



Policy Briefing
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**Consultation response to the Northern Ireland
Housing Executive's draft Customer Support &
Tenancy Sustainment Strategy 2019 – 2022**

February 2019

when everyone has a home

1.0 INTRODUCTION

- 1.1 Housing Rights is the leading provider of specialist housing advice in Northern Ireland, with over 50 years' experience of advising, supporting and representing clients on housing issues. We believe that prevention is the best cure, and work to prevent homelessness by sustaining our clients' tenancies wherever this is possible.
- 1.2 Housing Rights welcomes the development of this strategy, which we believe has the potential to play a significant role in supporting people in Northern Ireland to keep their homes. Housing Rights therefore wishes to contribute a number of suggestions which the NIHE may wish to consider when amending and refining the existing proposals.

2.0 EXECUTIVE SUMMARY

- **Housing Rights strongly welcomes the development of this strategy which we believe has the potential to play a significant role in supporting people in Northern Ireland to sustain their tenancies.**
- **Housing Rights recommends that the Action Plan builds upon existing services and partnerships to ensure efficacy and avoid duplication. To this end, Housing Rights recommends the addition of a column in the Action Plan entitled 'Key Partners,' in which the NIHE indicates which partner agencies they will work with in order to achieve each of the proposed actions.**
- **Housing Rights recommends that the stated commitment to a cross-tenure approach is threaded more concretely and consistently throughout the Strategy and Action Plan. To this end Housing Rights recommends the addition of a further column in the Action Plan entitled 'Tenure' in which the NIHE indicates which tenure(s) each of the proposed actions refer to.**
- **As the regional body with responsibility for homelessness prevention, Housing Rights welcomes the NIHE's commitment to engaging with customers in the development of this strategy. Housing Rights recommends that this engagement extends to non-NIHE customers, including those in the Private Rented Sector, to ensure the strategy is relevant and effective.**
- **Housing Rights recommends that affordability issues driven by welfare reform, particularly in the Private Rented Sector, are included in the strategic context of the Strategy.**

- **Housing Rights recommends that the NIHE works towards a ‘no evictions into homelessness’ policy, as the Welsh Government and a number of social landlords in Wales have been doing.**
- **Housing Rights recommends that a broad range of stakeholders are represented in the steering committee, including customers from all tenures of the housing market, and key partner organisations such as Housing Rights.**

3.0 PARTNERSHIP WORKING

3.1 Housing Rights strongly agrees that “for both tenancy breakdown and homelessness, prevention is better than the cure.”¹ At Housing Rights our focus is on homelessness prevention and we provide a number of services to sustain homes and resolve problems at an early stage. These services compliment the NIHE’s tenancy sustainment work and are detailed below:

- *Our **Core Helpline and Housing Advisers** work across all areas of housing law and practice, helping clients resolve their housing issues and preventing homelessness wherever possible. This includes providing tenant debt advice by working with tenants of partner social landlords. By engaging with tenants in arrears at the earliest stage and providing budgeting advice, assisting with repayment plans and providing legal representations, advisers help social tenants to sustain their tenancies. In addition, we provide advice, representation and legal support to clients in mortgage debt. Advisers work with clients and lenders to develop sustainable debt repayments, and represent clients in Court proceedings. Our helpline also provides advice to practitioners, working in the field of housing to support their work to sustain tenancies and prevent homelessness.*
- *Our **Landlord Helpline** provides residential landlords with advice to help them comply with their legal requirements and promote good practice in the Private Rented Sector.*
- *Our **Mediation Service** provides an alternative way to resolve disputes between private tenants and their registered landlords, without the time and costs of Court.*
- *Our **Prisons Advice Service** offers advice and casework support to clients in HMPs Maghaberry, Hydebank Wood and Magilligan, to support clients to a sustainable housing solution upon release. This service also trains prisoners to*

¹ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p2

become qualified **Peer Advisers**, they then deliver initial housing advice within prisons, as well as gaining valuable skills which improve their opportunities upon release.

