

EQUALITY COMMISSION FOR NORTHERN IRELAND

FACING THE FUTURE: Northern Ireland Housing Strategy 2012-2017 (DSD) Consultation Response

December 2012

1 Executive Summary

- 1.1 The Equality Commission for Northern Ireland welcomes the opportunity to respond to the DSD Consultation - FACING THE FUTURE: Northern Ireland Housing Strategy 2012-2017. Details on the Commission's remit can be found in Annex 1.

General Comments

- The Commission considers that the consultation provides an opportunity to develop a strategic approach to housing policy, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations.
- The Commission questions why screening was not conducted at the stage where these proposals were being drafted, in line with Commission guidance. Screening at this early stage would have alerted consultees to the likely impact of the proposals set out in the document and thus improved the quality of consultation responses.
- The Commission considers that the use of the term 'Equality of Opportunity and Good Relations' (rather than 'Fairness and Equity') would better convey to the public that the Department is aware of its statutory obligations and that it is putting these at the core of its business as required.
- We recommend that the final Strategy provide a clearer strategic vision, taking account of the range of reforms underway/proposed and be supported by further information on how the Department will address the need for housing across all tenures in the coming 5 year period and beyond.

Theme 1– Ensuring access to decent, affordable, sustainable homes across all tenures.

- The Commission recommends that the core focus of the draft Housing strategy be firmly maintained on meeting assessed housing need, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations. Any considerations of facilitating economic regeneration / employment should be secondary to addressing housing need.

- The Commission would express concern about the impacts of any potential regression in social housing standards.
- The Commission considers that adopting the lifetime homes standard, alongside wheelchair standard housing, across the public and private housing sector would increase choice and provide access to improved quality of life, particularly for those with disabilities.

Theme 2 – Meeting housing needs and supporting the most vulnerable:

- The Commission draws to the Department's attention the recommendations made in our July 2012 response to the OFMdFM Draft Disability Strategy consultation, calling on the Executive to:
 - address annual shortfalls in meeting assessed needs for social housing for disabled people;
 - provide ongoing investment and support for people with disabilities to live in affordable, accessible accommodation;
 - undertake further research into supporting people to live in their own homes independently and note that research undertaken by the Office of Disability Issues in May 2007 concluded that investment in accessible housing was a means of reducing health and social care expenditure and removing barriers to social inclusion .
- The Commission recommends the development of a culturally sensitive mechanism to assess housing stress in the Traveller Community.
- The Commission recommends that the appropriateness of the application of a separate planning mechanism for Traveller families applying to establish serviced family sites in the countryside should be reviewed as a matter of urgency. This review should take into consideration the provisions on site licenses for permanent serviced sites and the effect this provision may have on preventing the development of serviced and transit sites.
- The Commission recommends that the needs of Migrants and BME communities are assessed fully, including relevant research into the potential for overcrowding.
- The Commission recommends that overall Housing Strategy takes account of changes to definitions of homelessness and potential impacts of welfare reform.

Theme 3 – Housing and Welfare Reform:

- The Commission recommends that the Housing Strategy and the implementation of welfare reform takes full account of the availability, accessibility and appropriateness of the current housing stock in Northern Ireland.
- The Commission recommends that the Department should follow the decision of the Court of Appeal in Burnip, Trengove and Gorry and allow for additional accommodation for carers and disabled children.
- The Commission recommends that the Department ensures that housing benefit assessments of disabled people, including those with non-residential carers, fully takes into account the needs of disabled

people, particularly when the effects of a disability may change within a time period. Similarly, assessments of parents separated from their children should also take into account that these claimants will be required to accommodate their children in their home to allow them full access to their family.

- The Commission recommends that relevant aspects of the above are also taken into account in the Review of the Housing Selection Scheme.

Theme 4 – Driving regeneration and sustaining communities through housing

- The Commission restates its view on the value of shared housing and that segregated housing in Northern Ireland is not the way forward for our society. We view socially, ethnically, politically and religiously integrated housing as the preferred option and long term goal.
- The Commission recommends that the Department sets out concrete proposals for building shared neighbourhoods.
- The Commission considers that agreement should be reached on the Executive's Cohesion Sharing and Integration strategy at the earliest possible time to set the strategic framework for equality and good relations work at neighbourhood level.

Theme 5 – Getting the structures right

- The Commission considers that any changes to structures should seek to preserve the knowledge and experience of the Housing Executive, while seeking to maximise equality of opportunity and good relations.

2 Introduction

- 2.1 The Equality Commission for Northern Ireland welcomes the opportunity to respond to the DSD Consultation 'FACING THE FUTURE: Northern Ireland Housing Strategy 2012-2017'¹.
- 2.2 We note that the Department intends that the strategy will assist the Department to not only deliver its stated main roles with regards to: a sustainable housing market; support for individuals to access housing; and minimum standards for homes and the rental market - but also to drive regeneration. We note also that the Department plans 'significant structural change to how the housing system operates in Northern Ireland'.
- 2.3 We note that the draft strategy structures its actions around five main themes:
- Theme 1 – Ensuring access to decent, affordable, sustainable homes across all tenures
 - Theme 2 – Meeting housing needs and supporting the most vulnerable
 - Theme 3 – Housing and Welfare Reform
 - Theme 4 – Driving regeneration and sustaining communities through housing
 - Theme 5 – Getting the structures right
- 2.4 This paper sets out the Commission's policy positions on a range of housing issues and makes a series of recommendations for consideration by the Department.

