
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER II

THE MAIN GRANTS

HMO grants

HMO grants: the interest of the applicant in the property

56.—(1) The Executive shall not entertain an application for an HMO grant unless it is satisfied that the applicant has or proposes to acquire an owner's interest in every parcel of land on which the relevant works are to be carried out.

(2) In accordance with directions given by the Department, the Executive may treat the condition in paragraph (1) as fulfilled by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(3) References in this Chapter to "a qualifying owner's interest", in relation to an application for an HMO grant, are to an owner's interest meeting the condition in paragraph (1) or treated by virtue of paragraph (2) as meeting that condition.

HMO grants: certificate required to accompany application

57.—(1) The Executive shall not entertain an application for an HMO grant unless it is accompanied by a certificate of future occupation.

(2) A "certificate of future occupation" certifies that the applicant—

- (a) has or proposes to acquire a qualifying owner's interest in the house, and
- (b) intends that throughout the grant condition period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licences by persons who are not connected with the owner for the time being of the house.

In sub-paragraph (b) "residential occupation" does not include occupation for a holiday and "tenancies" does not include a long tenancy.

HMO grants: purposes for which grant may be given

58.—(1) The purposes for which an application for an HMO grant (other than a conversion application) may be approved are—

- (a) to comply with a notice under Article 41 of the Order of 1981 (repair notices) or otherwise to render the house fit for human habitation;

- (b) to comply with a notice under Article 80 of the Order of 1992 (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in paragraph (2) of that Article;
- (c) to provide adequate facilities for space heating;
- (d) to provide satisfactory internal arrangements;
- (e) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any statutory provision (whenever made);
- (f) to ensure that the house complies with such requirements with respect to construction or physical condition as may be specified by the Department;
- (g) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the house as are so specified;
- (h) any other purpose for the time being specified for the purposes of this Article by order of the Department.

(2) The purpose for which a conversion application may be approved is to provide a house in multiple occupation by the conversion of a house or other building.

(3) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in paragraph (1) or (2), the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to it to be necessary for that purpose.

(4) In exercise of the powers conferred by sub-paragraphs (f) and (g) of paragraph (1) the Department may specify requirements generally or for particular cases.

HMO grants: approval of application

59.—(1) The Executive may approve an application for an HMO grant if it thinks fit, subject to the following provisions.

(2) The Executive shall not approve an application for an HMO grant unless it is satisfied that the works are necessary for one or more of the purposes set out in Article 58(1) or (2).

(3) Where the Executive entertains an application for an HMO grant made by a person who proposes to acquire a qualifying owner's interest, it shall not approve the application until it is satisfied that he has done so.

(4) Where the Executive proposes to approve an application for an HMO grant, it shall consider whether the house to which the application relates is fit for human habitation and meets the requirements in Article 80(2) of the Order of 1992.

(5) If it appears to the Executive that the house is not fit for human habitation or does not meet those requirements, the Executive shall not approve the application unless it is satisfied—

- (a) that on completion of the relevant works, together with any other works proposed to be carried out, the house will be fit for human habitation and meet those requirements,
- (b) that there are satisfactory financial and other arrangements for carrying out those works, and
- (c) that the carrying out of the works is the most satisfactory course of action.

(6) In considering whether to approve an application for an HMO grant the Executive shall have regard to the expected life of the house (taking account, where appropriate, of the effect of carrying out the works).