

Department for Communities Consultation Definition of Affordable Housing

September 2019

1 Executive summary

- The Commission welcomes the overarching principles and objectives as set out in the consultation document.
- We welcome the potential within the proposals in this consultation to address inequalities in housing, and to ensure provision of accessible, adequate and sustainable homes to a wider range of individuals and families than is currently the case.
- We welcome that people with disabilities are a target group and suggest a number of areas for consideration. These are: the application of accessible standards in new build accommodation; easy to access and affordable adaptation services; extension of the Disability Discrimination Act to disability-related alterations to the physical features of the common parts of let residential premises; and access to adequate, sustainable and long-term independent living.
- We suggest consideration is not limited to ‘active’ older people, but to all older people.
- We welcome the focus upon low-income households, and note that Article 4 of the Housing (NI) Order 1988 includes not having accommodation in which it is reasonable to live, including as regards affordability.
- Migrant workers may not be in a financial position to buy their own property or obtain a mortgage, and social housing may not be an immediate option due to waiting lists and other restrictions. The proposed products may therefore be of particular interest. We recommend action to ensure awareness of the proposed products among this group.
- Affordable housing products may increase supply and we recommend action to consider for example, how appropriate stock and land for development can be made available to ensure that objectively assessed housing need is more effectively met in areas of high demand.
- Particular issues may exist for care leavers, who may be solely responsible for securing and maintaining a tenancy¹. A wider pool of rental products may therefore help to address their needs.
- We recommend that this work is informed by comprehensive equality data, which is sufficiently disaggregated to allow for meaningful equality analysis.

¹ Barnardos (2017) [Access All Areas Northern Ireland](#)

2 Introduction

1. The Equality Commission welcomes the opportunity to respond to the Department for Communities consultation on the 'definition of affordable housing'.
2. We welcome the overarching principles and objectives as set out in the consultation document. These are:
 - To support and encourage an effective housing system;
 - To target our resources on those households who need help to access suitable and affordable housing;
 - To deliver best value for the public purse in the context of our constrained spending environment;
 - To provide a framework for how Government and housing providers think about and deliver affordable housing;
 - To improve the range of affordable housing options and in turn, the supply of new affordable properties; and
 - To provide clarity for the planning system particularly in the light of councils bringing forward their Local Development Plans which take account of their community plans.
3. The Commission recognises that housing requirements are unlikely to be the same for all people across all equality groups and so the steps needed to ensure an accessible, adequate and sustainable home may differ for one person or family to another, depending upon a number of factors, including their equality characteristics or identities.
4. We continue to proactively highlight the link between poverty and social exclusion, and the inequalities faced by individuals protected under equality legislation. We stress the need for urgent action to address poverty and social exclusion experienced by individuals across the range of equality categories.
5. We welcome the potential within the proposals in this consultation to address inequalities in housing, and to ensure provision of accessible, adequate and sustainable homes to a wider range of individuals and families than is currently the case. We note the challenges within housing and communities. These include the extent of housing stress from the growing social housing waiting list, the impacts still to come from Welfare Reform, the absence of an Executive and Assembly to legislate to regulate the private rental sector, or to implement policies to improve how housing and communities operate for people across the equality grounds in Northern Ireland.
6. A broader range of housing supply models may help address particular needs identified in our work. These include access to particular accommodation types, and to meet not only physical needs, but also those related to affordability and sustainability. In determining the range of products that should be made available, their accessibility, adequacy and sustainability for those groups which currently experience inequality in housing should be ensured.

7. The Commission's 2017 Statement on Key Inequalities in Housing and Communities² identified the following which are relevant to the consideration of affordable housing:
- Many people with disabilities live in homes that are not adequate to meet their disability related needs.
 - Those with a learning disability are not always afforded an opportunity to live independently.
 - Migrant workers are vulnerable to becoming subject to tied accommodation with poor conditions and overcrowding.
 - Access to appropriate accommodation for Irish Travellers is limited.
 - Catholic household reference person applicants for social housing continue to experience the longest waiting times.
8. In light of the Commission's statutory remit, our response from hereon considers the consultation question – ***Are these the right groups, or are the other groups we should consider?***
9. The Commission welcomes the inclusion of older people, people with disabilities and lower income households as target groups, and suggests at paragraph 24 onwards other groups which we suggest the Department should consider.

