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| HOUSES IN MULTIPLE OCCUPATION ACT (NORTHERN IRELAND) 2016 | 2nd August 2016 |
| TO: ENVIRONMENTAL SERVICES COMMITTEE | |
| FOR DECISION | |

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| Linkage to Council Strategy (2015-19) | |
| Strategic Theme | Resilient, Healthy and Engaged Communities |
| Outcome | Response to Draft Regulations Relating to Houses in Multiple Occupation (HMO's) |
| Lead Officer | Bryan Edgar |
| Cost: (If applicable) | N/A |

The Department of Communities have issued draft Regulations with respect to Purpose Built Managed Student Accommodation (PBMSA) to be made under the Houses in Multiple Occupation Act (Northern Ireland) 2016 which received Royal Assent on 12th May 2016.

The first draft for comment is attached in Appendix II, together with a proposed response.

IT IS RECOMMENDED that the response is endorsed by Council and submitted to the Department of Communities.

REGULATION INSTRUCTION: TITLE

1. Background

The current definition of Houses in Multiple Occupation (HMOs) has been criticised in the courts for being too wide and bringing houses into HMO regulation where it is not warranted. This means, for example, that prisons come within the HMO definition and are potentially subject to HMO regulation. The new HMO legislation provides for exemptions from the licensing requirement for certain HMOs including Purpose Built Managed Student Accommodation (PBMSA). Exclusions will apply where there is some other form of statutory regulation which is acceptable as per Schedule 1 of the Act.

Certain types of accommodation will only be excluded if they are managed and regulated to a standard equal to or greater than that in HMO regulation. Through subordinate legislation it will be specified that such regulation will be recognised in the form of accreditation (e.g. UNIPOL etc) and the Department will have regard to the extent that such regulation conforms to any code of practice approved under Clause 63 of the Act. Governance of PBMSA is to be carried out by the accreditation scheme with random inspections by the council under Environmental health legislation.

Northern Ireland

There is currently no licensing requirement for HMOs in Northern Ireland. These types of HMO's are currently not excluded from the regime and pay a registration fee.

England and Wales

In Wales these properties are exempt from HMO Licensing

In England exemptions vary from council to council

Scotland

In Scotland these properties are not exempt from HMO licensing

2. Proposal

Applies to Purpose Built Managed Student Accommodation / Student Hall of Residence, where the university or college of further education or owner if it is privately run, is signed up to a specified accreditation code. Any HMO applicant not signed up to an acceptable, approved accreditation code will have to pay the HMO license fee or if they fail to maintain the standards of the code then they will fall back into HMO licensing. It is expected with their initial planning application that the Owner will submit their intent to apply for accreditation. On completion of the premises and following approval of the accreditation process, a copy of accreditation is to be supplied to the council. Failure to do this will mean they will need to apply for an HMO licence before they can operate.

3. Instruction

Legal instruction – this will constitute the written regulation in whole

Regulations for Schedule 1

Citation, commencement and application

1. These Regulations may be cited as the Houses in Multiple Occupation (NI) Regulations 2016 and shall come into force on ** / ** / **

Educational establishments specified for the purposes of paragraph 5 of schedule 1 to the HMO Act (NI) 2016

2. Educational establishments specified for the purposes of paragraph 5 (1)(a) of schedule 1 to the HMO Act (NI) 2016 are

Queen's University, Belfast

Ulster University

Stranmillis University College

St Mary's University College

Belfast Metropolitan College

Northern Regional College

North West Regional College

Southern Regional College

South Eastern Regional College

South West College

College of Agriculture, Food and Rural Enterprise

Buildings occupied by students

3. (1) (a) This part applies to any student accommodation, that is run and managed by an educational establishment in full or by a specified person via a nomination agreement or,

(b) a Purpose Built Managed Student accommodation that is run and managed by a private company for the sole use of Full-time students of more than 15 occupants and

(c) is signed up to and accepted by a specified accreditation code and remain in accreditation. If a property does not have accreditation or is suspended from the code it will be defined as an HMO as per Part 1 of The HMO Act (NI) 2016 and will pay a licence fee and be subject to the full conditions of the HMO Act and

(d) are occupied solely or principally by persons who occupy them for the purpose of undertaking a full-time course of further or higher education

(2) For the purposes of paragraph 5 (1)(a) of schedule 1 managed and having control for this part means that the establishment carries the main responsibility for repair and maintenance and for the day to day landlord tenant relationship

4. Specified Accreditation means

- a) The Universities UK/ The Universities UK Code of Practice for University Managed Student Accommodation”
- b) The Accreditation Network UK/Unipol Code of Standards for Larger Developments for Student Accommodation Managed and Controlled by Educational Establishments or
- c) Any other accreditation whether prepared by the council or other person approved by the Department.

PROPOSED RESPONSE

| PART | Comments | Name & Date | Area |
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| 1.Citation,commencement and application | No comment | | Causeway Coast & Glens Borough Council |
| 2.Educational establishments specified for the purposes of paragraph 5 of schedule 1 to the HMO Act (NI) 2016 | No additional premises to be included. | | Causeway Coast & Glens Borough Council |
| 3.Buildings occupied by students and managed by educational establishment | No comment | | Causeway Coast & Glens Borough Council |
| 4.Specified Accreditation means | No comment | | Causeway Coast & Glens Borough Council |