- Our **Beyond the Gate** project, which is funded by NIHE, works with repeat offenders across Northern Ireland. By co-ordinating wrap-around support for prisoners upon release, Beyond the Gate advisers work to reduce homelessness on leaving custody, and associated re-offending, by supporting clients with the initial transition back into independent living.
- Our **Housing Champions** project works to increase access to housing advice in BME communities by training volunteers from ethnic minority groups to provide housing advice within their community.
- Our **Renting Rights** project, supported by the NIHE, provides advice, advocacy and mediation for young people, aged between 18-25, who are in housing need.
- Our **Community Housing Advice Partnership (CHAP)**, which is funded by NIHE, works with front-line advice agencies across Northern Ireland. CHAP advisers provide specialist housing advice and training to generalist and specialist advice agencies, empowering them to prevent homelessness from their own offices.
- Our **Housing Possession Court Duty Scheme** offers clients free, on-the-day legal advice, and represents clients in Court proceedings with the aim of sustaining the client's home.
- Our housing advice website, **HousingAdviceNI**, which is funded by NIHE, provides independent housing advice and information for the general public across Northern Ireland.
- Our **SmartRenter** website informs and empowers private tenants in Northern Ireland by offering practical information, advice, tools and functionality to help them spot and address problems in their tenancy before they reach a crisis point.
- Our new **Renters Voice** project will work to build a strong voice for private tenants in Northern Ireland and a culture committed to tenant involvement in the future development of the Private Rented Sector.
- Our **Training Service** provides accredited and non-accredited courses for front line housing advisers in the voluntary, statutory and private sectors in Northern

Ireland. We provide a wide range of courses across all areas of housing law and practice.

- 3.2 Housing Rights further agrees that “the success of this strategy hinges on strong and synergetic collaboration with our external partners in the voluntary and community sector, and other statutory agencies.”² **Housing Rights therefore recommends that the Action Plan builds upon existing services to ensure efficacy and avoid duplication.** To this end, **Housing Rights recommends that the NIHE considers the above services, along with those being delivered by other partner agencies, and reviews the Action Plan accordingly.** For example, rather than providing a Landlord/Private Tenant mediation service, as proposed in at Action Point 1q, it may be more useful for the NIHE to build upon the existing mediation service offered by Housing Rights and explore how effective referral mechanisms can be established, there reducing duplication.
- 3.3 In order to clarify which partners the NIHE intend to collaborate with, **Housing Rights recommends the addition of a column in the Action Plan entitled ‘Key partners,’ in which the NIHE indicates which partner agencies they will work with in order to achieve each of the proposed actions.**

4.0 OVERARCHING AREAS FOR CONSIDERATION

Definitions

- 4.1 **Housing Rights welcomes the extension of the definition of tenancy failure to encompass “tenancies that come to a preventable end at any time”³** as the experience of our clients reflects the fact that tenancy instability and breakdown can occur at any stage of a tenancy.
- 4.2 **Housing Rights strongly welcomes the inclusion of “all tenures” of NIHE customers in the definition of Customer Support and Tenancy Sustainment.⁴** In Housing Rights’ view the inclusion of people living in the private rented sector (PRS) in this definition is of particular importance as a large proportion of the people who contact us for support with tenancy sustainment live in the PRS. This is indicative of the issues with standards, regulation and affordability that exist in the PRS, as well as the lack of support structures, which differentiate the PRS from the Social Rented Sector. Indeed the Northern Ireland Audit Office found that loss of rented accommodation is consistently among the top three causes of homelessness in Northern Ireland.⁵

² NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p20

³ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p4

⁴ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p3

⁵ Northern Ireland Audit Office ‘Homelessness in Northern Ireland’ (2017) p16

Cross-tenure approach

- 4.3 Housing Rights further welcomes the NIHE's assertion that "we cannot take the narrow view that tenancy sustainment is something that we need only achieve for our own tenants."⁶ Despite this assertion, **Housing Rights is concerned that the content of the Strategy and Action Plan is heavily weighted towards social tenants, particularly those living in NIHE properties.** For example, Objective 2 of the Strategy is to identify and provide solutions to "the challenges which face social housing communities,"⁷ while providing no mention of the challenges faced by those in the PRS. This focus on social housing, and lack of adequate attention on the PRS, is a consistent area of concern for Housing Rights throughout the Strategy and Action Plan.
- 4.4 Therefore, in order for this strategy to reach its full potential in terms of sustaining tenancies and helping people keep their homes, **Housing Rights strongly recommends that the NIHE's stated commitment to a cross-tenure approach is threaded more concretely and consistently throughout the Strategy and Action Plan.** This is of enhanced importance given that sustaining PRS tenancies is key to the NIHE's Housing Options approach, which is a corner stone of the Homelessness Strategy 2017-22 to which this Strategy is linked.⁸
- 4.4 To this end, **Housing Rights recommends the addition of a further column in the Action Plan entitled 'Tenure' in which the NIHE indicates which tenure(s) each of the proposed actions refer to** (specifying NIHE/Housing Association/Private Rented Sector/Owner Occupier). As well as providing clarity, this may be of use in ensuring that the actions points are balanced across tenures.

Customer engagement

- 4.5 Housing Rights strongly agrees with the NIHE that the "success of this strategy hinges on...engagement with our customers to ensure that actions are relevant and effective."⁹ **Housing Rights would therefore welcome further information on what steps have been taken so far to engage with customers in the development of this strategy, and how customers will be engaged with moving forward.**
- 4.6 Housing Rights commends the NIHE for the strong relationships and engagement mechanisms they have built with their own tenants. However,

⁶ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p 3

⁷ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p 20

⁸ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p 18

⁹ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p20

given the cross-tenure nature of this strategy and the many issues with tenancy sustainment in the PRS, **Housing Rights strongly recommends that the NIHE also engage with non-NIHE customers, including those in the PRS, to ensure the strategy is “relevant and effective.” It may be more appropriate to achieve this by working with partner agencies.** Housing Rights would welcome the opportunity to facilitate future engagement with private renters through our new Renters Voice project detailed above.

Homelessness Strategy

- 4.7 Housing Rights welcomes the NIHE’s affirmation that this strategy “has clear linkages with the Homelessness Strategy 2017- 22.”¹⁰ **Housing Rights would welcome further information on the framework which will link the two strategies.**

5.0 COMMENTS ON THE ‘STRATEGIC CONTEXT’

Private Rented Sector Standards

- 5.1 **Housing Rights agrees that one of the challenges that must be considered in the Strategic Context of this strategy are the issues affecting the PRS.** NIHE notes the “poor quality of rental accommodation available” as well as “the inability to accurately establish the quality of the properties on offer.” Housing Rights agrees with these observations, indeed the experience of our clients illustrates how issues with standards, regulation and security of tenure act as barriers to tenancy sustainment in the PRS. **These issues are particularly concerning given the Department for Communities’ proposed policy direction to allocate on a tenure neutral basis,¹¹ which in the future would see homeless households being allocated accommodation in the PRS.** For more detailed analysis please see Housing Rights’ policy response to ‘A Fundamental Review of Social Housing Allocations: Proposal 4.’¹²

Impact of Welfare Reform on the Private Rented Sector

- 5.2 As well as the above mentioned issues regarding standards and regulation, **Housing Rights believes it is important that the impact of Welfare Reform particularly, in the PRS be considered in the strategic context of the Strategy.** The introduction of Universal Credit has led to a significant rise in arrears, for example due to the five week wait and the fact that safety nets which

¹⁰ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p18

¹¹ Department for Communities ‘A Fundamental Review of Social Housing Allocations’ (2017) p34

¹² Housing Rights, ‘Policy Response on A Fundamental Review of Social Housing Allocations: Proposal 4’ (December 2017) <https://www.housingrights.org.uk/sites/default/files/Proposal%204%20-%20Housing%20Rights%20position%20paper_0.pdf>

exist under Housing Benefit to protect people in cases such as a sudden job loss or death of a family member have been either weakened or completely removed. Whilst 'Universal Credit' is one of the challenges listed in the strategic context of the strategy, the impact thereof is limited to NIHE tenants and NIHE arrears.¹³ Universal Credit arrears are also acutely felt by PRS tenants as most private landlords in Northern Ireland only own one or two properties and are therefore much less likely to be able and willing to withstand these arrears than social landlords.

