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# Consultation Outcome Report

**Proposals to allow the NIHE and Registered Housing Associations to work better together on the investigations of Tenancy Fraud**

February 2025



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# Ministerial Foreword

With over 47,000 households on the Common Waiting List, demand for social housing is higher than it has ever been. There are currently over 140,000 social homes across Northern Ireland, and I am committed to building more, in line with the commitments set out in my draft Housing Supply Strategy. Now more than ever, it is vital to protect our social homes as extremely valuable and sought-after assets. I want to ensure that social homes go to, and remain with, those in our society who need them most. All of us in the social housing sector need to work together to find workable solutions.

Unfortunately, sometimes people may try to cheat the system. That could be by providing misleading information about their circumstances to get allocated a property (ahead of others on the list) or subletting a home they have been allocated, often making a profit. This fraudulent activity deprives those who are most in need of a home and creates additional costs for the taxpayer.

The true cost of tenancy fraud is to those who are genuinely unable to access affordable housing close to their families, communities and support networks. However, the reduction in social housing supply from fraudulent tenancies increases the cost of providing temporary accommodation to people who are in genuine need. Indeed, housing policy, resource efficiency and social justice are all negatively impacted by the lack of a clear,



robust and universal approach to measuring loss from tenancy fraud.

It is for this reason that my Department has formed a new Tenancy Fraud Review Team. We need to look at how tenancy fraud is tackled across the housing sector. We need to unify approaches, learn from best practices and raise awareness.

Reviewing tenancy fraud processes is not merely an administrative task; it represents a vital opportunity to work better together with all housing stakeholders and to enhance our current systems. By identifying issues, streamlining processes, enhancing transparency and strengthening the legislative framework, we will collectively create a more robust defence against tenancy fraud. In turn, these improvements will ensure that social homes will indeed, go to those who truly need them most.

**Gordon Lyons MLA**  
**Minister for Communities**

# About this document

This Consultation Outcome Report presents the findings from the “Consultation on Proposals to allow the NIHE and Registered Housing Associations to work better together on the investigation of Tenancy Fraud”.

## Background

In September 2014, the Public Accounts Committee (PAC) issued a report on tenancy fraud in Northern Ireland. This followed a Northern Ireland Audit Office (NIAO) Report, also about tenancy fraud. Both reports recommended establishing a single tenancy fraud team to provide investigative services to both the Northern Ireland Housing Executive (NIHE) and the Registered Housing Association sector.

Following the issue of the two reports, a team was established within NIHE to carry out tenancy fraud investigations for NIHE tenants. Over the years, the team has built up considerable expertise in the investigation

of tenancy fraud. Unfortunately, existing legislation does not give the NIHE the power to undertake tenancy fraud investigations on behalf of Registered Housing Associations, nor does it have the legislative power to charge for providing such a service.

The Department wants to put in place the legislative power to allow the NIHE to carry out investigations on behalf of Registered Housing Associations. Registered Housing Associations will continue with their current investigating role; however, providing the legislative proposal is put into law, they would also be able to avail of the expertise within the NIHE to progress tenancy fraud investigations.

# Current Position

Periodically the Department of Finance (DoF) brings forward Financial Provisions Bills on behalf of Departments. The purpose of these Bills is to bring forward a number of legislative changes that Departments require for routine, non-controversial matters. It is intended that the latest Financial Provisions Bill, which is

planned to be introduced to the Assembly in 2025, will be the legislative vehicle to bring about the proposed tenancy fraud provisions for the Department for Communities.

# Consultation Process

The consultation launched on 16 July 2024 and closed on 9 September 2024.

This was a targeted consultation directed at those who will be impacted by the new provisions. It involved engaging with DfC's main social housing stakeholders, who are:

- The NI Federation of Housing Associations (NIFHA)
- Registered Housing Associations
- The Northern Ireland Housing Executive (NIHE)

- Housing Rights
- Advice NI
- Supporting Communities

The reason this was a targeted consultation, rather than a public consultation, is that the NIHE currently investigates tenancy fraud for its own tenants, so the new provision is an extension of this service. It would allow NIHE to investigate tenancy fraud on behalf of Registered Housing Associations and to charge for that service. A copy of the consultation document can be found at Annex A.