3 Equality and housing

- 3.1 The Commission's 2007 Statement on Key Inequalities² highlighted "Inequalities in Housing and Communities" as a key theme for action, noting 5 priority issues for attention by Government and others.
- **Segregation in housing:** Figures from the 2001 Census indicated that the social housing stock in Northern Ireland was highly segregated on religious/political grounds³;
 - **The lack of suitable housing for disabled people:** Particular concern was voiced over the privately owned sector not implementing the Lifetime Homes building standards which applied to the social rented sector. In the social rented sector demand continued to outstrip supply;

¹ [DSD \(2012\). Facing the Future: Northern Ireland Housing Strategy 2012-2017 - Consultation](#)

² ECNI Statement on Key inequalities (2007) Ch6

³ Shuttleworth, I.; Lloyd, C.; (2006) Are Northern Ireland's Two Communities Dividing?: Evidence from the Census of Population 1971-2001, Shared Space, Northern Ireland Community Relations Council.p- 22

- **The lack of adequate housing and accommodation for Travellers:** There was a shortage of temporary and serviced sites for Traveller families who wished to maintain a nomadic lifestyle and many families lacked basic amenities;
- **Black and Minority Ethnic community, in particular migrant workers** These groups were particularly vulnerable to exploitation and discrimination in housing;
- **Homelessness:** Data from the NIHE homeless statistics indicated that homelessness was rising and that single men were particularly at risk. Older people were also presenting in increasing numbers

3.2 The 2007 'Key Inequalities' document was produced in very different circumstances to those which prevail today. At that time, we noted that we were living in 'a time of increased economic prosperity and confidence in Northern Ireland's future'⁴, while observing that there were still pockets of deprivation, poverty and poor housing. Housing stress was increasing with growing numbers of people and families presenting as and being accepted as statutorily homeless and a growing 'affordability gap' for house purchasers. At that time, there was little information available on the inflationary factors that were at play in the private rented sector.

3.3 Since then, the social, economic and political context of Northern Ireland has changed significantly, and all these factors have impacted on housing issues. The economic crisis, a background of reduced public expenditure to facilitate Government debt reduction, and a collapse of house prices to 2005 levels have shaped a very different environment for housing (and the role it can play in promoting equality of opportunity and good relations).

3.4 In 2010, the Report of the Independent Commissions on the Future of Housing⁵ in Northern Ireland made specific references to the potential that housing had to promote Equality and Good relations and argued, amongst other things, for:

- housing to be provided in such a way as to enhance social cohesion, and where possible to promote integration between communities of different religious backgrounds;
- policy makers to ensure that an opportunity is not missed to ... support meaningful integration across religion, income and tenure
- that integration must inform the Housing Strategy for Northern Ireland with clear targets and timescales for helping to achieve greater cohesion between people with different religious beliefs and different incomes;
- Government to publish an annual statement of progress on integration across a range of indicators which includes religious mix, tenure/income mix. Organisations from across the public, private and

⁴ [Statement on Key Inequalities 2007](#) ECNI p22

⁵ [CIH \(2010\) Report of the Independent Commission on the Future of Housing in Northern Ireland](#)

voluntary sectors should be invited to submit data and information to inform the statement;

- all housing providers to work towards the provision of services and facilities that encourage mix between communities;
- NIHE and housing associations to continue to undertake shared housing projects when development opportunities arise, not least on 'neutral' sites, and those vacated by public bodies, including the MoD and the PSNI
- the system of allocations in Northern Ireland to be reviewed to consider ways in which the risk of polarisation can be reduced, to use the allocations scheme as a way to enable other policy goals, such as income, tenure and religious mix, without undermining fair access, principles of equality of opportunity, and a needs-based system.

3.5 Its report also made specific reference to the Commissions work in the area of Traveller accommodation and the need for policy changes, particularly around assessment of needs and allocations, to be clearly impact assessed.

Current housing context

3.6 Northern Ireland's demography is continuing to change. The number of households is continuing to rise, although the rate of household formation has slowed a little⁶, at least partly in response to the economic environment. The continuing trend towards more single person households and older households is likely to continue, resulting in a sustained demand for accommodation and in particular for smaller units of accommodation and supported housing. This will require a refocus on the Social New Build development guidelines which have switched away from single-person, single-bedroom models since the late 1990's.

3.7 The numbers of applicants on the waiting list (40,000) and those in "housing stress" (21,000) have also risen sharply over the past year⁷. It is difficult to ascertain the relative importance of the factors driving this sudden resurgence. However, the economic crisis, increasing unemployment and the application of the revised housing benefit rules to the private rented sector are likely to have played a significant role⁸.

3.8 On the positive side, the affordability of private sector owner occupied housing has improved in Northern Ireland since 2008. In 2008, only 3% of homes across NI were deemed affordable as a percentage of all stock for sale compared to median incomes. There were wide ranging differences between Council areas and these remain. However in 2010, with a reduction of the average house price from £149k to just over £100k, 58%

⁶ [NIHE House Condition Survey 2011](#)

⁷ [All subsequent figures from the Review of the Northern Ireland Housing Market 2012-15 pp12 et seq](#)

⁸ See 'DSD (2012) [Monitoring the impact of recent measures affecting Housing Benefit and Local Housing Allowances in the private rented sector in Northern Ireland](#)' for discussion of LHA/HB changes and their impacts on both Landlords and Tenants in Northern Ireland

of houses were deemed 'affordable' as a proportion of NI median income. (£21,500pa in 2010)

- 3.9 The construction of new dwellings in the private sector has remained at a much lower level than during the middle of the last decade. In 2006/07 almost 14,000 new private sector dwellings were started. Following the sharp downturn in the market in 2007/08 this annual figure fell to less than half of that. In 2010/11 there were fewer than 6,000 new starts (40 per cent of the previous peak). The working assumption of the NIHE⁹ is that alternative options such as private renting and affordable new build supply will remain low over the next three year period, giving an overall annual requirement of a minimum of 2,000 new social dwellings¹⁰.

4 General Comments on the Draft Housing Strategy

- 4.1 In our Statement on Key Inequalities in 2007¹¹, the Commission stated:

'Housing is a basic human need and provides a foundation for family and community life. Good quality, affordable housing in safe, sustainable communities is essential to ensuring health, wellbeing and a prosperous society.'

- 4.2 The Commission considers that the current consultation¹² provides an opportunity to develop a strategic approach to housing policy, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations. This is particularly important in the context of parallel consultations such as the review of the Housing Selection Scheme and reforms to social welfare and the benefit system.
- 4.3 The Commission reminds the Department that the public authority equality duties are positive - the aim to not merely avoid having a negative impact on equality and good relations, but rather to use policies to promote equality of opportunity and good relations. We note that the Consultation document makes reference/commitment (at page 51) to screening and equality impact assessment. **The Commission questions** why screening was not conducted at the stage where these proposals were being drafted, in line with Commission guidance. Screening at this early stage would have alerted consultees to the likely impact of the proposals set out in the document and thus improved the quality of consultation responses.