- 5.3 In addition, recent research carried out by Housing Rights¹⁴ shows that cuts to housing benefits in the PRS, which are paid at the Local Housing Allowance (LHA) rate, have made it increasingly difficult for low income private renters to meet their housing costs. This research found that although on average, private rents in Northern Ireland have increased roughly in line with inflation, these are experienced as increasingly difficult for PRS tenants in receipt of housing benefit, given the introduction of LHA and the subsequent decline in the level of this allowance, particularly since 2011. The research data shows that 100% of LHA rates in NI have now fallen below the 30th percentile and almost 9 out of 10 private rental properties in Northern Ireland are out of reach for people relying on housing benefits to cover the cost of their rent.¹⁵
- 5.4 **Housing Rights recommends that these affordability issues in the PRS, which are driven by welfare reform, are included in the strategic context of the Strategy.** Indeed these issues further highlight the need to ensure that the strategy adequately addresses the barriers to tenancy sustainment in the PRS.

Social Sector Size Criteria

- 5.5 As the NIHE will be aware, the Minister for Communities has announced she will be introducing legislation to extend the bedroom tax mitigations beyond March 2020. Housing Rights have strongly welcomed this announcement. However this vital protection that exists in the social rented sector again throws into sharp focus the lack of such protection in the PRS where the bedroom tax has, in essence, been in effect for the past decade.

¹³ NIHE Customer Support & Tenancy Sustainment Strategy 2019 – 2022 p17

¹⁴ Dr. M McCauley, 'Falling Behind' (October 2019)

<https://www.housingrights.org.uk/sites/default/files/policydocs/Falling%20Behind%20LHA%20full%20research%20Oct%202019.pdf>

¹⁵ Furthermore, whilst rents in NI have kept roughly in line with CPI inflation since 2009, rents at the bottom end of the market have increased more (average 13%) compared to those at the top end of the market (average 9%). Data from the ONS on UK average household income shows that average income after taxes and benefits fell in real terms over the period 2009-2017 (a decrease of 1.7%), which would suggest that lower income households in the PRS are disproportionately affected by the double movement of rent increases in the context of reducing income.

6.0 COMMENTS ON THE 'ACTION PLAN'

Structure

6.1 As discussed at paragraphs 3.4 and 4.3, **Housing Rights recommends the addition of two columns to the Action Plan entitled:**

- **'Key Partners'** – indicating which partner agencies the NIHE will work with in order to achieve each of the proposed actions.
- **'Tenure'** – indicating which tenure(s) each of the proposed points refers to (specifying NIHE/Housing Association/PRS/Owner Occupier).

Language

6.2 **Housing Rights' further recommends that the language used in the Action Plan is clarified in order to:**

- **Explain internal NIHE terminology** e.g. Action Point 1p refers to “My Patch Innovation Fund” without explaining what this fund entails and how it supports tenancy sustainment. As a public facing document, it is important that accessible terminology is used.
- **Clarify which tenures the action points refer to, and how they will be achieved** e.g. in Action Point 1i it is unclear:
 - Whether customer journeys will be mapped for private tenants
 - How this will be achieved (including which partners the NIHE will work with)

Housing Rights' structural recommendation above would help to address these ambiguities.

- **Ensure action points are action-focused to maximise efficacy** e.g. Action Point 1a which states “Consider how we might promote awareness of Mutual Exchange...” could be strengthened by instead outlining what concrete steps will be taken to promote awareness of Mutual Exchange.