# Impact Assessments

The Department has drafted a Section 75 Equality Screening document which is published alongside this Outcome Report. The Department concluded that a full Equality Impact Assessment will not be required at this stage as there is no evidence to suggest specific adverse impacts for any Registered Housing Association tenants within the protected characteristic groups.

The Rural Needs Impact Assessment (RNIA) is a process to ensure we examine carefully and objectively to determine whether there is a different impact in rural areas from that elsewhere, because of the particular characteristics of rural areas. These proposals do not currently identify any adverse rural impacts. We will, however, keep this under review as new policies and procedures are developed.

The overall purpose of the proposals is to resolve issues regarding the Department's powers, in relation to the investigation of tenancy fraud. Any negative consequences will ultimately apply to those who choose to break an already existing law. So, in addition to the Equality Screening and Rural Needs Impact Assessment, the Department carried out impact assessment screening on Crime, Human Rights, Regulatory and Community Safety and Victims. The impact assessment screenings have found no undue impacts arising from any of the proposals in this consultation. The Department will ensure that the impact assessment screenings will be kept updated to reflect the development and the implementation of the policy.

# Stakeholder Engagement

Each of the stakeholders above was sent a letter from the Director of Social Housing Policy and Oversight which contained a link to the consultation document and survey on Citizen Space. During the consultation period, the Department offered 3 information sessions and encouraged all interested parties to attend through direct mailing. Each information session was hosted virtually by the Social Housing Policy Team. A presentation was delivered and good dialogue regarding the proposals and wider issues was encouraged.

The information sessions were attended by a total of 13 organisations. A copy of the presentation delivered at these sessions can be provided by emailing: **[socialhousingpolicy@communities-ni.gov.uk](mailto:socialhousingpolicy@communities-ni.gov.uk)**.

## Responses

The Department received a total of 8 responses from the survey on Citizen Space as well as one written submission. We also have a collection of feedback and suggestions from the information sessions.



# Proposal Responses

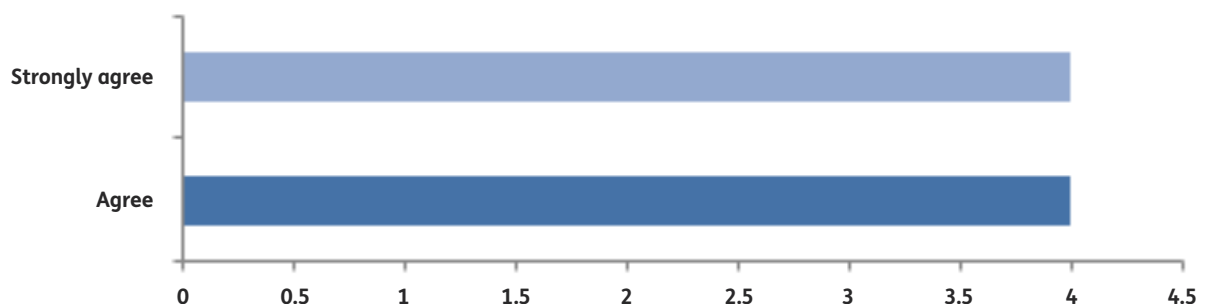
An excellent level of response was seen across each of the proposals. 100% of Citizen Space respondents answered all questions in relation to each of the proposals.

The following section provides detail on proposal responses. Please refer to the consultation document for more detail on each proposal.

**Proposal 1: Providing NIHE with the power to undertake tenancy fraud investigations on behalf of the Registered Housing Association (RHA) sector and to charge RHAs for that service.**

**Question 1:** Do you agree that the NIHE should be able to carry out tenancy fraud investigations on behalf of the Registered Housing Associations?

There were 8 Citizen Space responses to this part of the question.



100% of respondents answered this question and **agreed or strongly agreed** that the NIHE should be able to carry out tenancy fraud investigations on behalf of Registered Housing Associations.