⁹ [NIHE \(2012\) Housing Market Review](#)

¹⁰ While projections from NIHE indicate a lower ongoing annual requirement (1,100) for new social housing in the period 2008-2018 (reflecting lower expected levels of household formation) the annual requirement has been set at a minimum of 2,000 to reflect a significant backlog which has developed since 2001.

¹¹ [Statement on Key Inequalities 2007 ECNI](#)

¹² [Facing the Future a Housing Strategy for Northern Ireland](#)

- 4.4 We welcome the *core principles* set out in the strategy¹³: Citizen first; Fairness and equity; Targeting the most vulnerable; Value for money; and Encouraging a culture of both rights and responsibilities. However as the Department and the social housing providers are designated as Public Authorities under s75 of the Northern Ireland Act (1998) **we consider** that the use of the term ‘Equality of Opportunity and Good Relations’ (rather than ‘Fairness and Equity’) would better convey to the public that the Department is aware of its statutory obligations and that it is putting these at the core of its business as required.
- 4.5 While aspirational in language, overall we consider that the strategy is often operational in focus and lacking in specific detail with regards to the strategic goals/targets that will define success at the end of the proposed 5 year period. We also consider that the Strategy does not adequately set out a vision or convey how the Department will address the complex interactions between a range of policies and reforms – for example housing benefit reform (and the availability of relevantly sized properties); the housing selection scheme; the Homelessness Strategy; and disability grants issues. The Housing Strategy must be enabling, drawing together and working to ensure the success of its components and dependant sub strategies.
- 4.6 **We recommend** that the final Strategy provide a clearer strategic vision, taking account of the range of reforms underway/proposed and be supported by further information on how the Department will address the need for housing across all tenures in the coming 5 year period and beyond.

5 Theme 1– Ensuring access to decent, affordable, sustainable homes across all tenures.

- 5.1 This theme deals with stimulating both demand and supply across tenures while using Housing as a means to stimulate economic growth; increase access to affordable housing; improve standards generally and in the private sector; improve the regulation of Houses of Multiple Occupation (HMOs) . The core of this approach is to ensure stability in the housing market and sustainable ownership.¹⁴

Economic Regeneration

- 5.2 The Commission is concerned about the potential impacts of a shift in emphasis towards using the housing strategy (and the review of the housing selection scheme - currently also subject to consultation¹⁵) as a regeneration strategy.
- 5.3 The current housing selection scheme is designed to objectively measure housing need and allocate housing to address those identified needs. In

¹³ See Facing the Future: Housing Strategy for Northern Ireland p7

¹⁴ Ibid p8

¹⁵ [NIHE \(2012\) Consultation on Changes to the Housing Selection Scheme](#)

the draft Housing Strategy, a much wider view of the functionality of housing is adopted, including as a means to facilitate regeneration of failing areas - potentially where there is currently a low demand for housing. Housing is also viewed as a mechanism to create employment.

- 5.4 While these are worthwhile objectives, care should be taken that they do not divert scarce resources from the core function of the social housing - to meet expressed objective housing need. There is a clear risk that the Department may be seen to divert resources away from areas where there is very high demand for housing to areas where there is less or little demand for housing, with potential impacts on equality of opportunity and good relations..
- 5.5 Any approaches to combine regeneration with meeting housing need should ensure that they focus on demonstrable housing need, and where appropriate further the objectives of promoting good relations and equality of opportunity. An example of this could include new build social rented sector housing in non-contested spaces or the development of shared housing on a peaceline, involving input from relevant communities¹⁶.
- 5.6 **The Commission recommends** that the core focus of the draft Housing strategy be firmly maintained on meeting assessed housing need, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations. Any considerations of facilitating economic regeneration / employment should be secondary to addressing housing need.

Improving standards

- 5.7 We welcome proposals to improving standards generally and in the private sector, alongside improving the regulation of Houses of Multiple Occupation (HMOs).
- 5.8 The Commission notes the reference in the draft Strategy (p 13) that *“all new social homes... are currently built to a much higher standard than most private housing”*. We also note reference on the same page to planned improvements to statutory building control standards for the private sector and the proposal (p14) to harmonise standards with the private sector. Although the direction of the harmonisation is not clear, **the Commission would express concern** about the impacts of any potential regression in social housing standards.
- 5.9 In 2002 a study¹⁷ on Lifetime Homes¹⁸ in Northern Ireland outlined the health and social benefits of a lifetime home for all users (people with dependents, disabled people, older people and children) and examined

¹⁶ See development of the old Shirt factory on the Limestone Road. This had been an extremely violent interface area and through residents groups coordinating efforts, tensions were reduced to the extent that a new shared housing development has been possible

¹⁷ ‘Lifetime Homes in Northern Ireland: Evolution or Revolution’ CIH/JRF 2002

¹⁸ Lifetime homes are designed with accessibility and adaptability in mind

the economic benefits of amending Part R of the current building regulations for privately owned housing to lifetime homes standards, (which have applied in social housing in Northern Ireland since 1998).

- 5.10 In 2004, the Commission responded to the Department of the Environment's 'Consultation on the Review of the Building Regulations in Northern Ireland'¹⁹. In our response, we highlighted the fact that private sector dwellings were not required to comply with disability access standards when constructed as 'new build'. This put Northern Ireland out of parity with Great Britain where moves had been introduced the previous year to ensure that all new housing was accessible to people with disabilities.
- 5.11 In 2007, research from the Office of Disability Issues supported investment in accessible housing as a means of reducing health and social care expenditure and removing barriers to social inclusion²⁰.
- 5.12 In 2010 the question of Lifetime Homes standards was recognised as a business issue for the private sector by a call from the Northern Ireland Housing Council²¹ for the lifetime homes standard to be included in Part R of the Regulations. This document set out the clear business case for this and the social benefits of the approach in relation to inclusion, particularly for the older age groups and disabled people. Benefits of the approach were found to include savings on aspects such as future adaptations, heating and costs associated with household accidents, while other benefits included delaying moves into residential care, reduced need for temporary residential care and associated savings in health care and re-housing costs.
- 5.13 The supply of suitable housing for disabled people continues to be problematic. To date, the 'Lifetime Home' standard has not been applied to the private sector; it is not clear how much progress has been made in ensuring that homes in the private sector are accessible to all; and we understand that the Housing Executive and other social landlords are not clear on how much stock they have that has been built or adapted to Lifetime Homes standards.
- 5.14 **The Commission considers** that adopting the Lifetime Homes standard, alongside wheelchair standard housing, across the public and private housing sector would increase choice and provide access to improved quality of life, particularly for those with disabilities.

