HMO, in Town Centre Living Initiative Areas.

b) Research into Various Aspects of HMOs

A considerable amount of research has already been carried out into HMOs and the Private Rented Sector. In particular a HMO House Condition Survey was carried out in 2003 and the results are published in this document (Appendix 2). The Housing Executive also commissioned a comprehensive survey of the Private Rented Sector by the University of Ulster. This survey also considered the training and education requirements of landlords.

More recently the Housing Executive asked the Building Research Establishment (BRE) to carry out some research into the Northern Ireland HMO Statutory Registration Scheme, and this research has informed the HMO Strategy.

What we will do next:

- We will liaise with SHAC Housing Association to explore how we might carry out research into tenants' preferences and aspirations;
- We will liaise with the NIFRS to explore how we might carry out research into the adequacy of the active and passive fire precautions provided in HMOs during a fire;
- We will carry out an audit of good practice in relation to the PRS in Great Britain and the Republic of Ireland.



Appendix 1

Scale of HMOs in Northern Ireland

The Housing Executive maintains a database of HMOs in Northern Ireland. At the end of January 2008 the distribution of these properties by Council Area was as shown below.

Antrim	42	Ards	63
Armagh	138	Ballymena	106
Ballymoney	24	Banbridge	24
Belfast	6444	Carrickfergus	102
Castlereagh	70	Coleraine	987
Cookstown	92	Craigavon	131
Derry	752	Down	107
Dungannon	231	Fermanagh	56
Larne	51	Limavady	45
Lisburn	108	Magherafelt	35
Moyle	44	Newry & Mourne	165
Newtownabbey	240	North Down	287
Omagh	124	Strabane	44

Total: 10,512 HMOs

The main concentrations of HMOs occur around the University areas of Belfast, Coleraine and Derry City. The majority of known HMOs in Belfast (5139) are located in South Belfast. It is estimated that almost 40,000 people live in HMO accommodation in Northern Ireland.

Houses can move into and out of HMO occupation at any time and this makes the numbers of HMOs in some areas variable. Therefore at any given time, some of the properties on the HMO database may not actually be occupied as HMOs. It is also apparent that, especially in the last few years, many houses have been converted to HMO use without the Housing Executive being informed of it.

Appendix 2

Condition of HMOs in Northern Ireland

Under the terms of the Housing (Northern Ireland) Order 1992 the Housing Executive is responsible for establishing and enforcing standards for HMOs. The Executive therefore established standards for:

- Facilities for Storage, Preparation and Cooking of Food;
- Personal Washing Facilities and Sanitary Conveniences;
- Light and Ventilation;
- Means of Escape from Fire and other Fire Precautions;
- Space Standards for kitchens, kitchen/dining rooms, kitchen/living rooms and bedrooms.

A survey of HMOs carried out in 2003 yielded the following information:

Percentage of HMOs which are Unfit for Human Habitation;

South Belfast	North Belfast	Coleraine	Derry	Overall
11%	17%	2%	13%	10%

Percentage of HMOs which do not fully comply with HMO Standards;

South Belfast	North Belfast	Coleraine	Derry	Overall
77%	57%	55%	60%	64%

These results indicated that much needed to be done to improve conditions of the properties in the sector, and the main vehicle for doing this has been the Statutory HMO Registration Scheme which was enabled by the Housing (NI) Order 2003 and introduced by the Housing Executive in 2004.



Appendix 3

Availability of HMO Grants

Article 51 of the Housing (NI) Order 1992 stated that the Housing Executive “shall approve an application” for HMO Grant Aid if completion of the relevant works is necessary to comply with an Article 80 Notice under the Order. An Article 80 Notice specifies the works required to bring the HMO up to the necessary standards and is the only power available to the Housing Executive to enforce such standards.

What this actually meant was that when an Article 80 Notice was served on an existing HMO, grant aid became mandatory, and the Housing Executive did not have any discretion in this.

The Housing (NI) Order 2003 changed this and made HMO Grant discretionary. This meant that the Housing Executive could apply conditions to HMO Grant Aid and for the first time could target such grants in an appropriate way. The Housing Executive therefore took the following steps:

- From December 2003 HMO Grant Aid was restricted to;
 - a) those HMOs which are specified for registration under the Statutory Registration Scheme,
 - b) those HMOs which are located within regeneration areas such as Town Centre Living Initiative Areas (TCLIAS), Rural Priority Areas or Grants Urban Priority Areas, and Group Repair Areas.

