

Renters' Voice Response:

Department for Communities' Notice to Quit Consultation

January 2022

Renters' Voice is a project for people renting from a private landlord or letting agent who want to improve things for private tenants in Northern Ireland. We are supported by Housing Rights and funded by the Nationwide Foundation but our voice is our own.

This response has been compiled by our group members, with Brigitte Anton, Jenni Millar and Glenn Willis taking a lead on drafting the final document. It draws on our year-long Notice to Quit Campaign and ongoing discussions as a group.

One of our documents from our Notice to Quit Campaign, **Appendix A - Stories from private renters**, is included with our response and referred to throughout.

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)

Renters' Voice (as above).

1. Do you agree that the length of notices to quit for landlord and tenants should be different?

Yes

Renters' Voice believe it is vital that private renters are given 6 months' notice to leave their homes.

As a group of private renters we know first-hand how difficult it is to leave your home and find a new one in a short period of time. We need 6 months in order to find a home that meets our needs in terms of our families, children, disabilities, pets, workplaces and public transport. We also need 6 months in order to find a home we can afford, and to save for a deposit and other moving costs. Without six months' notice we are forced to take any house we can find, even if it is unsuitable or has issues such as damp, and we are faced with anxiety, stress and money worries.

Renters' Voice feel strongly that tenants should not be required to give their landlords an extended notice period for the following reasons:

- The situation for a tenant (trying to find a new home) is profoundly different from the situation for a landlord (trying to find a new tenant). While tenants face a serious threat of homelessness if they are only given 4 weeks' notice, a landlord will most likely find a new tenant easily. Tenants who move out of the property and give notice have most likely secured other accommodation, and are prepared. If a landlord gives notice, it mostly comes as a shock to a tenant, and they are totally unprepared. One of our members had the following experience when the landlord wanted to sell the property:
'The decision to end the tenancy usually comes as a surprise and shock, as has happened with me twice when I had to move from places where I had expected to stay indefinitely, and in both cases I had four weeks' notice.'
- This imbalance of power between landlords and tenants has been further exacerbated by the current rental market, which demonstrates that tenants need protection from the market. As an example, Jordan Buchanann, Chief Economist of

PropertyPal, tweeted on 7 Sept. 2021:

'The rental market has seen a noticeable supply shock with both new inventory and total available falling considerably. Rental demand is at all time highs with approx 70 enquiries per rental property on PropertyPal, vs. around 20 in 'normal' times Rents now rising at 5.7%'

(<https://twitter.com/jbuchanan0707/status/1435148839774822404>)

- Our current experience of the rental market further evidences the need for this increased protection for private renters from market forces. A number of our group are currently looking for new rental properties in Belfast and are struggling to secure viewings for properties, never mind a tenancy. We are also encountering higher rents and charges for registration with agencies in order to access viewings. Another member of our group was in a difficult situation last year and keen to move as soon as possible, but found that it took around 6 months to secure a suitable property, much longer than she had experienced in the same area in the past.
- A longer notice period given by landlords would protect tenants who have been subjected to hate crimes (sectarianism, racism, homophobia and others) and are threatened with eviction. In some cases, where the landlord's property was damaged in a hate crime, landlords took the easy option and gave notice to the tenant to protect their property. This left the tenant in a very vulnerable situation, especially since they would need to find another property in a different, safer area, which takes time.
- A longer notice period by landlords would also protect tenants who are in the middle of moving into home ownership and might need extra time to move into their new home.

Reasons for keeping shorter Notice to Quit periods given by tenants to landlords:

- An extended notice period given by tenants would make it difficult for tenants to accept a social tenancy or another private tenancy as neither would be held for 6 months, and people in receipt of benefits would not receive an 'overlap payment' to cover the extended period.
- An extended notice period by tenants would make it even more difficult for a tenant in an unsuitable property to be able to leave (for example tenants could be stuck in homes with serious disrepair or be stuck with a landlord who is harassing them).
- An extended notice period by tenants would make it very difficult for a tenant who suddenly has to move out of the property due to an illness or an accident (when the property is no longer suitable to the tenant's needs), or has to go into a care home, to move out quickly into more suitable accommodation.
- Another situation where an extended notice period by tenants would be problematic is if the tenant dies, and their family, their executor or their solicitor are left with a

long notice period. On the other hand, in certain cases, they may need a longer notice period, if there are a lot of possessions to move, or if the family lives abroad and can't just come over to remove all the possessions.