There were 6 further comments made in relation to this question.

- I feel this would be a great service for HAs, as at present we have no powers or information available to complete an investigation

- RHAs should initially carry out investigations but should be able to seek the assistance of NIHE on more complicated cases
- Feel that this would be very beneficial as it would allow HA's to tap into the expertise of the fraud team as well as allow for independence and assurance to staff when investigating tenancy fraud.

- If the NIHE conducts an investigation on behalf of a RHA, then we are making the assumption that a report will be made available to the RHA as the contract for tenancy is between the RHA and the tenant so the NIHE would not be progressing the case to court.
- [We] have a robust Tenancy Fraud Strategy and Response Plan in place that works very well. However, we would welcome additional help when dealing with particularly challenging and complex cases. We believe that the expertise from the NIHE Tenancy Fraud team will help strengthen our current practices.
- [We] welcome the proposal that NIHE could use its powers as the statutory authority on housing to investigate cases of tenancy fraud. This would help to ensure that housing is available to people in genuine housing need, meeting the public policy goals enshrined in the Common Selection Scheme. Moreover, it could help deliver one of the key priorities enshrined in the draft Programme for Government i.e. Provide More Social, Affordable and Sustainable Housing by increasing housing supply and tackling homelessness. By enabling better utilisation of existing homes, it could provide potential value for money, as additionality to new homes construction. Further detail would be welcomed in terms of what role NIHE could play in relation to the investigation and the enforcement process.

#### Summary of written response:

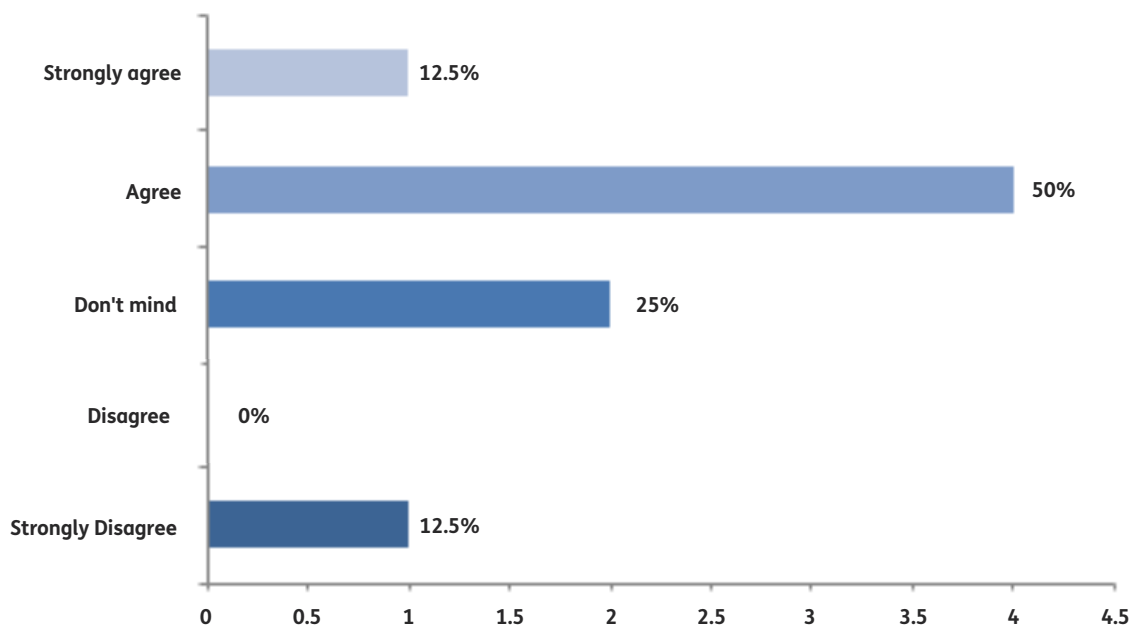
- It would be reasonable to allow Housing Associations to engage the NIHE to conduct tenancy fraud investigations on their behalf.
- We would urge maximum co-operation to ensure the NIHE is in possession of all the facts of the cases upon beginning their investigation.
- This proposal identifies no reduction of tenants rights.
- We support the policy intent.

