



PPR consultation response 25 January 2022

DFC Notice to Quit Consultation

This consultation focuses on the **security of tenure** component of the internationally-recognised [right to adequate housing](#).

Under Covid-19 measures, notice to quit for all private tenancies here was temporarily extended to 12 weeks. Those provisions run out on 4 May 2022.

With this consultation, the Department for Communities is seeking views on a fairly narrow question: whether private sector tenants who

- are in a **periodic**¹ rather than a fixed term tenancy and
- have been there for **longer than 12 months and up to 5 years**

should have the Notice to Quit period they are due **extended from 4 weeks to 8 weeks**, as proposed in the Department's Private Tenancies Bill, currently before the NI Assembly. (People in periodic tenancies of over 5 years and up to 10 years were already entitled to 8 weeks' notice to quit, while people with tenancies of over 10 years were entitled to 12 weeks.)

The consultation seeks views on whether 8 weeks is enough, or should be extended to 12 or 26 weeks. It does not seek views on other points of the bill -- for instance the 4 weeks' notice for tenancies under 12 months' duration (in Scotland, by contrast, once a tenancy has lasted 6 months the notice period is 12 weeks).

DFC-commissioned Chartered Institute of Housing NI [comparative research](#) found that, in contrast to many neighbouring and nearby countries with greater protections, the level of security currently provided to private sector renters in NI is **low**. In addition to the proposed measure, it flagged **other key factors harming private sector renters' security of tenure**:

- a norm of **short** (normally for an initial period of 12 months) fixed-term tenancies (the default, if no term is stipulated in the tenancy agreement, is only six months)
- landlords' ability to impose **no-grounds terminations** on periodic tenancies (to be addressed by the Department in the next mandate, according to its consultation document)

¹ This means that the initial term of the tenancy agreement has passed and the tenant has stayed on in the property with agreement from the landlord on a week-to-week or month-to-month basis.

These issues are important. But more broadly, **emerging international jurisprudence** on security of tenure and its place within the wider right to adequate housing would seem to require a much deeper review of the issue of eviction. In a recent case² heard under the provisions of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights **ruled** that "*ordering the eviction without examining the proportionality of the measure, and in particular the impact on the [claimant], constituted a violation of [their] right to adequate housing by the State party*" (in this case, Spain).

More generally, it stated that

forced eviction is, in principle, incompatible with the requirements of the Covenant and can be justified only in the most exceptional circumstances, and in accordance with the principle of proportionality as envisaged in article 4 of the Covenant, which considers the necessity, adequacy, restrictiveness and potential consequences of the measures.

Analysis of proportionality, it said, should consider elements including the availability of adequate alternative housing opportunities, the personal circumstances of the interested parties and their dependants and their cooperation with the authorities to seek possible housing solutions.

In that light, protections around security of tenure and legal and administrative mechanisms related to eviction here would seem to require **a much more thorough human rights based audit.**

* * *

In addition to the security of tenure component of the right to adequate housing, the consultation documents flagged a number of other key issues to be addressed.

In the area of habitability, it said that in the next mandate the DFC will **review the housing fitness standard** -- a key development, given the frequency of reports of substandard conditions PPR received through its housing clinics through 2021.

With regard to accessibility, the CIH NI research highlighted that as notice to quit periods are extended, **rules around Housing Executive homelessness support** will need to be revised accordingly. (Now, a person can only seek help if they will become homeless in the next 28 days; this would mean that people would face a potentially highly stressful gap before being able to apply for FDA status.)

Other organisations have made recommendations for addressing private tenants' right to adequate housing under the right's affordability component. These are relevant here, as they also fall under the Department for Communities' remit:

Joseph Rowntree Foundation has called for measures including [greater support and funding](#) for private sector renters facing **arrears due to Covid-19** and a **rise in local housing allowance rates in line with local rents**. The Chartered Institute of Housing Scotland has echoed this, and

² Rosario Gómez-Limón Pardo v Spain ([E/C.12/67/D/52/2018](#)), March 2020.

also [called for related reforms](#) scrapping the **5-week wait for Universal Credit**; suspending the **benefit cap and two-child limit**; and ending the **'shared accommodation rate'** for under 35s.

PPR look forward to engaging further on these issues as well as on much broader human rights based review of security of tenure.