- Landlord/letting agent representatives have voiced concerns that a longer Notice to Quit period by landlords could make landlords more risk averse when taking on a new tenant and therefore make the rental market less accessible for some people. The example they kept coming back to was the risk that there could be antisocial behaviour, and they could not evict such a tenant quickly. If a longer notice period, in the region of 6 months is introduced, we believe that this risk could be dealt with under the exemptions (see Question 5).
- We believe what is really needed is a shift away from legislation based on Notice to Quit and towards indefinite tenancies, and we are going into more details about this in Question 4. You can read about some tenants' personal stories in Appendix A - Stories from private renters.

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

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

No to both questions

This response serves to answer both questions 2 and 3.

Our position has been, and will remain that a 6 months' Notice to Quit is the optimum amount of notice that should be afforded to a tenant by the landlord, regardless of length of tenancy.

We do not agree that the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks. Those in tenancies under 12 months will have recently paid a substantial amount of money to secure their current tenancy (deposit + rent in advance), and will need the same to secure their next tenancy. Giving 4 weeks' notice places tenants under extreme financial pressure to gather up money, which can leave them in debt or without a home. We strongly recommend that tenants in such a position, i.e. their tenancy has been less than 12 months, be afforded the same protections as those in tenancies over 12 months for this reason.

However, we also note that some tenants may be seeking a shorter-term let, for example to fit with a temporary work contract, course of study and so on, and as such we feel that these could be legislated for separately from those seeking a longer-term letting period.

These issues have all been explored in our 'What six months means to me' campaign in 2021 and we would like to draw attention again to this quote from one of the tenants involved:

'I am a private renter and for me 6 months' notice to leave my home would mean I wouldn't have to face the stress again of what happened to me.

I was given a notice to quit as the house I had rented didn't have adequate sanitation. The landlord wasn't prepared to make the repairs and so put the house up for sale.

We had not yet recovered from the emotional and physical upheaval of leaving our previous family home of 20 years, when after only two months, our landlord told us to leave with immediate effect. I have a husband, three teenage kids and a golden retriever to consider. We had no time to prepare ourselves, and only by luck, good timing and personal strength were we able to get sorted in another home. The situation made all of us anxious. Everything had to be sorted again, more mounting costs at time when my husband lost his job. Eventually I became sick due to the stress.

Quite frankly a 6-month notice to quit would give me time to prepare and would prevent me from ending up in such a stressful situation again and against my own will. What would I tell the kids if this was to happen again? I promised them we weren't moving again for quite some time but I lay awake at nights feeling very insecure about this that I had no control over it at all.

Without 6 months' notice I would be faced with my mental health becoming weaker, anxiety levels in my children rising, stress and money worries - we would all suffer as a result.'

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)?

6 months

We believe the Notice to Quit period that a landlord should give a tenant should be 6 months. This 6 months' Notice to Quit should apply to all tenancies, with exceptions in Q5 noted.

Ideally, we want to see an end to no fault evictions and to have indefinite tenancies introduced here in Northern Ireland, as like in Scotland. There, tenancies can only be ended in certain circumstances and we agree with this reasoning. However, whilst no fault evictions still exist, we will continue to ask for all private renters to be given 6 months' notice to leave their homes. As mentioned above in Q. 3, consideration should be given to those tenants who wish only to have short-term tenancies, for instance in serviced flats for professionals.

For a more detailed response on why we believe the Notice to Quit period should be 6 months, please read the below evidence which we submitted as part of the Call for Evidence on the Private Tenancies Bill.

One of the key reasons we decided to prioritise security of tenure and came to these asks was the prominence of this issue in responses to our October 2020 Survey of private

renters. The top long-term issue people told us about was difficulties with finding properties, and, in particular, finding properties which are affordable (58%) are in the right area (50%) or that meet the needs of the household (47%). Furthermore, two of the top 10 long-term changes that respondents said they would like to see were 'Increased notice to quit periods for tenants' and 'Longer term tenancies (and limiting the circumstances where landlords can end a tenancy)'.

Another reason was our discussions as a group before and after Carál Ní Chuilín's Ministerial statement in November 2020. She stated "The private rented sector is now similar in size to our social sector. It houses an increasingly diverse range of households, including a growing number of households with children. There are twice as many families with children in private rentals than in social housing. They can be asked to leave within 4 weeks. Imagine the stress if that happened to you" and that that, in her view, notice to quit "should be a lot longer, more like 6 months".

Renters' Voice, like those now renting more widely in NI, are a diverse group and there are many different reasons it can cause us considerable stress and take considerable time to find a suitable rented home - from financial constraints and concerns about 'No DSS', to having children whose needs we have to put first, to our own needs due to disabilities or being older tenants, to being originally from another country and not having someone to act as a guarantor.