Housing Rights wish to contribute some further comments in relation to each of the Pillars in the Action Plan:

Pillar 1: Housing Solutions

- 6.3 **Action Point 1k:** Housing Rights welcomes the proposal to promote practical solutions to assist customers to furnish and decorate their homes. Housing Rights are currently carrying out a piece of research, funded by the NIHE, into what forms of practical support would be of most use to low income households in accessing and sustaining Tenancies in the PRS.¹⁶ **Housing Rights recommends that the NIHE incorporate the findings of this research into the practical support provided in Pillar 1 of the Action Plan.**
- 6.4 **Action Point 1n:** Housing Rights welcomes the proposal to develop actions to sustain tenancies within existing tenures and to promote “increased security of tenure within the PRS.” Housing Rights would welcome clarification as to what this will entail. Housing Rights believes it is important that both practical and legislative changes be advanced in order to sustain tenancies and increase security of tenure in the PRS. For further detail and analysis, please see Housing Rights’ policy response to ‘A Fundamental Review of Social Housing Allocations: Proposal 4.’¹⁷ **Housing Rights therefore recommends that, in addition to taking practical steps, the NIHE should highlight evidence that illustrates the difficulties of sustaining tenancies in the PRS to the DfC who will be considering legislative and practical changes in the coming months.**
- 6.5 **Action Points 1o and 5a:** Housing Rights welcomes the proposal to develop/procure a tenancy skills e-learning course, as well as the proposal to build a Tenancy Sustainability App in partnership with client forums and Belfast Metropolitan College. As discussed at paragraph 3.2, Housing Rights recommends that such proposals build upon existing services to ensure efficacy and avoid duplication. To this end, **Housing Rights recommends that the NIHE works in partnership with existing digital platforms, such as our SmartRenter website, in order to develop these digital resources.**

¹⁶ Due to be published in March 2020

¹⁷ Housing Rights, ‘Policy Response on A Fundamental Review of Social Housing Allocations: Proposal 4’ (December 2017) <https://www.housingrights.org.uk/sites/default/files/Proposal%204%20-%20Housing%20Rights%20position%20paper_0.pdf>

Pillar 2: Money Support and Budgeting Advice

- 6.6 **Action Point 2b:** Housing Rights welcomes the proposal to train frontline staff to develop the skills to help customers with a range of Money matters. In this regard, we would refer to our Training Service, through which Housing Rights offer Financial Capability training both for frontline advisors and tenants. Our tenancy led 'Made of Money' course is the only course accredited by Quaker Social Action in NI. **Housing Rights has previously delivered Financial Capability training to NIHE staff and would welcome the opportunity to build upon this training partnership.**
- 6.7 **Action Point 2e:** Housing Rights welcomes the proposal to work with the Consumer Council and advice sector organisations to work together on pilot projects and innovations. **Again Housing Rights recommends that these projects and innovations are informed by the findings of our research into practical support in the PRS** (detailed above at paragraph 6.4).
- 6.8 **Action Point 2g:** Housing Rights welcomes the NIHE's proposal to assist customers in maximising their income. In the experience of our clients and advisors, Discretionary Housing Payments are crucial for maximizing income and helping low income PRS households sustain their tenancies. **Housing Rights therefore recommends that proactive promotion of Discretionary Housing Payments is included in this action point.**

Pillar 3: Employment Support

- 6.9 In addition to the action points detailed in Pillar 3, **Housing Rights recommends that the NIHE, as a Private Sector employer, facilitates paid work placements for their customers in order to enhance their employment opportunities.** This recommendation is based on our experience, through our Housing Champions project, during which the peer volunteers involved found it difficult to sustain their work placements, for example with the NIHE, because the placements were unpaid.

Pillar 4: Proactive & Responsive Support for At Risk Customers

- 6.10 **Action Points 4a and 4f:** Housing Rights welcomes the proposal to develop projects to support clients groups at risk of tenancy failure, as well as the proposal to introduce measures to prevent tenancy termination triggers for these client groups. As a result of our work with BME communities through our Housing Champions project, and with prisoners through our Beyond the Gate

project, Housing Rights has experience of the broad and extremely varied needs of different client groups who are at risk of tenancy failure.