#### Summary of feedback from Information Sessions:

- We would be in support of this proposal.
- It would be good to have this as an option to use when needed.
- Support this proposal. Previous engagement and assistance from the NIHE has been very useful and helpful in the past.
- The NIHE are very well placed to assist HA in the more complex cases of suspected tenancy fraud.

### Conclusion to Proposal 1, Question 1:

Responses and comments to this section show **overwhelming support** for the proposal to provide NIHE with the power to carry out investigations in relation to tenancy fraud on behalf of Registered Housing Associations. It was apparent by all contributors that this would be a much improved service that, by strengthening current practices, would provide an opportunity to use expertise as well as allowing for independence.



This shows **87.5% support (or indifference)** for the proposal to allow the NIHE to charge for the service.

There were 8 further comments made in relation to this question.

- If the NIHE will charge for the investigations, it should be at a reasonable price and should detail to HA what they will get for this charge in terms of the investigation and the outcome of any investigation.
- RHAs should initially carry out investigations but should be able to seek assistance of

**Question 2:** Do you agree that the NIHE should be allowed to charge Registered Housing Associations for tenancy fraud investigations?

There were 8 Citizen Space responses to this part of the question.

NIHE on more complicated cases.

- This agreement comes with a caveat as we are not sure what those costs would be, but we would deem this as an independent professional service.
- In principle compensation to the NIHE for conducting tenancy fraud investigations for RHAs complex cases should be allowed. However, RHAs would need to know what the charging schedule would look like and how the charges would be made i.e. case by case or an annual fee. These details would need further discussion.

- Details on proposed costs, scope of services and outcomes should be provided to enable associations to consider the impact and benefits.
- It is difficult to comment on this proposal as further guidance is required on how the NIHE will cost this service for Housing Associations. E.g. will consideration be given to the size of each Housing Association and the service financed accordingly, or will Housing Associations pay for this service on a case-by-case basis? Also, is there any possibility for the department to provide funding for this service for Housing Associations?
- Provided the charges are proportionate to the work carried out in completing the investigation.
- Tenancy fraud is a public policy issue and a significant cost to the public purse. Housing Associations currently invest significant resources in tackling. Actions taken by Housing Associations in respect of Benefit Fraud are already done on behalf of the state and are delivered at the expense of Housing Associations, and this would likely continue to some extent (e.g. investigation of less complex cases and legal costs for enforcement proceedings). It is likely that for all types of tenancy fraud, Housing Associations will continue to incur significant costs in delivering this wider public policy objective, including tackling less complex cases and proceeding to court, as well as indirect costs such as loss of rent/housing charges and void loss. [We] believe that the statutory powers that NIHE can use to investigate should be made available

to all social housing landlords without charge. [We] believe that savings to the public purse could be used to pay for this service and support social landlords with other costs associated with investigating and taking action on tenancy fraud (e.g. lost rent if Universal Credit payments are stopped). [We] further note that there is some uncertainty in relation to what any proposed charging scheme would look like.

#### Summary of written response:

- It is right that a public authority such as the NIHE can charge for this specialism.
- It would be appropriate for the NIHE and Registered Housing Associations to reach an agreement on the nature of payment structures.

#### Summary of feedback from Information Sessions:

- It would not be easy for HAs to pay for this service. Something like the Schedule of Rates solicitors have, might work.
- We would not support a one-off payment, although a one-off payment based on the size of the HA might work.
- The rate should vary according to the complexity of the case.
- We would not like the rate to be based on the size of the HA.
- Appreciate there will be a need to charge.
- Opinion on how that charge is determined, i.e. pay as you go or proportional per size of HA will be completely dependent on the proposed costs.