We have regularly discussed the impact on our mental health and wellbeing of insecurity in our tenancies and this personal experience is backed up by academic findings about insecurity, precariousness and the impact of this on peoples' mental health and ability to concentrate.

Guy Standing's book 'Basic Income and how we can make it happen' (2017) looks at insecurity generally and states 'without basic security, people cannot function rationally, or be expected to do so' (pp 86-7). 'Uncertainty undermines resilience - the ability to cope with, compensate for, and recover from shocks (unchosen adverse events) and hazards (normal life-cycle events that bring costs and risks, such as marriage, birth of a child, or death)' (p 89).

Another study 'Living on the edge: precariousness and why it matters for health' (McKee et al, Archives of Public Health, 2017) looks at evidence across Europe about the impact of different kinds of precariousness on peoples' health, including housing precariousness for people renting privately (p. 5-6) and argues that 'those concerned about the health of the population, and especially those most disadvantaged, must try to understand the impact on health of the changes that are taking place in society' and must look to models to prevent insecurity 'such as the German system of rent and tenure controls' (p.8).

Similarly, the impact of multiple moves, where this is out of necessity rather than choice has been found to be very detrimental to peoples' mental health. For example, 'The impact of social housing on mental health: longitudinal analyses using marginal structural models and machine learning-generated weights' (Bentley et al, International Journal of Epidemiology,

2018) looks at the adverse impact on mental health of transitions in and out of numerous properties for people living in social housing in Australia.

Lack of security for tenants in Northern Ireland is also at the root of many of the further issues we talk about at our Renters' Voice Meetings, including:

- Not being able to build a home and a life in a rented property and a particular area or community and
- Not being able to ask for repairs or stick up for your rights without feeling that you will just be asked to leave.

Our discussions in our meetings about what a difference 6 months would make led us to focus our Notice to Quit Campaign on "What 6 months would mean to us...".

Our current experience of the rental market further evidences the need for this increased protection for private renters from market forces. A number of our group are currently looking for new rental properties in Belfast and are struggling to secure viewings for properties, never mind a tenancy. We are also encountering higher rents and charges for registration with agencies in order to access viewings. PropertyPal reported in September, that the number of properties available to rent in Northern Ireland falling whilst demand is at an "all time high" (approximately 70 enquiries per rental property versus around 20 in 'normal' times) and rents rising at 5.7% (PropertyPal statistics, Sept 2021, see also Q1).

We appreciate that much of the current discussion is about an increase to 8 or 12 weeks' notice to quit and that ambitions to increase tenants' security further may be seen as longer-term. As private renters we are saying this cannot wait. There may need to be a bigger discussion around reasonable exceptions to 6 months' notice in order to make it workable but tenants need the security that this would bring and we can't afford to wait for a 'Phase 2' of reforms that, realistically, may or may not happen during the next political mandate.

As above, we are calling for private renters to be given 6 months' notice to leave their homes. If this cannot be delivered when the Bill first passes, we welcome the provision for notice to quit periods to be reviewed and altered further under this power.

We wish to draw attention to any potential gap between the emergency 12-week notice period currently in place and new provisions that will be introduced under the Bill. Whether the new position will be 6 months' notice or a shorter (but improved) notice period, we would be concerned if the emergency provisions expired and many people dropped down to a 4-week notice period before benefitting from the new provisions under the Bill. This would leave many tenants in a vulnerable position during the gap.

We are also aware that an unintended consequence of extending Notice to Quit could be to bring this period out of line with the period of time that a person can be considered 'threatened with homelessness' under Art 3(6) of the Housing (Northern Ireland) Order 1988, as this currently applies if someone is likely to become homeless within 8 weeks. We

ask that this is legislated for in line with any change to notice to quit so as not to disadvantage people at risk of homelessness due to loss of their rented home.

Indefinite tenancies are now in place in Scotland and are due to be introduced in the Republic of Ireland (under the new Housing for All Strategy, introduction of legislation is planned). The English government has committed to an end to no fault evictions and legislation has recently been passed in Wales to extend notice periods from two to six months in the case of no fault evictions.

For the reasons outlined above, the security of an indefinite tenancy is what many tenants really need and, for us, even our call for 6 months' notice to quit to be included in the current Bill is a compromise that would still leave Northern Ireland behind the rate of progress in most jurisdictions across the UK and Ireland and in other comparable jurisdictions.