- 6.11 For example, the BME communities we work to support through our Housing Champions project face a range of issues such as language barriers when requesting repairs, challenging issues and navigating Universal Credit applications, as well as a lack of services outside of Belfast for particular ethnic groups e.g. Halal food services, mosques, synagogues. These issues are heightened in particular circumstances, for example when a person is granted refugee status the main source of financial support they receive is in the form of a loan of up to £500, meaning they start their new tenancy in debt which makes it all the more difficult to sustain.
- 6.12 **Given the wide range of ‘at risk’ client groups identified in the Strategy, Housing Rights recommends that a tailored approach is developed to address the individual needs of each of these groups.** Furthermore, **Housing Rights strongly recommends that the NIHE works with stakeholders, including people from these client groups, in order to ensure the approaches taken are relevant and effective.** We would welcome the opportunity to facilitate such engagement, for example with our BME peers.
- 6.13 In addition to introducing measures to prevent tenancy termination triggers, **Housing Rights recommends that the NIHE works towards a ‘no evictions into homelessness’ policy.** Eviction is an obvious and immediate cause of tenancy failure. In the experience of Housing Rights’ clients and advisors, social landlords at times proceed to eviction without exhausting all possible avenues for tenancy sustainment. In Wales the Government has made it an expectation linked to the five-year rent settlement that social landlords will work to eliminate evictions that lead to homelessness.¹⁸ ClwydAlyn, a Housing Association in North Wales, has seen an 80% reduction in evictions since April 2019 when it adopted a policy of working towards no evictions.¹⁹ As Shelter Cymru explain, a no evictions policy involves *“adopting the absolute best of best practice in tenancy sustainment: building supportive relationships with all tenants from the outset; being a trustworthy ally, not a frightening authority figure; and never threatening eviction as a way of incentivising engagement.”*²⁰ The adoption of a no evictions policy also saves social landlords the ‘negative spend’ incurred when pursuing evictions and then reallocating the homes.²¹ Housing Rights commends the NIHE’s commitment to tenancy sustainment and building supportive relationships with their tenants, as demonstrated by their ongoing work, and by the development of this strategy. For this reason, **Housing Rights**

¹⁸ <https://whg.org.uk/2019/12/19/five-year-social-housing-rent-settlement-revealed/>

¹⁹ <https://www.insidehousing.co.uk/insight/insight/how-to-end-evictions-from-social-housing-64836>

²⁰ <https://sheltercymru.org.uk/blog-ending-social-evictions-that-lead-to-homelessness/>

²¹ <https://www.insidehousing.co.uk/insight/insight/how-to-end-evictions-from-social-housing-64836>

believes that the NIHE would be well placed to pilot a ‘no evictions into homelessness’ policy with number of difficult tenancies. It is our hope that such a policy could then be rolled out by social landlords on an NI-wide scale.

- 6.14 **Action Point 4o:** Housing Rights welcomes the NIHE’s proposal to develop a programme to meet the needs of young people leaving care. In order to achieve this, along with other action points, **Housing Rights recommends that the NIHE builds upon well-established links with partner organisations**, such as the Northern Ireland Youth Forum and Housing Rights.

Pillar 5: Neighbourhood and Community Support

- 6.15 **Action Point 5b:** Housing Rights strongly welcomes the proposal to engage with hard to reach groups and would welcome further details on the steps being taken to work with these groups on the development of this strategy.
- 6.16 Based on Housing Rights’ experience through our Housing Champions and prison peer support projects, we believe that peer support is of great value in providing accessible support and mentorship from people who have experienced similar challenges. **Housing Rights therefore recommends the implementation of a peer support service in order to assist people with tenancy sustainment.** Needless to say, it would be important that any peers recruited for this service have reached a stage where they have space to provide this support without compromising their own progression and stability.

Pillar 6: Other/Administrative

- 6.17 **Action Point 6a:** As highlighted throughout this response, in Housing Rights’ view it is crucial that the strategy is cross-tenure and that customers are involved throughout its development. **Housing Rights therefore recommends that a broad range of stakeholders are represented in the steering committee, including customers from all tenures of the housing market, and key partner organisations such as Housing Rights.** It is our belief that the inclusion of stakeholders external to the NIHE will help to ensure that the strategy becomes and remains cross-tenure in its approach.

Housing Rights are grateful for the opportunity to respond to this consultation. For further information on this submission, please contact Housing Rights Policy Officer, Kerry Logan at kerry@housingrights.org.uk.