## Conclusion to Proposal 1, Question 2

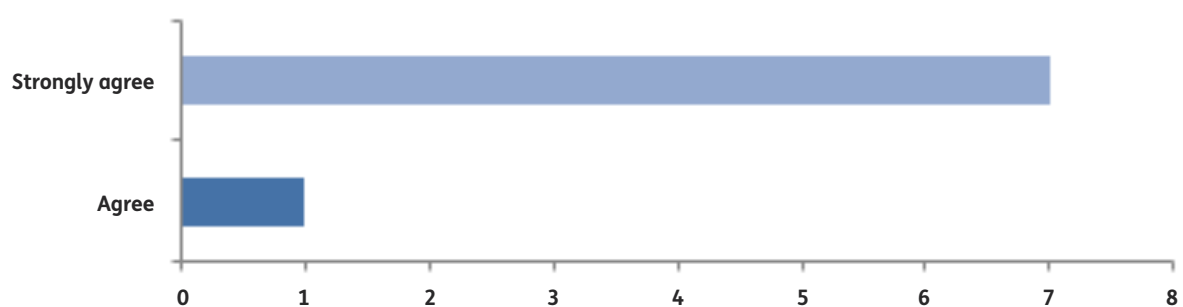
Responses and comments to this element of the proposal show **general support** to the principle of the need for the NIHE to cover their costs in relation to investing tenancy fraud on behalf of Registered Housing Associations. However, further detail would be needed by Housing Associations to make an informed decision, evaluating the impacts and benefits based on scope of services and outcomes. That said, it was also argued that the statutory powers that NIHE can use to investigate should be made available to all social housing landlords without charge, suggesting that savings to the public purse could be used to pay for this service and support social landlords with other costs associated with investigating and taking action on tenancy fraud. Some further aspects to consider:

- Clarity is needed in relation to the charging schedule.
- Will this be case by case or annual fee?
- Will the charge be proportionate to the amount of work required for the full investigation?
- Will the charge be proportionate to the size of the RHA?
- Is there any scope for the Department to provide funding or part-funding?

## Proposal 2: Provision to enable any person to disclose any information in relation to Tenancy Fraud

**Question:** Do you agree that data sharing provisions should be established to enable any person to disclose any information to the NIHE to progress tenancy fraud investigations?

There were 8 Citizen Space responses to this part of the question.



This shows that 100% of respondents either **agreed or strongly agreed** that data sharing provisions should be established to help the NIHE progress tenancy fraud investigations.

There were 7 further comments made in relation to this part of the question.

- NIHE and HAs are carrying out similar functions and therefore there should be a data sharing provision in order for the processing of information required.
- This should be extended to RHAs carrying out tenancy fraud investigations.
- Data sharing provisions need to be established to open up a valuable source of evidence in the investigation of suspected tenancy fraud. We strongly support the introduction of formal protocols with all social landlords. We agree to the review of the legislative position in Northern Ireland to strengthening local legislation, particularly in relation to data sharing.
- This is vital to ensure success.
- [We] agree that data sharing protocols should be established to enable people to disclose information to NIHE to progress Tenancy Fraud investigations. These protocols will increase the likelihood of obtaining valuable evidence in the investigatory process of alleged Tenancy Fraud. Data sharing agreements should also be established between NIHE and Housing Associations to assist with Tenancy Fraud investigations within Housing Associations.
- This is necessary to allow investigations to be thorough and accurate.
- [We] agree that data/information sharing arrangements should be put in place to enable full disclosure of information relating to tenancy fraud between Housing Associations and NIHE and vice versa. This should include ensuring that any information gathered by NIHE as part of

a tenancy fraud investigation should be shared in full with the Housing Association with whom any tenancy is held. This must also be provided in a framework that enables that information to be used by the Housing Association to proceed with legal proceedings against tenancy holders or other relevant persons (e.g. persons fraudulently seeking succession rights). [We] further believe that there should be full exploration of the potential for Housing Associations to access information relating to tenancy fraud directly, in order to enable RHAs to progress investigations expediently and to court (separately to any arrangements involving NIHE which may be developed further to this consultation).