These are all areas where Grant Aid is being used to support regeneration;

- From July 2005 the maximum HMO Grant available for houses specified for registration was reduced to
 - a) £10,000 for assistance in complying with HMO Standards (64% of HMOs),
 - b) £25,000 where the HMO is also Unfit for Human Habitation (10% of HMOs);
- Also from July 2005 the method of assessing the landlord’s contribution to grant aided works was changed to a percentage contribution.
- From September 2007 HMO Grant Aid was restricted to HMOs located in regeneration areas only. In implementing this change to the availability of HMO Grant Aid the following arrangements apply:

- 1) HMO Grants are still available to those HMOs which were specified for registration within the HMO Action Areas in the Registration Scheme published in May 2004, and amended in January 2006, provided that a full application to register is made to the Housing Executive by the specified date. If a full application is not made by the specified date HMO Grant Aid will not be available.

- 2) With the exception of Coleraine, Derry and Belfast City Council areas, HMO Grant Aid is still available to those HMOs which are capable of occupation by more than 10 people provided that application to register is made by the dates specified in the Registration Scheme published in May 2004 and amended in May 2006. If a full application is not made by the specified date HMO Grant Aid will not be available.
- 3) For HMOs which are capable of occupation by more than 10 people within the Coleraine Borough and Derry and Belfast City Council areas HMO Grant Aid will be available provided that a full application to register is made to the Housing Executive by the revised registration date of 1st May 2008. If a full application to register is not made by this date HMO Grant Aid will not be available.
- 4) Apart from the above, HMO Grant Aid is only available in the following regeneration areas:
 1. LOTS or Town Centre Living Initiative Areas;
 2. Group Repair Terraces;
 3. Rural Priority Areas;
 4. Grants Urban Priority Areas;

However, within these areas HMO Grant Aid is available to upgrade existing HMOs, to convert vacant or family occupied dwellings to HMO use, and to convert non-domestic property to HMO use.

- 5) Grant Aid will not be available to those properties specified for registration for the first time after January 2006 unless the HMO is located within one of the regeneration areas above.

The range of grants presently available, with the required landlords contribution to Grant Aid in each case, is shown below.

HMO Grants Presently Available

Grant Type	Maximum Grant	Landlord Contribution
LOTS/TCLIAS (Derry/Lisburn)	£30,000	20%
Other TCLIAs	£30,000	25%
Rural and Urban Priority Areas	£25,000	25%
Group Repair Scheme	£25,000	50%
HMO Action Areas (or specified for registration)		*
House Unfit:	£25,000	50%
House Fit:	£10,000	50%

* This applies only to those HMOs which were specified for registration in 2004 and 2006 and for which a full application to register is made on or before the specified registration date.



Note 1:

HMO Grant Aid is available to convert a building (domestic or otherwise) into a HMO in TCLIAs only. In all other cases HMO Grant Aid is only available to improve existing HMOs.

Note 2:

The definition of the term “existing HMO” is as follows;

- a) In TCLIAs - not applicable;
- b) In Rural/Urban Priority Areas - existing as a HMO before the date of formal declaration of the area;
- c) In Group Repair Schemes - existing as a HMO at the date of possession of the site by the Group Repair Contractor;
- d) In HMO Action Areas (specified HMOs) - existing before 1st June 2004.

Note 3:

A house may be vacant but still be considered to be an existing HMO if it was occupied as a HMO within the previous two years of:

- the declaration date in Rural/Urban Priority Areas,
- the date of possession in Group Repair Schemes and
- 1st June 2004 in HMO Action Areas.