If we draw comparison outside of the UK and Ireland, we also find examples of European neighbours where private tenants have been afforded both substantive tenure protections and substantial notice to quit periods, leaving Northern Ireland lagging behind on both fronts. Some of our members come from other European countries, and were shocked by the short Notice to Quit periods in Northern Ireland. The Private Rented Sector in Northern Ireland has always been seen as housing a transient population who were waiting to buy a house, whereas in other European countries, most of the population rents and are considering their rented accommodation as their (settled) home. However, the situation in NI has changed and the Private Rented Sector has developed more in line with our European neighbours. Therefore, private tenants in NI need similar substantive protections. In Germany, Sweden and Denmark fixed term leases must be justified by reference to an exhaustive list of permissible reasons, otherwise contracts will be for indefinite terms. Termination of contracts are likewise subject to the same restrictions, and even when permitted will typically require lengthy notice periods (up to 9 months in Germany, and 12 months in Sweden if the termination is to allow the landlord to make personal use of the property).

You can read more of our personal stories and why we are campaigning for a six months' Notice to Quit period and a move towards indefinite tenancies in Appendix A, but here is the voice of one of our members:

'Without 6 months' notice I am faced with a scramble to find any accommodation, and forced to take what I can find regardless of how poor the condition, how unreasonable the contract terms, or how unsuitable it is for my family. I deserve more than just shelter; I deserve to have a home.'

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

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

We feel that exemptions will only be necessary if a longer Notice to Quit period, in the region of 6 months, is introduced. We do not feel there is need for exemptions if shorter Notice to Quit periods are introduced.

If 6 months' notice to period is introduced here, we believe that exemptions should only be considered in the case that tenants engage in antisocial or criminal behaviour or where this is in the interests of the safety of other tenants in the property. We have concerns about including rent arrears in the exemptions, as tenants in this situation should not be faced with the threat of hasty eviction, and so think caution should be applied when deciding upon this matter.

We also believe that the case for exceptions is significantly weakened if the minimum Notice to Quit period is increased to merely 8-12 weeks. Renters' Voice has stressed that Notice to Quit periods of less than 6 months leave tenants scrambling to find available accommodation, and often results in tenants being forced to rent properties which are unsuitable for their needs, unaffordable or of low quality. 8-12 weeks is already a short period and does not reflect the experiences of some of the members of Renters' Voice who have taken upwards of 5 months to secure suitable rental accommodation.

We appreciate that much of the current discussion is about an increase to 8 or 12 weeks' Notice to Quit and that ambitions to increase tenants' security further, such as introducing indefinite tenancies, may be seen as longer-term goals. However, care should be taken to avoid simply applying the exceptions that typically apply to more substantial security of tenure provisions in other jurisdictions (i.e. exceptions which allow for termination of contracts by landlords where this is otherwise forbidden when the tenant is in significant arrears or engages in antisocial behaviour) to Notice to Quit periods, which provide much lower protection for tenants' security of tenure.

As we do not support such exceptions in the case of Notice to Quit periods being increased to between 8-12 weeks we do not feel it is appropriate to comment at this time in-depth on how they should operate. However, if any such exceptions were to be introduced consideration must be given to the need for tenants to have a right to adequately challenge any exception to minimum Notice to Quit periods which have been applied to them. Furthermore, consideration must be given to the possibility of tenants faced with decreased Notice to Quit periods being forced into homelessness or insecure living situations.

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?

No

Renters' Voice believe that the length of Notice to Quit and the exemptions to the Notice to Quit period should be the same for all tenants in the Private Rented Sector.

There is a prevalent view that HMOs are usually seen as just 'accommodation' by tenants rather than a 'home', and are mainly housing students, young people on work placements, and young professionals saving for a house, or those who are on short contracts. Therefore, HMOs should be treated as an exemption. We disagree for the following reasons.

- For many people the only option of making a home is in a HMO. In particular single people under 35 who are in receipt of housing benefits and receive the 'shared room rate' have no choice but to live in a HMO, and have nowhere else to go
- A HMO is also the only option for the majority of single people who had been homeless. Having less protection will make it really difficult for people in this situation to settle and feel secure. A short Notice to Quit period will make it very difficult for them to raise the deposit again and find another home.
- A HMO is also often the only option for apprentices and young professionals at the beginning of their career in areas where rents are extremely high, especially in cities, or where there are few one bedroom flats
- With rising rents and a lack of suitable housing, more people may rely on living in a HMO, and need the protections that a longer Notice to Quit period brings
- Since tenants in a HMO are living together and have only their room door to protect themselves, they are more vulnerable than other tenants when it comes to crime and anti-social behaviour from other tenants. This is why we are clear that if a 6 - month Notice to Quit period is introduced, the exemptions noted in Q.5 will apply.
- We agree with Housing Rights' points that there shouldn't be a hierarchy of protections for different tenants and that having the same protections across the board would be much clearer and prevent confusion.