#### Summary of written response:

- We agree with this proposal in principle as it will help establish a substantial evidence base to support a case of tenancy fraud.
- It will allow RHA and the NIHE to more efficiently and effectively identify cases of tenancy fraud.
- We would need to seek assurances of the wording of this proposal – “Any person to disclose any information” is an extremely wide scope. We would urge restriction of this to relevant parties and to relevant information only.
- Article 8 of the ECHR, as incorporated by the Human Rights Act 1998, states that the right to private and family life can only be interfered with by public authorities where this is in accordance with the law and is necessary in a democratic society for the reasons set out in Article 8(2). In cases where the sharing of such information

would be considered lawful, it must also be necessary to interfere with right to private and family life by doing so. An example of the courts considering the necessity of sharing information in relation to Article 8 occurred in the Supreme Court case of *R (on the application of T and another) v. Secretary of State for the Home Department and another*. In this case when considering the issue of necessity, Lord Wilson considered whether the objective behind the interference was sufficiently important to justify limiting the rights of the individuals concerned under Article 8; whether the measures were rationally connected to the objective; whether they went no further than was necessary to accomplish it; and whether they struck a fair balance between the rights of the individuals concerned and the interests of the community. In our view, these principles are all highly relevant to the present consultation and the requirement that the right to privacy under Article 8 of the ECHR be protected.

- It may be helpful to publish a prescriptive list of the information that can be sought under a tenancy fraud investigation for the Department to publish guidance on. This would minimise the small chance that false or unnecessary information relating to the case could be shared with the investigating parties.

- We would seek a provision that would entitle those acting on behalf of a tenant accused of tenancy fraud to access the information held by the investigating party so that in cases where the tenant is legitimately using the property as their primary residence, they are afforded the best possible opportunity to demonstrate this.

#### Summary of feedback from Information Sessions:

- Yes, it would be useful for “any person” to be allowed to disclose any information to the NIHE to progress tenancy fraud investigations.
- People are more willing to come forward now to report suspected tenancy fraud, with the majority of information tending to come from neighbours.
- Sometimes NIHE is unable to share information because of GDPR.
- It would be useful to be able to obtain data from the electoral register and stores’ loyalty cards.
- It would be very useful to have a legal basis to obtain data from utility companies. This has been made far more difficult, since GDPR.
- Yes, data sharing provisions would be useful.
- There may be issues establishing these in areas, for example close to the border. Cross border links will need to be considered and established.



## Conclusion to Proposal 2

Responses and comments to this proposal show **full support** for the principle of data sharing arrangements. Respondents claim that this will be vital to ensure success and that having robust data sharing arrangements will maximise the opportunity to obtain valuable evidence. This is considered necessary to allow investigations to be thorough and accurate. However, Human Rights issues will need to be taken into careful consideration. It is considered that “any person” and “any information” is extremely wide. Care needs to be taken to ensure that in gathering “any” information, the persons “right to private and family life” is not unduly interfered with. Further aspects to consider:

- Consider a prescriptive list of information that can be sought under tenancy fraud investigations is published by the Department.
- Consider a provision to allow those acting on behalf of a tenant accused to access all information held by the investigating party.
- Consider cross border links in terms of accessing information.

## Departmental Response and Next Steps

The Department is grateful to all the stakeholders for taking time to be a part of this important review.

Considering all the feedback, it is clear that the proposals for the extension of the current tenancy fraud arrangements yields strong support. The Department will proceed to introduce these proposals through the Department of Finance’s Financial Provisions Bill.

The Review Team is encouraged by the unified direction of travel, the positive engagement and constructive suggestions that have been brought forward and will continue to work closely with all stakeholders in developing new policy and procedures.

The Team intends to arrange more specific focus groups to unify approaches and tenancy documents and to work on issues such as data collection and methodology for calculating the cost of Tenancy Fraud.



## Annex A

# Consultation on Proposals to allow the NIHE and Registered Housing Associations to work better together on the investigation of Tenancy Fraud

### About this consultation

This is a targeted consultation in relation to the Department for Communities' (DfC) proposal for primary legislation to enable social landlords to work better together to resolve issues in relation to the investigation of tenancy fraud. This document provides a summary of the proposed provisions, and it is on this summary that we are inviting feedback.