¹⁹ [Review of the Building Regulations ECNI response 2004](#))

²⁰ Office of Disability Issues (May 2007); [Better outcomes lower costs: Implications for Health and Social Care Budgets of Investment in Housing Adaptations, Improvements and Equipment: A Review of the Evidence](#)

²¹ [Why the private sector should build to Lifetime Homes standards: A business case by the NIHC](#)

6 Theme 2 – Meeting housing needs and supporting the most vulnerable

- 6.1 The Commission endorses this theme as the core purpose of any housing strategy. This theme concentrates on undertaking a fundamental review of social housing allocations policy to ensure that scarce public resources are used as effectively as possible; to make better use of existing social housing stock to meet a range of needs; to place a stronger policy emphasis on preventing homelessness; and to support older and disabled people to live independently if they wish to do so.²²

Housing and Disability

- 6.2 In the 2012 NIHE Audit of Inequalities,²³ the Executive observed

“the overall annual provision of new build social housing falls considerably short of assessed needs of disabled applicants”.

- 6.3 It appears clear that the social housing market is not geared to meet the housing needs of disabled applicants, and without the inclusion of Lifetime Homes into Part R Building Regulations (see earlier discussion), the private sector is unlikely to comply with this on a voluntary basis.
- 6.4 Further, if the intention is for increased use of the private rented sector and owner occupation (through affordable homes) in the future, then clear measures are needed to ensure that the private sector is equipped to meet the likely increase in demand.
- 6.5 Another related complicating factor is the ongoing consultation on the financing of private sector grants²⁴. The proposals in the document are designed to streamline the existing grants structure, from the current system of two mandatory grants (Disabled Facilities and Repairs, on receipt of a notice of unfitness) and five separate discretionary grant streams. Overall, the Department seeks to cut down on the administrative costs of the system. We welcome the assurance that the Disabled Facilities Grant will be maintained²⁵; however, we would be concerned if the reductions in repair and maintenance grants closed out an opportunity for private sector landlords to bring their properties up to, for example, the disability access standards
- 6.6 **The Commission draws to the Department’s attention** the recommendations made in our July 2012 response to the OFMdFM Draft Disability Strategy consultation²⁶. Following on from the joint evidence

²² Ibid p22

²³ NIHE draft audit of Inequalities 2012, Cited ECNI response to the Executive, 2012

²⁴ [DSD \(2012\) Reviewing-support-for-repair-and-improvement-Current consultation.](#)

²⁵ Ibid pt 3.4

²⁶ [IMNI Response to Draft Disability Strategy 2012](#)

submission on the Right to independent living (Art 19 UNCRPD)²⁷ which highlighted a right to independent living through housing, our response to the draft Disability Strategy called on the Executive to

- address annual shortfalls in meeting assessed needs for social housing for disabled people²⁸;
- provide ongoing investment and support for people with disabilities to live in affordable, accessible accommodation²⁹;
- undertake further research into supporting people to live in their own homes independently³⁰ and note that research undertaken by the Office of Disability Issues in May 2007 concluded that investment in accessible housing was a means of reducing health and social care expenditure and removing barriers to social inclusion.^{31 32}

6.7 We refer the reader to our response to Theme 3 (Welfare reform) for further considerations in this regard.

Travellers and Housing

6.8 In 2000, the *Promoting Social Inclusion Working Group*³³ pointed out that many Travellers still had extremely limited access to basic amenities such as running water, electricity and sanitation, including some of those living on serviced sites.

6.9 These factors were raised by the Commission in our 2007 Statement on Key inequalities. Since then the Housing Executive has been implementing its Traveller accommodation plan, and the Commission has maintained its representation on the Traveller Consultative Forum (for Housing).

6.10 A common concern in the Travelling community has been the lack of appropriate accommodation that facilitates nomadism.. In paragraph 50 of our CERD ‘Shadow Report’ (2011)³⁴ we noted:

‘The Commission considers that an undersupply of appropriate accommodation, the lack of basic amenities on emergency sites and the level of permanence of this provision is central to the high level of social exclusion and poverty that Travellers experience. Adequate provision is

²⁷ [IMNI Submission on Article 19 UNCRPD](#)

²⁸ Ibid: response to Draft Disability Strategy p5

²⁹ Ibid p3

³⁰ Ibid p26

³¹ Heywood, F. and Turner, L., (2007): *Better Outcomes, Lower Costs: Implications for Health and Social Care Budgets of Investment in Housing Adaptation, Improvements and Equipment – A Review of Evidence* (Bristol University for ODI), paragraphs 1 and 2, page 94. Available at <http://www.officefordisability.gov.uk/docs/res/il/better-outcomes-report.pdf>

³² Ibid IMNI Response to the Draft Disability Strategy p33

³³ OFMDFM (2000) *Final Report of the Promoting Social Inclusion Working Group*

³⁴ [Shadow report on the Implementation of the Convention for the Elimination of Racial Discrimination](#)

*imperative in facilitating access to employment opportunities, formal education, healthcare and other key services’.*³⁵

- 6.11 As noted in our guide to Minimum Standards for Traveller Accommodation, there have been movements in relation to Traveller housing and this is to be welcomed. However, the persistent lack of adequate housing and accommodation for Travellers has been seen as central to the high level of social exclusion and poverty they experience. There has been a series of unrealised commitments to make adequate accommodation provision for the Traveller community over the last thirty years³⁶, with the acquisition of suitable sites one of the key issues preventing the full implementation of the current Traveller accommodation plans by NIHE. This is exacerbated by the additional requirement for a Traveller site to have a license granted by the local council, and the reluctance of other statutory bodies to grant way leaves to access identified sites. This has resulted in temporary provisions lasting for the medium to long term.^{37 38}
- 6.12 The Executive assesses the need for Traveller accommodation using the ‘unauthorised roadside encampments’ records as a ‘global indicator’, alongside presentations at District Offices. According to the last figures produced, (June 2012,) there were no unauthorised encampments in Northern Ireland, and had been none since the previous April when there was one.
- 6.13 The Department has given a commitment to carry out comprehensive needs assessment exercise as part of its audit of inequalities³⁹. **The Commission recommends** the development of a culturally sensitive mechanism to assess housing stress in the Traveller Community.