3 People with disabilities

10. We welcome that people with disabilities are a target group and suggest a number of areas for consideration. These are: the application of accessible standards in new build accommodation; easy to access and affordable adaptation services; extension of the Disability Discrimination Act to disability-related alterations to the physical features of the common parts of let residential premises; and access to adequate, sustainable and long-term independent living.
11. **Accessible standards** - We consider that more needs to be done to ensure that all new builds in private tenures comply with accessible standards, so as to better facilitate individuals to secure a home and remain in it. This includes within those homes provided as affordable products. We note recognition within proposed government policy of the need to increase the provision of accessible homes³. Over time, the universal application of accessible standards would significantly reduce the need for formal care services and costly home adaptations in the future⁴.
12. Accessible housing is most likely to be found within social housing⁵. However, NIHE's 2012 Audit of Inequalities⁶ notes 'anecdotal evidence suggests that demand may be rising [within the private rented sector] as more people find themselves in inaccessible private rented property, either because of the

² ECNI (2017) [Statement on Key Inequalities in Housing and Communities](#)

³ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

⁴ Wallace, A. (2015) [Housing and Communities Inequalities in Northern Ireland](#) at page 141

⁵ NISRA (2013) [Census 2011, Table DC4413NI](#)

⁶ NIHE (2012) [Audit of Inequalities](#)

shortage of social housing, or because they cannot afford / get a mortgage to purchase a property'. There is therefore need across tenures.

13. **Adaptations** - A person with disabilities may require adaptations to their existing or prospective home, irrespective of tenure type. We note recognition within the draft departmental plans of the need to streamline the adaptations and disabled grants process to reduce waiting times⁷. We consider that ensuring the availability of housing adaptations is essential, not least given the emphasis within government policy - particularly Transforming Your Care - on the delivery of social care within the home.
14. **Law reform – Disability Discrimination Act** - Currently under disability discrimination legislation, landlords and managers of rented residential premises must make reasonable adjustments to the disabled person's home. In addition, they cannot unreasonably refuse permission for disability-related alterations to be carried out. Landlords however are not required to make disability-related alterations to the physical features of the common parts of let residential premises, such as stairs and hallways; even if they are reasonable to make and paid for by a disabled tenant.
15. We continue to recommend⁸ that disability discrimination legislation is extended to require landlords to make disability-related alterations to the physical features of the common parts of residential properties, such as stairs and hallways.
16. **Independent living** - Article 19 (the right to live independently) of the UN Convention on the Rights of Persons with Disabilities⁹ makes clear that disabled people have the right to determine how to live their own lives, particularly with respect to personal decisions regarding their living arrangements, including with respect to personal care and support. We continue to recommend access to adequate, sustainable and long-term independent living provision for all people with disabilities for whom it is a viable housing option. We welcomed the 2017 draft PfG delivery plan¹⁰ acknowledgement of the need for cross cutting actions, including improving independent living and the provision of suitable homes for people with disabilities.

4 Active Older people

17. We suggest consideration is not limited to 'active' older people, but to all older people.
18. The Commission has noted that while older people represent only 10% of homeless applications, 74% of those applications are due to current accommodation being unreasonable. This has been attributed in part by the NIHE to complex need such as disability. The demographic trend of an ageing population is contributing to an increase in demand for support services and specialised housing in old age¹¹. We have recommended that the

⁷ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

⁸ ECNI (2012) [Strengthening Protection for Disabled People](#)

⁹ [UN Convention on the Rights of Persons with Disabilities](#)

¹⁰ NI Executive (2017) [PfG Delivery Plan indicator 42](#)

¹¹ Northern Ireland Housing Executive (Aug 2008) Older People Housing Policy Review Action Plan 2008 – 2010

accommodation needs, preferences and expectations of older people are understood by those providing accommodation, and welcome that consideration of this group is part of the proposals.

5 Low-income households

19. We welcome the focus upon low-income households, and note that Article 4 of the Housing (NI) Order 1988 includes not having accommodation in which it is reasonable to live, including as regards affordability. Furthermore, one of the main reasons that single male reference person households gave for presenting as homeless to the NIHE was loss of rented accommodation.
20. We welcome the ongoing work by the NIHE and others to tackle homelessness, and recommend it focuses on the specific needs of individuals from across the equality categories. This should include with regard to those placed in private sector accommodation, for whom the support services (which social housing and hostel accommodation can provide) may not be available. This is important as regards the ability to sustain a tenancy.
21. McMordie¹² (2018) found that: ‘The experience of prolonged and cyclical homelessness was described as reducing the potential for tenancy sustainment ... with the institutionalising impact of hostel and shelter accommodation often diminishing independent living skills, eroding support networks, and increasing feelings of isolation at point of move on.’
22. The availability of appropriate accommodation appears to be a key factor. The Homeless Action project’s March 2015 research noted that the ‘shortage of available social housing makes it difficult to ensure homeless people are re-housed out of ‘temporary’ hostel accommodation into an adequate home where they have security of tenure.’
23. 2018 research in Great Britain stated that, as a result of Welfare Reform cuts affecting under 35s, there will be ‘growth in the number of households containing ‘hidden homeless’ that are unable to sustain independent accommodation, and it is likely that the incidence of overcrowding will start to rise’¹³.

6 Minority ethnic groups

24. Migrant workers may not be in a financial position to buy their own property or obtain a mortgage, and social housing may not be an immediate option due to waiting lists and other restrictions. The private rented sector is where many¹⁴ minority ethnic groups, particularly migrant workers, seek accommodation. The proposed products may therefore be of particular interest.
25. Research suggests there is potentially limited awareness of rights and/or limited accommodation choices available to migrants and minority ethnic groups.