### Duration of the consultation

This is an 8-week consultation. The deadline for responses is 17.00hrs on 9 September 2024.

### Information Events

Three virtual information sessions will be held during the consultation period and will include an opportunity for you to ask questions. These will take place from 10.30am to 12.30pm on Wednesday 31 July; Wednesday 14 August; and Thursday 5 September 2024. If you wish to take part in the event, please email us at **SocialHousingPolicy@communities-ni.gov.uk**

### How to Respond

We would ask that you respond to the consultation using the online survey which can be accessed at the [here](#).

If you are unable to respond using the online consultation facility, you can email your response using the response template provided at the DfC consultation page to the following email address: **SocialHousingPolicy@communities-ni.gov.uk**.

Alternatively, you may post your response to: Department for Communities, Social Housing Policy, Level 3, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG.

If you require documents to be provided in an alternative format, please contact us by email:

**SocialHousingPolicy@communities-ni.gov.uk.**

**If you have any questions in relation to the consultation, or wish to engage with us directly, please also email us at the address above.**

### **Departmental Response**

A summary of responses to this consultation and details of the action that DfC has taken will be published on the Department for Communities website before the proposed legislation comes into effect.

### **Equality**

DfC is currently working on a draft section 75 Equality Screening document which will be updated and published following this targeted consultation. We welcome additional information or feedback on these proposals which would be relevant to the screening.

### **Rural Needs**

The Rural Needs Impact Assessment (RNIA) is a process that ensures that we examine carefully and objectively to determine whether there is a different impact in rural areas from that elsewhere, because of the particular characteristics of rural areas. These proposals do not currently identify any adverse rural impact. We will consider any response to the consultation that indicates a rural impact or evidence that is relevant to these proposals, and we will review the proposals considering any new information.

### **Other Impact Assessments**

The overall purpose of the proposals is to resolve issues regarding the Department's powers, in relation to the investigation of tenancy fraud. Any negative consequences will ultimately apply to those who choose to break an already existing law. In addition to Equality and Rural Needs impact assessments, the Department has carried out impact assessment screening on each of the following:

- Crime Impact Assessment
- Human Rights Impact Assessment
- Regulatory Impact Assessment
- Community Safety and Victims Impact Assessment

The impact assessment screenings have found no undue impacts arising from any of the proposals in this consultation. The impact assessments screenings will be kept updated so that they reflect the development and the implementation of the policy.

## **Data Protection**

A Data Protection Impact Assessment has been drafted, which documents how we will use personal information as part of the processing of responses.

## **Privacy Notice**

Before you submit a response, please read the Privacy Notice published along with this document which shows how we will use personal information as part of the processing of responses.

Following the end of the consultation, DfC may publish anonymised direct quotes from your consultation response. In addition, we may make responses available to the NI Assembly.

## **Background**

There are currently over 140,000 social homes across Northern Ireland. These homes are very much in demand, indeed there are approximately 47,000 households on the Common Waiting List. Now more than ever it is vital to protect these extremely valuable and scarce assets. The Department wants to ensure that social homes go to, and remain with, those in our society who need them most.

Unfortunately, sometimes people try to cheat the system. That could be by providing misleading information about their circumstances to get an allocation or subletting a home they have been allocated, often making a profit. While tenancy fraud is at low levels in Northern Ireland, this fraudulent activity deprives those who are in most in need of a home and creates additional costs for the taxpayer.

In September 2014, the Public Accounts Committee (PAC) issued a report on tenancy fraud in Northern Ireland. This followed a Northern Ireland Audit Office (NIAO) Report, also about tenancy fraud. Both reports recommended establishing a single tenancy fraud team to provide investigative services to both the Northern Ireland Housing Executive (NIHE) and the Housing Association sector.

Following the issue of the two reports, a team was established within NIHE to carry out tenancy fraud investigations for NIHE tenants. Over the years, the team has built up considerable expertise in the investigation of tenancy fraud. Unfortunately, existing legislation does not give the NIHE the power to undertake tenancy fraud investigations on behalf of Housing Associations, nor does it have the legislative power to charge for providing such a service.