Traveller Housing and the Planning Process.

- 6.14 Traveller families who were in a position to buy their own land and develop culturally sensitive provisions for themselves rather than relying on the availability of social provision have historically been faced with another hurdle in the planning process. When attempting to develop a site

³⁵ Ibid CERD Shadow report 2011, para 50

³⁶ For example, *The Report of the Northern Ireland Working Party on site provision for Travelling People* (Department of the Environment: 1984) recommended that there should be a Northern Ireland wide network of legal serviced sites completed by 31 March 1987. More recently, the *Final Report of the Promoting Social Inclusion Working Group on Travellers* (OFMDFM 2003) recommended that ‘Funding should be made available to take forward, within a defined timescale, a comprehensive programme to meet all the accommodation needs of Travellers and that responsibility for co-ordinating the funding arrangements for this should lie with the Department for Social Development’. In its response the Department for Social Development accepted, in principle, the recommendation that such funding should be made available for a comprehensive programme to meet all accommodation needs but included the following caveat: ‘As progress will depend on the availability of the necessary finances and given the protracted nature of that consultation and planning process, it would not be possible to set a definitive timescale’.

³⁷ NIHE, Traveller Accommodation Plan 2003-8

³⁸ See also NIHE (2008) [Traveller Accommodation Needs Assessment](#)

³⁹ See [ECNI Response to DSD Audit of Inequalities 2012](#)

for their own and extended families in the countryside, applications from Travellers were handled under PPS 12 and specifically HS 3 of the planning regulations. This was an entirely different process from that used by members of the 'settled' community. In our CERD 'Shadow Report' (2011)⁴⁰ we observed that the approach was significantly different to that taken with a settled family applying for planning permission for a house in the countryside. The Commission noted its concern that planning applications for residential accommodation in rural areas was handled through two completely different sets of policies and guidance depending on whether the application related to accommodation for Travellers, or for the 'settled' community'.

- 6.15 After a number of engagements with the Planning Service, we responded to the DoE consultation on the review of PPS12. We welcomed the extension of HS3 to allow for planning approval to be granted for development of serviced sites in the countryside. The Commission however remains concerned that planning applications for a permanent serviced site are considered under a different set of policies to an application for a permanent dwelling of traditional construction. Of particular note, the requirement for a site license for a Travellers' serviced site remains, while there is no similar requirement for traditional 'bricks and mortar' development.
- 6.16 **The Commission recommends** that the appropriateness of the application of a separate planning mechanism for Traveller families applying to establish serviced family sites in the countryside should be reviewed as a matter of urgency. This review should take into consideration the provisions on site licenses for permanent serviced sites and the effect this provision may have on preventing the development of serviced and transit sites.

Housing and Migrants / the BME Community

- 6.17 Many members of the wider Black and Minority Ethnic community, in particular migrant workers, are potentially vulnerable to discrimination in housing, particularly where accommodation is tied to employment..
- 6.18 In addition, the lack of a family network means that migrants are also vulnerable to homelessness⁴¹. Further, immigration legislation such as the Workers Registration Scheme denies many foreign nationals access to state housing support when they are not working.
- 6.19 The Race Equality Strategy⁴² for Northern Ireland (2005-2010) identified overcrowding; and provision of accommodation and care to meet the needs of Minority Ethnic communities as priorities for action. It is unclear to date how much progress has been made in either area. At the time of publishing the strategy the Department noted that it was unclear why

⁴⁰ [Shadow report on the Implementation of the Convention for the Elimination of Racial Discrimination](#)

⁴¹ See ICR (2004) *Migrant Workers in Northern Ireland*. Available at www.conflictresearch.org.uk

⁴² OFMDFM (2005) [Race Equality Strategy](#) 2005 - 2010

there was overcrowding in particular groups and noted that research in the area was needed.⁴³

- 6.20 **The Commission recommends** that the needs of Migrants and BME communities are assessed fully, including relevant research into the potential for overcrowding.

Homelessness and housing stress

- 6.21 Figures from the Housing Executives waiting list indicate that the trend in housing stress continues upwards. At March 2012 there were 34,776 applicants registered on the social housing waiting list, with 20,302 deemed to be in housing stress.⁴⁴ While house prices have fallen dramatically (40 – 50% from peak), commercial lenders have also tightened their criteria considerably, making mortgages hard to access. This particularly impacts on first time buyers, and the ensuing demand constraints impact further up the market.
- 6.22 The number of those presenting as homeless has risen to 20158, and of those 52% were accepted as meeting the statutory definition of homeless. The majority of those presenting as homeless were single and male.⁴⁵ Since 2007, despite a Homelessness Strategy, the number of people deemed to meet the statutory definition of Homelessness (Full Duty Applicants) in Northern Ireland has increased.
- 6.23 The Homelessness Strategy signals the intention of the Housing Executive to adopt the European standard typology of homelessness (ETHOS) which covers 'Rooflessness', 'Houselessness', 'Insecure Housing' and 'Inadequate Housing'.⁴⁶ The broadening of the concept of homelessness is likely to increase the number of applicants assessed as Full Duty Applicants⁴⁷ and the strategy is unclear as to how this likely increase in demand will be addressed. For those housing benefit claimants subject to under-occupancy deductions, the ongoing ability to afford rents may further exacerbate homelessness and this should also be considered.
- 6.24 The Commission is also mindful that the Housing Benefit cap proposed under welfare reform (see later discussion) has the potential to adversely impact on a range of individuals which could further lead to increase in homelessness (for example, people with disabilities who have fluctuating care needs, such as those with mental health issues, but for whom a room may no longer be available for someone to provide care during crisis periods)

⁴³ IBID fn 54

⁴⁴ [NIHE Website Waiting List page updated 26/11/12](#)

⁴⁵ Northern Ireland [Homeless Strategy 2012](#) NIHE

⁴⁶ For a fuller discussion of the concept and operational categories see Ibid p11 and Appendix 5

⁴⁷ [See Housing \(NI\) Order 1988 as amended s10](#)

6.25 **The Commission recommends** that overall Housing Strategy takes account of changes to definitions of homelessness and potential impacts of welfare reform.