Appendix 4

Summary of the Housing (Management of Houses in Multiple Occupation) Regulations (NI) 1993

- Managers shall ensure the repair, maintenance, cleansing or good order of
 - Water supply and drainage,
 - Parts of the house in common use.
 - Living accommodation, windows and ventilation,
 - Fire protection systems;
- Managers shall ensure that installations, including electrical, gas, lighting, heating, kitchen and sanitary installations shall be maintained in repair, clean condition and proper working order;
- Managers shall not unreasonably cause the supply of water, gas or electricity to be cut off;
- Managers shall maintain yards and gardens in repair, good order and clean condition and shall ensure that refuse and litter are properly stored pending disposal;
- Managers shall provide, and maintain the provision of, suitable bins on a scale adequate for the needs of the residents. They shall make such supplementary arrangements for the disposal of refuse and litter as may be necessary having regard to any service provided by the district council;
- Managers shall publish certain information inside the house and shall inform the Housing Executive about the occupancy of a house if required by written notice.
- Managers are also required to inform the Housing Executive if they cease to be managers and provide the name and address of the new manager.



Appendix 5

Initiatives Aimed at Dealing with the Adverse Effects of Concentrations of HMOs.

The Housing Executive has

- Participated fully in the Holyland Need to Know (N2K) project, assisted in the formation of the Holyland Regeneration Group and participated in meetings, and established contacts with various other residents groups who have concerns about HMO related issues;
- Co-funded the provision of Community Safety Wardens to the Holyland area of South Belfast and to an area in Derry City. Both of these areas are associated with high concentrations of HMOs mostly occupied by students at the Universities and Colleges;
- Applied Special Control Provisions within the Statutory HMO Registration Scheme to the Fitzroy area of South Belfast. These Provisions require landlords of HMOs to take reasonably practicable steps to prevent adverse effects emanating from within the HMO or its curtilage. The Provisions can be applied to any individual property;
- Worked in conjunction with Street Cleansing and others in the application of a bins and litter strategy to part of the Holyland area of Belfast. The Housing Executive tried to ensure the provision of adequate bins by the manager of the HMO and Belfast City Council tried to ensure the presentation of the bins for collection. The Universities, the Students Unions and the Holyland Community Safety Wardens have also become involved in this initiative;
- Participated significantly in the preparation by the Planning Service of a HMO Plan for Belfast which is aimed at managing the spread of HMOs. The Housing Executive has also assisted with providing information for the possible preparation of a similar plan for Coleraine Council area.

Appendix 6

Training and Awareness Initiatives undertaken by the Housing Executive

The Housing Executive has introduced a number of initiatives to raise awareness of HMO issues to both tenants and landlords. These have included:

- Meeting NUS-USI and Students Union representatives to provide information on HMO Standards and other issues;
- Attending events in the Universities, such as Fresher days, where information on living in the Private Rented Sector and on HMOs was made available;
- Attending and presenting at events organised by Trades Unions in Hospitals for foreign migrant workers;
- Attending and presenting at events where Hospitals and Trusts Accommodation Managers were present;
- Providing information to some 6th Form Colleges for distribution to A level students.

Two initiatives in particular have been well received by participating landlords and others. These are:

i) Awareness Seminars for Landlords of specified HMOs.

The Housing Executive has provided awareness seminars for landlords who own HMOs that are specified for Statutory Registration in Belfast, Coleraine and Londonderry. In doing so the Housing Executive targeted those landlords who are believed to own only one or two HMOs as these were thought to be the most likely to be new landlords and the least likely to have been exposed to relevant information to date.

The seminars were delivered by the Housing Executive's HMO Unit, the Housing Rights Service, Environmental Health Departments and other experienced and knowledgeable landlords who represented the Private Rented Sector Consultation Network.

The Housing Executive will continue to make these seminars available to the landlords of houses specified for registration as the scheme is rolled out to new registration areas.

ii) Website for student occupied HMOs

Approximately half of the tenants of HMOs are students. The Housing Executive has worked in partnership with the Universities to produce a province-wide website where students can access lists of HMOs which are available for letting. The address of the website is:

www.nistudentpad.co.uk

Features of the website include the following:

- It is paid for by the Housing Executive;
- It is available to HMO landlords free of charge;
- It is available to any student or any prospective tenant free of charge;
- It indicates whether the houses are currently available for letting, and will be updated accordingly;
- It indicates if the house is registered under the Statutory Registration Scheme;
- It provides a facility for landlords to access information and statistics in relation to their properties which are listed on the website.

The website will continue to be promoted to landlords, students and 6th-form colleges in a variety of ways. Consideration will be given to extending promotion of the website to include other tenant groups.

www.nihe.gov.uk

**Housing
Executive**

April 2009
DPS/56/01/09