EXPLANATORY MEMORANDUM TO THE PRIVATE TENANCIES (CORONAVIRUS MODIFICATIONS) REGULATIONS 2021

S.R. 2021 No. 41

1. Introduction.

1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Private Tenancies (Coronavirus Modifications) Act (NI) 2020 responds to the present outbreak of coronavirus in Northern Ireland and protects tenants from eviction during the present emergency period. Given the current public health emergency and uncertainty surrounding the coronavirus pandemic the Department now wishes to further extend "the emergency period" by 6 months to 30 September 2021. Due to the coronavirus emergency it has been necessary for the Department to take steps to introduce measures to help prevent or reduce significant numbers of households in NI becoming or being under threat of being homeless at a time of national crisis when housing, health and other public services are under extreme pressure and where there is significant risk to individuals to health and wellbeing as a result.

2.2 This extension recognises the impacts of employees temporarily being out of work, others being furloughed, rising unemployment amongst those living in the private rented sector as a result of Covid-19 particularly when their income streams may be vulnerable, and many may be at risk of losing their tenancies.

2.3 The Department has the option to extend the emergency period on more than one occasion up to 5 May 2022. Therefore to extend for 6 months would seem prudent in order to better understand both the public health and economic situation as it develops as furlough ends in April 2021 and to allow for the vaccine rollout which would help alleviate the health crisis and assist in any economic recovery. It should be noted that the Department can shorten the period. Officials will carry out a review of the situation and consultation in the summer of 2021, ahead of the end of the extension.

2.4. Should the emergency period end on 31 March 2021 without an extension, the Department will no longer have the power to extend the Private Tenancies (Coronavirus Modifications) Act 2020. If a further deterioration of the public health situation was to occur, the Department would have to take new emergency primary legislation to reintroduce the protections.

3. Background

3.1 The Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020 has already been amended by the Private Tenancies (Coronavirus Modifications) Regulations 2020, extending the initial emergency period at 30 September to 31 March 2021. These regulations further extend the emergency period beyond the 31 Mach 2021 to 30 September 2021.

4. Consultation

4.1 There is no requirement to consult on these Regulations. However, the Department did consult with Housing Rights and the Landlord Association of Northern Ireland (LANI). Housing Rights were very supportive of the extension of the emergency period, as their

experience in providing advice to the private rented sector, showed that this sector has been disproportionately affected by the health crisis.

4.2 The demographic of this sector showed that most private renters were young and invariably employed in the hospitality sector, which has been hardest hit in terms of health restrictions. This has meant most are on furlough or unemployed, To maintain and extend the emergency pored offers some security from homelessness at this time. LANI were unsupportive of any extension as they felt that this put landlords at a disadvantage when dealing with tenants not paying their rent which would result in landlords struggling to pay mortgages on their properties.

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5. Equality Impact

5.1 An Equality Impact Assessment was carried out on this aspect of the Private Tenancies (Coronavirus Modifications) Act 2020. Consideration has again been given to compliance with section 75 of the Northern Ireland Act 1998 and no further equality issues relating to designation have been identified.

6. Regulatory Impact

6.1 There is no impact on business, charities or voluntary bodies or on the public sector

7. Financial Implications

7.1. None anticipated.

8. Section 24 of the Northern Ireland Act.

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule –

(a) is not incompatible with any of the Convention rights;

(b) is not incompatible with Community law;

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion; and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 While there are various measures taken across GB in relation to the notice to quit period, these regulations are not a parity measure or required to align with other jurisdictions, but are designed solely for use in NI

11. Additional Information

11.1 Not applicable