The Department wants to put in place the legislative power to allow the NIHE to carry out investigations on behalf of Housing Associations. Housing Associations will continue with their current investigating role; however, they would be able to avail of the expertise within the NIHE to progress tenancy fraud investigations.

## **Current Position**

Periodically the Department of Finance (DoF) brings forward Financial Provisions Bills on behalf of Departments. The purpose of these Bills is to bring forward a number of legislative changes that Departments require for routine, non-controversial matters. It is intended that the Financial Provisions Bill 2024 will be the legislative vehicle to bring about the DfC's proposed tenancy fraud provisions.

DoF officials have been in discussions with counterparts in other Departments and a number of legislative provisions have been identified as being required. Following Executive agreement that this Financial Provisions Bill proceeds, drafting is due to commence. The intention is that the Financial Provisions Bill will be introduced to the Assembly after summer recess, although this will be dependent on the outcome of consultation processes, the pace on which the Bill can be developed, the engagement with other Departments, as well as Committee processes.

## **Targeted Consultation**

This is a targeted consultation directed at those who will be impacted by the new provisions. It involves engaging with DfC's main social housing stakeholders, who are:-

- The NI Federation of Housing Associations (NIFHA),
- Registered Housing Associations
- The Northern Ireland Housing Executive (NIHE)
- Housing Rights
- Advice NI
- Supporting Communities

The Department of Finance has been advised of the proposed approach.

The reason this is a targeted consultation, rather than a public consultation, is that the NIHE currently investigates tenancy fraud for its own tenants, so the new provision is just an extension of this service and it would allow NIHE to investigate tenancy fraud on behalf of Registered Housing Associations and to charge for that service.

## **The Proposed Provisions**

There are two proposed provisions as outlined below:

### **Providing NIHE with the power to undertake tenancy fraud investigations on behalf of the Registered Housing Association (RHA) sector and to charge RHAs for that service.**

It is proposed that the NIHE should, if requested by a Registered Housing Association, be empowered to carry out tenancy fraud investigations in respect of that Association's properties. This issue has been under consideration by the Department for some time; following recommendations of both the NIAO and PAC to establish a single tenancy fraud team to provide investigative services to both the NIHE and the HA sector. Although NIHE currently carries out tenancy fraud investigations for its own tenants, the current legislation does not enable the NIHE to undertake investigations on behalf of the Housing Association sector.

This provision is required to allow the NIHE to charge Registered Housing Associations for investigation and related services e.g. in the event of a fraud case going to court. It is proposed that these charges would only cover costs incurred by NIHE. It would be intended that any charges applied would be proportionate costs per Housing Association and reflect the complexities of each individual case.

### **Provision to enable any person to disclose any information in relation to Tenancy Fraud**

A data sharing provision is also proposed to cover the exchange of information between Housing Associations, the NIHE and any other relevant third party for the purpose of investigating tenancy fraud.

This provision would facilitate the collection of more evidence to determine if tenancy fraud was being committed. It may also expediate the progression of a case. Information may be sourced from statutory bodies, but also private organisations e.g. utility companies.

### **Potential Benefits of the Proposed Provisions**

DfC's proposed provisions would enable a more cohesive and consistent approach to the investigation of tenancy fraud in the social housing sector, ensuring that the most effective use is made of this scarce resource. It will enable those with the knowledge and expertise of tenancy fraud to provide investigative services on the more complex cases and progress them through to a successful prosecution.

A wider review of how Tenancy Fraud is managed across Housing Associations is currently being undertaken by DfC to inform a clear, robust and joined-up approach to investigating, measuring and reporting the cost of tenancy fraud across the social housing sector. These legislative provisions may enable these outcomes.

### **Next Steps**

Following the consultation period, the Minister for Communities will consider the responses and decide on a way forward, for potential inclusion in future Department of Finance - led legislation. These matters will be considered as part of the Minister's and the Executive's wider legislation programme.

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