7 Theme 3 – Housing and Welfare Reform:

7.1 The third theme seeks ‘to make use of operational or policy flexibilities where available’ to tailor welfare reform to Northern Ireland. There is a commitment to research on the housing impacts of the reforms and a commitment to provide support and assistance to families hardest hit by the reforms.⁴⁸

7.2 Care must be taken to ensure that the Housing Strategy⁴⁹ meets the objective needs of people and families even in the context of benefit reform. The mantra of single person requiring single bedroom accommodation regardless of circumstances (save where a family member routinely uses a second bedroom to provide care), ignores the reality of people’s lives, can enforce separation of families (e.g. separated parent from child)⁵⁰ and assumes the availability of adequate single person accommodation. The social rented sector moved away from the ‘single person single bedroom’ model in the mid 1990’s and there is very little social rented stock of this type available in Northern Ireland⁵¹.

7.3 The DSD estimates that ‘in excess of 32000 tenants’⁵² will be impacted by the reforms. As yet, no information has been made available as to whether this will involve ‘downsizing’ or moving from traditional residential areas. Research published by the DSD⁵³ has found that there is not a marked increase in willingness of the private sector to absorb an increase in benefit dependant households, and that some may remove their stock from the market if this were to occur. This reinforced existing concerns raised in 2009⁵⁴ during the development of the strategy for the private rented sector by the DSD.

7.4 Given the low levels of available 1-2 bedroom and single person accommodation in Northern Ireland, **the Commission recommends** that the Housing Strategy and the implementation of welfare reform takes full account of the availability, accessibility and appropriateness of the current housing stock in Northern Ireland.

7.5 We also note in the draft Strategy (p17), the recognition that changes in housing benefits as part of welfare reform, particularly the extension of the

⁴⁸ DSD (2012) [Facing the Future – A Housing strategy for Northern Ireland](#)

⁴⁹ Ibid p31

⁵⁰ [See ECNI Response to DSD Draft EQIA on Welfare Reform Bill 2012](#)

⁵¹ NIHE estimate that 10% of all social sector stock, including unfits/voids/hard-to-let properties are single bedroom.

⁵² [DSD Press Release 27/11/12](#)

⁵³ [Monitoring the impact of recent measures affecting Housing Benefit and Local Housing Allowances in the private rented sector in Northern Ireland](#) 2012

⁵⁴ DSD Building Sound Foundations – A Strategy for the Private Rented Sector. Consultation document (2009)

single room rate to those aged under 35 is likely to create greater demand for HMOs. In its 2009 Strategy for HMOs⁵⁵, the Housing Executive reflected on the significant ill effects that concentrations of HMOs can have on an area. These include social instability, increased crime and vandalism and a loss of identity with an area as the populations of HMOs tend to be transient. **The Commission welcomes** the Department's recognition of the importance of improving regulation of HMOs so as to address some of the areas highlighted.

- 7.6 The Housing Benefit cap has the potential to adversely impact on a range of individuals – for example, people with disabilities who have fluctuating care needs; single separated parents with access arrangements to children; and older people who have lived in a house or flat for many years and have developed networks of community contacts that become social carers as they age in place.
- 7.7 We recognise that housing needs change with time, however the community support for older and vulnerable people will be fractured if they are moved out of their historic area to access more 'suitable' accommodation. As noted earlier, this is an issue of supply side housing stock not meeting likely demand.
- 7.8 With regards to separated parents - claimants who are the non-primary carer (in most cases a father) who has separated / divorced from their partner / spouse may be limited in exercising their right of access to their family as a result of moving to single room accommodation where, for example, a parent is not be able to accommodate their children overnight.⁵⁶
- 7.9 With regards to disability, the judgment⁵⁷ in the Court of Appeal decision in the cases of Burnip, Trengove and Gorry concerns size criteria for Local Housing Allowance (housing benefit in the NI Context), including the need for an additional room for children with serious disabilities where it may be inappropriate for them to share a bedroom. It was unanimously held that the size criteria discriminated unlawfully against the three appellants, on grounds of disability, by not including provision to meet their need for an additional room.
- 7.10 The **Commission recommends** that the Department should follow the decision of the Court of Appeal in Burnip, Trengove and Gorry⁵⁸ and allow for additional accommodation for carers and disabled children, amending the draft welfare bill accordingly. In the likely event of the Supreme Court accepting the appellate ruling, the consequent reverse of policy and associated costs will be both inefficient and time consuming.

⁵⁵ NIHE (2009) [HMO Strategy](#)

⁵⁶ [See ECNI Response to DSD Draft EQIA on Welfare Reform Bill 2012](#) Para 5.7

⁵⁷ [Burnip, Trengove, Gorry v SSWP \[2012\] EWCA Civ 629](#)

- 7.11 **The Commission recommends** that the Department ensures that housing benefit assessments of disabled people, including those with non-residential carers, fully takes into account the needs of disabled people, particularly when the effects of a disability may change within a time period. Similarly, assessments of parents separated from their children should also take into account that these claimants will be required to accommodate their children in their home to allow them full access to their family⁵⁹
- 7.12 The Commission is concerned over the potential impacts of the Review of the Housing Selection Scheme⁶⁰ (also currently out for consultation) on the grounds of age, disability and gender. **The Commission recommends** that relevant aspects of the above are also taken into account in the Review of the Housing Selection Scheme.

8 Theme 4 – Driving regeneration and sustaining communities through housing

- 8.1 This theme sets out the regeneration agenda and commits to using housing as a regenerative tool both for run down areas and as a means of leverage to create employment opportunities. The issue of shared and integrated housing is also under this theme.
- 8.2 As noted earlier in this response, the Commission recommends that the core focus of the draft Housing strategy be firmly maintained on meeting assessed housing need, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations. Any considerations of facilitating economic regeneration should be secondary to addressing housing need.