¹² McMordie¹² (2018) [Chronic Homelessness and Temporary Accommodation Placement in Northern Ireland](#)

¹³ Rugg and Rhodes, University of York (2018) [The Evolving Private Rented Sector: its contribution and potential](#)

¹⁴ NISRA (2013) [Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language](#), 76% of EU Accession migrant populations live in the private rented sector

Furthermore, these groups may lack a wider network of family and friends with knowledge of the Northern Ireland housing market, which would enable them to make better informed choices. Our Statement on Key Inequalities in Housing and Communities noted that migrant workers were often at risk of being subject to ‘tied accommodation’ with poor conditions and overcrowding. Greater awareness of rights and the market could act to empower potential tenants to explore the full range of options open to them. We recommend action to ensure awareness of the proposed products among this group.

26. While some progress has been made, access to appropriate accommodation to meet the needs of Irish Travellers remains limited. The Commission continues to advocate the need for an adequate programme of accommodation to meet the cultural needs of the Irish Traveller community and remains concerned by the lack of progress in securing planning permission for sites in the areas identified as most in need in the NIHE Traveller Accommodation Needs Assessment¹⁵. It concluded that *‘net housing need is ... a much more complex calculation ... and will be undertaken by Strategic Partnerships in consultation with the Traveller community’*. We welcome the commitment to ensure the involvement of the Traveller community, and to take specific steps to assess Traveller need.

7 Areas of high housing demand

27. The Commission has noted the longer waiting list times for social housing experienced by households with a Catholic household reference person. We reiterate the importance of ensuring that housing need is met on the basis of objectively assessed need. Where stock availability (supply-side factors) differs from individual housing needs and preferences (demand-side factors), longer waiting lists can ensue.
28. Affordable housing products may increase supply and we recommend action to consider for example, how appropriate stock and land for development can be made available to ensure that objectively assessed housing need is more effectively met in areas of high demand. On the demand-side, steps which might both widen areas of preference for those in housing need and sharing more generally could serve to expand housing markets and increase opportunities to both meet objectively assessed housing need and advance increased sharing.

8 Care leavers

29. The shared accommodation rate applies to housing benefit for those aged under 35. Northern Ireland research to date has been of small scale, but one¹⁶ study found that since the changes came into force around one in ten landlords no longer rented to under 35 year old single people¹⁷. A 2017 Great Britain survey¹⁸

¹⁵ NIHE (2015) [Traveller Accommodation Needs Assessment 2014](#)

¹⁶ Centre for Economic and Social Research (2014) [Monitoring the Impact of Recent Measures Affecting Local Housing Allowance in the Private Rented Sector in Northern Ireland](#)

¹⁷ Centre for Regional Economic and Social Research, Sheffield Hallam University funded by the Department for Social Development (Mar 2014) [Monitoring the impact of recent measures affecting Housing Benefit and Local Housing Allowances in the private rented sector in Northern Ireland: Final Report](#)

¹⁸ RLA Pearl, Pattison (2017) [Access to Homes for Under 35s: The impact of welfare reform on private renting](#)

of 2000 landlords and letting agents found that two thirds were not willing to let to Housing Benefit / Universal Credit claimants. Particular issues may exist for care leavers, who may be solely responsible for securing and maintaining a tenancy¹⁹. A wider pool of rental products may therefore help to address their needs.

9 Data collection and analysis

30. We recommend that this work is informed by comprehensive equality data, which is sufficiently disaggregated to allow for meaningful equality analysis.
31. Comprehensive equality data is necessary to shape, refine and evaluate the impact of strategies, programmes and policies. There remain significant data gaps across a number of areas and themes²⁰, specifically: gender identity; religion; political opinion; and sexual orientation. We reiterate our recommendation that government should ensure, including via Programme for Government outcomes and indicators, that it tracks outcomes both in aggregate, and across the full range of Section 75 equality categories.
32. In housing, there is a lack of data disaggregation²¹ in relation to: ethnicity; disability status; marital status; and, dependency status. For example, key housing datasets offer limited detail with regard to data on minority ethnic groups and migrants.

10 Conclusion

33. We welcome the opportunity to respond to this consultation. As set out above, we make a number of recommendations in relation to those groups currently to be targeted, and suggest a number of others which the Commission has previously identified as experiencing inequality in housing. We emphasise the need to ensure that these groups have an accessible, adequate and sustainable home, across tenures and accommodation types.

Equality Commission for Northern Ireland September 2019

¹⁹ Barnardos (2017) [Access All Areas Northern Ireland](#)

²⁰ Data gaps were identified regarding gender identity; religion; political opinion; and sexual orientation. Wallace, A. (2015) [Housing and Communities Inequalities in Northern Ireland](#).

²¹ Wallace, A. (2015) [Housing and Communities Inequalities in Northern Ireland](#)