

These notes refer to the Housing (Amendment) Act (Northern Ireland) 2010 (c.9) which received Royal Assent on 13 April 2010

Housing (Amendment) Act (Northern Ireland) 2010

EXPLANATORY NOTES

OPTIONS CONSIDERED

6. The consultation paper on promoting the social inclusion of homeless people published in November 2004 set out broad recommendations and asked a number of detailed questions about the desirability of implementing those recommendations and the best way to achieve this. The possible options were fully explored at that stage and the homelessness provisions of the Act reflect the consensus views of consultees.
7. Where the Act places certain statutory duties on the Housing Executive (such as the duty to review its decisions on homelessness applications, or to notify applicants treated as ineligible of the reason for the decision), it could be argued that legislation was not required, given that the Executive did these things already as a matter of policy. However, the “do nothing” option would have meant that Northern Ireland’s housing legislation failed to reflect the kind of statutory rights that tenants and applicants for homelessness assistance have a right to expect.
8. Where the Act clarifies existing legislation, the alternative would have been to maintain the status quo. This would, for example, have left the Housing Executive unable to take effective action against tenants who use their homes for illegal or immoral purposes and the Executive would have continued to be committed to needless expenditure in cases where certain tenants have abandoned their accommodation. Having identified flaws in the legislation and appropriate remedial action, the Minister chose to legislate at the first opportunity.
9. In connection with a judicial review in 2005, the judge criticised the definition of a house in multiple occupation (“HMO”) in Northern Ireland on the basis that the definition of “family” used for the purposes of defining an HMO failed to recognise that members of an extended family living under the same roof comprise a single household. In the circumstances, it was necessary to amend the legislation to take account of the judge’s views.