Integrating communities through Shared Housing

- 8.3 The social rented sector shows the highest level of religious segregation in Northern Ireland. As highlighted by Shuttleworth and Lloyd (2006)⁶¹ 70% of social housing tenants live in communities that are at least 90% Roman Catholic or Protestant. Overall, while Census evidence shows that in 2001 we were living in a more residentially-segregated society than in 1971, the dynamic is different from that of earlier decades with *“a strong and growing evidence base that the 1990s did not see a widespread widening of the divide between Roman Catholics and Protestants”*⁶².
- 8.4 In our 2007 Statement on Key Inequalities, we stated:

⁵⁹ See [ECNI Response to DSD Draft EQIA on Welfare Reform Bill 2012](#) Para 5.7

⁶⁰ [Review of the Housing Selection Scheme](#)

⁶¹ Shuttleworth, I.; Lloyd, C.; (2006) Are Northern Ireland's Two Communities Dividing?: Evidence from the Census of Population 1971-2001, Shared Space, Northern Ireland Community Relations Council.

⁶² Ibid.

‘segregation in housing and communities reduces choice, represents inefficient housing allocations and a waste of public resources as it reduces the resources available for affordable housing and, ultimately, it adds to polarisation between communities’⁶³.

8.5 A 2011 evaluation of the Belfast City Councils Good Relations work found that:

‘Continued and Deepening Segregation; (This) emerged as a consistent theme as the single largest challenge facing the City, impacting upon society, the economy and community relations. The manifestation of segregation in the peace walls, housing debates, and patterns of living, education and service provision is clearly viewed as evidence that Belfast is not a shared City, reinforcing the blight of sectarianism. This raises the question of the need to concentrate resources and thinking around the fundamental issue of transforming interface areas and the peace walls within a timeframe and action plan’⁶⁴

8.6 Despite the expressed views of people in Northern Ireland⁶⁵, in the social rented sector at least, people are still living in largely religious/politically homogenous areas. In a 2012 study, 79% of respondents felt that self segregation would happen in areas of Belfast with or without peace lines.⁶⁶

8.7 This ongoing segregation was recognised in the Commissions response to the Cohesion Sharing and Integration Strategy in 2010⁶⁷. In our response, we recognised that people need to feel safe where they live. However, we had concerns that the draft CSI Strategy did not put forward suggestions for expanding shared housing schemes in the short to medium terms, particularly given the high level of desire for this⁶⁸. We noted that if society was to be transformed, bold steps needed to be taken to integrate communities.

8.8 Social housing is a key area where this can take place. The ‘Commission on the Future of Housing in Northern Ireland’ recommended⁶⁹ *‘that the system of allocations in Northern Ireland should be reviewed to consider ways in which the risk of polarisation can be reduced, to use the allocations scheme as a way to enable other policy goals, such as*

⁶³ Statement on Key Inequalities in Northern Ireland, page 22 (October 2007)

⁶⁴ [Belfast City Council. Good Relations Plan. Audit and Evaluation 2011](#)

⁶⁵ [ARK \(2006\) Northern Ireland Life and Times Survey 2006: This indicated that 79% of people wished to live in ‘mixed’ areas.](#)

⁶⁶ [ARK 2012 Attitudes to Peace Walls 2012 Q 17b](#)

⁶⁷ [Response to the draft Cohesion Sharing and Integration strategy](#)

⁶⁸ *Segregated Lives: Social Division, Sectarianism and Everyday Life in Northern Ireland* ‘ICR’,⁶⁸

[Segregated Lives: Social Division, Sectarianism and Everyday Life in Northern Ireland](#) ‘ICR,

⁶⁹ [CIH \(2010\) Report of the Independent Commission on the Future of Housing in Northern Ireland](#)

income, tenure and religious mix, without undermining fair access, principles of equality of opportunity, and a needs-based system’.

- 8.9 The draft Housing Strategy indicates that ways of expanding the ‘shared neighbourhood’ scheme will be looked at, however no concrete commitment is given on measures which will assist this. This was our core concern in relation to housing and segregation in the response to the CSI document and continues to be an issue. As we move forward, measures need to be put in place to build trust and confidence between divided communities, and increased levels of integrated social housing for those who wish to avail of the option.
- 8.10 The Commission recalls the recognition within the Belfast Agreement of the role of mixed housing in facilitating reconciliation⁷⁰ and also recognises the importance of enabling people to exercise choice in the type of community in which they wish to reside. The Commission encourages public authorities to be proactive in addressing their good relations duty would encourage the Department to explore different and imaginative ways to promote mixed housing developments and encourage households to move into mixed housing schemes. **The Commission recommends** that the Department sets out concrete proposals for building shared neighbourhoods
- 8.11 The Housing Executive has recognised the importance of creating shared neighbourhoods and makes a series of commitments in its draft Audit of inequalities⁷¹:
- all new social housing development is considered to have the potential to be shared. The Executive has given a commitment to work with Housing Associations to deliver a minimum of two shared developments per year⁷²;
 - a further 20 Shared neighbourhoods are to be developed;
 - the existing 30 Shared neighbourhoods will be maintained and supported;
 - the Executive will continue its work in bringing communities together across interfaces.
- 8.12 **The Commission restates its view** on the value of shared housing and that segregated housing in Northern Ireland is not the way forward for our society. We view socially, ethnically, politically and religiously integrated housing as the preferred option and long term goal.
- 8.13 **The Commission considers** that agreement should be reached on the Executive’s Cohesion Sharing and Integration strategy at the earliest possible time to set the strategic framework for equality and good relations work at neighbourhood level.

⁷⁰ [The \[Belfast\] Agreement, Agreement reached in the multi-party negotiations \(10 April 1998\) - see Section 6](#)

⁷¹ [NIHE Draft Audit of Inequalities 2012](#)

⁷² Ibid p11

9 Theme 5 – Getting the structures right

- 9.1 This section in the draft Strategy covers transfer of functions to local government, implementing the fundamental review of NIHE and examining regulatory regimes for HMOs and the social rented sector⁷³.
- 9.2 A central issue here is the reform/reorganisation of the NIHE on foot of the Price Waterhouse Review (2011)⁷⁴ commissioned by Department. In this regard, the PWC report recommended separation of the Housing Executive's functions into a strategic housing authority with a range of strategic housing responsibilities across all tenures; and a social enterprise landlord free to secure non-public funding and deliver innovative housing and related services in pursuit of social objectives.
- 9.3 The Housing Executive has maintained its reputation for fairness in the housing provision and allocations fields since its inception. In the review of the NIHE carried out by Price Waterhouse⁷⁵ it was noted that the Executive
- had an international reputation for best practice in both housing management terms and in creating and developing safer communities;
 - acted as a focal point for planning care services for older and disabled tenants; and
 - has the capacity to take a wide strategic overview of the housing markets in Northern Ireland.
- 9.4 In Scotland (the nearest equivalent domestic model) the issue of a separation of powers was addressed with one new body becoming a strategic regulatory authority and the Landlord role transferring to another new body. This model appears to have been successful in Scotland, and an equivalent approach in Northern Ireland would be to establish NIHE as, for example, a social enterprise landlord, which could borrow money in the same way as Housing Associations, without impacting on the Public Sector Borrowing requirement (PSBR).
- 9.5 **The Commission considers** that any changes to structures should seek to preserve the knowledge and experience of the Housing Executive, towards seeking to maximise equality of opportunity and good relations in Housing.

