

Report on	Private Tenancies Act (Northern Ireland) 2022
Date of Meeting	6 th July 2022
Reporting Officer	Kieran Gordon, Assistant Director Health, Leisure & Wellbeing
Contact Officer	Anne Caldwell, Principal Environmental Health Officer

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

1.0	Purpose of Report
1.1	To inform members of the introduction of the Private Tenancies Act (Northern Ireland) 2022.
2.0	Background
2.1	A consultation on Notice to Quit periods ran for 9 weeks from 1st December 2021 to 25th January 2022. Previously in January 2022, Members at the Development Committee resolved to approve the submission of a consultation response on behalf of Mid Ulster District Council by the deadline of 25th January 2022 (minute reference: D010/22).
2.2	Previously in April 2022, Members were provided with the Government response, published in February 2022, to the consultation exercise on Notice to Quit periods carried out by the Department for Communities (minute reference: D067/22).
3.0	Main Report
3.1	The Private Tenancies Bill focuses on the role and regulation of the private rented housing sector. The Bill passed the final stage in the Assembly on 15 th March 2022 and received Royal assent on 27 th April 2022.
3.2	The Environmental Health service within Councils have had a long tradition of involvement in the private rented sector, primarily through its role in regulation of housing standards but also in respect of its statutory duties under the Public Health Acts. The enhanced powers devolved to district councils under the Private Tenancies (NI) Order 2006 (PTO) along with the transfer of the regulation of Houses in Multiple Occupation (HMOs) in 2018, confirms the importance of the evolving role that district councils have in regulating the private rented sector.
3.3	The decisions taken by the Department relating to areas that impact in the development of a long-term strategy for the private rented sector, will have a significant impact on the existing and evolving regulatory and advisory roles of Councils and other stakeholder in relation to its statutory housing functions.
3.4	Previous emergency protection for tenants granted by the Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020 imposed on landlords the requirement to provide tenants with a 12 weeks' Notice To Quit (NTQ) period, ended on 4 th May 2022.

3.5 The Private Tenancies Act (Northern Ireland) 2022 makes changes to the Private Tenancies Order (Northern Ireland) 2006. Not all changes will come in at the same time.

3.6 The only immediate change is to the length of notice to quit that landlords and tenants are required to give as set out in the tables below. These notice periods apply from 5 May 2022.

Length of tenancy	Notice to quit
Tenancy not been in existence for more than 12 months	No less than 4 weeks' written notice
Tenancy has been in existence for more than 12 months but not more than 10 years	No less than 8 weeks' written notice
Tenancy has been in existence for more than 10 years	No less than 12 weeks' written notice

3.7 Notice to quit requirements may change again in the future as the act allows for longer notice to quit periods to be implemented in due course.

3.8 Any revised longer notice periods will not take effect until further regulations have been made. The regulations will likely include exceptions to these notice periods and may include:

- substantial rent arrears
- serious antisocial behaviour
- certain criminal offences

3.9 The Private Tenancies (Northern Ireland) Act 2022 also contains a number of other changes and the Department will continue to work on Regulations and Commencement Orders for other Sections of the Act. They will also produce guidance and other materials.

3.10 Members are reminded of comments made in a previous committee report that whilst the additional regulation of the privately rented sector is to be welcomed, the resourcing of these additional powers, potentially being granted to Councils, will require to be evaluated. There is no indication from the Department that any additional funding will be made available to Councils and that the introduction of some fixed penalty offences is not an adequate model, or sufficiently evidenced to fund the additional resources required.

3.11 There will be additional and new work for Councils if they are required to undertake this role. To date there has been no evaluated analysis of the impact on Councils undertaken and no suitable funding model has been identified and agreed.

3.12 The Department have advised that they will continue to engage with stakeholders to keep them updated in good time to make preparations for any further changes before they occur. It is expected that Council will have further opportunity to raise any concerns through these engagement processes, should the Department propose to grant additional powers be to Councils. Members will be kept informed of any future consultations in this respect.

4.0 Other Considerations

<p>4.1</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: None anticipated at this juncture however future resourcing and revenue budget considerations may need to be explored should further roles and responsibilities be passed to Council.</p> <p>Human: Staff time.</p> <p>Risk Management: Considered in line with relevant Council policies and procedures.</p>
<p>4.2</p>	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: To be considered by the Department coordinating these changes.</p> <p>Rural Needs Implications: To be considered by the Department coordinating these changes.</p>
<p>5.0</p>	<p>Recommendation(s)</p>
<p>5.1</p>	<p>Members are asked to note the content of this report.</p>
<p>6.0</p>	<p>Documents Attached & References</p>
	<p>N/A</p>