

Title of Report:	Consultation on Private Tenancies Bill – Notice to Quit
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	11th January 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy, Active and Engaged Communities
Outcome	Provide a consultation response
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to provide a Causeway Coast and Glens Borough Council response to the consultation.

2.0 Background

- 2.1 As a result of the Department for Communities consultation on proposals to reform the private rented sector, legislation is being introduced to improve standards in the sector and the Private Tenancies Bill is currently making its way through the NI Assembly. One of the proposed improvements is to extend the notice to quit period a landlord must give a tenant.
- 2.2 The Private Tenancies Bill 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 between 12 months and 10 years.
- 2.3 The Bill also amends the Notice to Quit period that a tenant must give a landlord to 4 weeks for tenancies lasting less than 10 years and 12 weeks for tenancies lasting more than 10 years.
- 2.4 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 consideration.
- 2.5 The draft Bill also contains a provision which would allow the Notice to Quit to be amended in the future.
- 2.6 The full consultation paper can be found at:
<https://www.communities-ni.gov.uk/consultations/consultation-notice-quit>
- 2.7 Attached as Appendix 1 is a suggested response to the consultation. The closing date for submission of responses is 25th January 2022.

3.0 Recommendation

It is recommended that Council endorse and submit this response pending full Council approval due to submission time constraints.

Appendix 1

NOTICE TO QUIT CONSULTATION

Causeway Coast and Glens Borough Council response

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)

n/a

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)

Causeway Coast & Glens Borough Council

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

Causeway Coast & Glens Borough Council agrees that 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.

Causeway Coast & Glens Borough Council therefore agrees that the Notice to Quit that a landlord is required to give a tenant should be longer than the notice a tenant is required to give.

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:

Causeway Coast & Glens Borough Council agrees that 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.

Causeway Coast & Glens Borough Council agrees that Notice to Quit periods should vary depending on the length of the tenancy.

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

Causeway Coast & Glens Borough Council agrees that the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks.

Causeway Coast & Glens Borough Council would welcome additional proposals in respect of grounds for eviction which other jurisdictions have in place to reduce the number of retaliatory evictions.

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

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

Causeway Coast & Glens Borough Council agrees that the Notice to Quit specified in legislation should apply across the Private Rented Sector, including to tenancies related to Houses in Multiple Occupation (HMO) properties.

If so in what way?