10 Conclusion

- 10.1 Housing is a fundamental matter in people's lives - affordability, safety and access can determine the future health and wellbeing of both adults and children. The Executive has an opportunity to help to break down the barriers of fear and mistrust between communities, that are often more rigid than the peace walls that separate them.

⁷³ Ibid [Facing the Future consultation DSD 2012](#) p 46

⁷⁴ PWC (2011) [Review of the Northern Ireland Housing Executive](#)

⁷⁵ Ibid

10.2 While the issue of segregation has a high priority due to the transformative effect that shared neighbourhoods can have⁷⁶ there are unresolved problems for people with disabilities, members of BME communities, Travellers and single men generally in accessing housing. This Commission is concerned that this situation could worsen with the proposed amendments to the Housing Benefit system.

Summary of Recommendations

General Comments

- The Commission considers that the consultation provides an opportunity to develop a strategic approach to housing policy, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations.
- The Commission questions why screening was not conducted at the stage where these proposals were being drafted, in line with Commission guidance. Screening at this early stage would have alerted consultees to the likely impact of the proposals set out in the document and thus improved the quality of consultation responses.
- The Commission considers that the use of the term 'Equality of Opportunity and Good Relations' (rather than 'Fairness and Equity') would better convey to the public that the Department is aware of its statutory obligations and that it is putting these at the core of its business as required.
- We recommend that the final Strategy provide a clearer strategic vision, taking account of the range of reforms underway/proposed and be supported by further information on how the Department will address the need for housing across all tenures in the coming 5 year period and beyond.

Theme 1– Ensuring access to decent, affordable, sustainable homes across all tenures.

- The Commission recommends that the core focus of the draft Housing strategy be firmly maintained on meeting assessed housing need, having due regard to the need to promote equality of opportunity and having regard to the desirability of promoting good relations. Any considerations of facilitating economic regeneration / employment should be secondary to addressing housing need.
- The Commission would express concern about the impacts of any potential regression in social housing standards.
- The Commission considers that adopting the lifetime homes standard, alongside wheelchair standard housing, across the public and private housing sector would increase choice and provide access to improved quality of life, particularly for those with disabilities.

⁷⁶ See [October 2010 Executive Briefing paper The Housing Council](#)

Theme 2 – Meeting housing needs and supporting the most vulnerable:

- The Commission draws to the Department's attention the recommendations made in our July 2012 response to the OFMdfM Draft Disability Strategy consultation, calling on the Executive to:
 - address annual shortfalls in meeting assessed needs for social housing for disabled people;
 - provide ongoing investment and support for people with disabilities to live in affordable, accessible accommodation;
 - undertake further research into supporting people to live in their own homes independently and note that research undertaken by the Office of Disability Issues in May 2007 concluded that investment in accessible housing was a means of reducing health and social care expenditure and removing barriers to social inclusion .
- The Commission recommends the development of a culturally sensitive mechanism to assess housing stress in the Traveller Community.
- The Commission recommends that the appropriateness of the application of a separate planning mechanism for Traveller families applying to establish serviced family sites in the countryside should be reviewed as a matter of urgency. This review should take into consideration the provisions on site licenses for permanent serviced sites and the effect this provision may have on preventing the development of serviced and transit sites.
- The Commission recommends that the needs of Migrants and BME communities are assessed fully, including relevant research into the potential for overcrowding.
- The Commission recommends that overall Housing Strategy takes account of changes to definitions of homelessness and potential impacts of welfare reform.

Theme 3 – Housing and Welfare Reform:

- The Commission recommends that the Housing Strategy and the implementation of welfare reform takes full account of the availability, accessibility and appropriateness of the current housing stock in Northern Ireland.
- The Commission recommends that the Department should follow the decision of the Court of Appeal in Burnip, Trengove and Gorry and allow for additional accommodation for carers and disabled children.
- The Commission recommends that the Department ensures that housing benefit assessments of disabled people, including those with non-residential carers, fully takes into account the needs of disabled people, particularly when the effects of a disability may change within a time period. Similarly, assessments of parents separated from their children should also take into account that these claimants will be required to accommodate their children in their home to allow them full access to their family.

- The Commission recommends that relevant aspects of the above are also taken into account in the Review of the Housing Selection Scheme.

Theme 4 – Driving regeneration and sustaining communities through housing

- The Commission restates its view on the value of shared housing and that segregated housing in Northern Ireland is not the way forward for our society. We view socially, ethnically, politically and religiously integrated housing as the preferred option and long term goal.
- The Commission recommends that the Department sets out concrete proposals for building shared neighbourhoods.
- The Commission considers that agreement should be reached on the Executive's Cohesion Sharing and Integration strategy at the earliest possible time to set the strategic framework for equality and good relations work at neighbourhood level.

Theme 5 – Getting the structures right

- The Commission considers that any changes to structures should seek to preserve the knowledge and experience of the Housing Executive, while seeking to maximise equality of opportunity and good relations.

**Equality Commission for Northern Ireland
December 2012**

Annex 1

The Commission is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination, equal pay, race, sexual orientation, age and disability.

The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 ("Section 75"), and to promote positive attitudes towards disabled people and encourage participation of disabled in public life, under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006) ("Disability Equality Duty").

The Commission and the Northern Ireland Human Rights Commission are jointly designated as the "Independent Mechanism" in Northern Ireland to promote, protect and monitor the implementation the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).