
REPORT ON APARTMENTS: SECTION 75 OF THE NORTHERN IRELAND ACT EQUALITY SCREENING

Section 75 of the Northern Ireland Act 1998 requires public authorities (in this instance, the Northern Ireland Law Commission) to ensure that they carry out their functions having due regard to the need to promote equality of opportunity between:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Between men and women generally;
- Between persons with a disability and persons without; and
- Between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Commission is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Commission's Equality Scheme sets out how the Commission fulfils these obligations in carrying out its functions.

The Commission conducted an initial screening of the proposals outlined in the Consultation Paper. The screening exercise concluded that it was not necessary to conduct an Equality Impact Assessment because it was not envisaged that the policy would have any negative impacts on any section 75 categories. Consultees were invited to comment on the conclusions drawn from this initial screening as part of the consultation process. Of the responses received during the consultation period, no consultees raised any issues with the Commission's preliminary conclusions.

The Commission has carried out a further screening exercise on the final recommendations contained in the report.

PART 1. POLICY SCOPING

Information about the policy

Name of the policy

The title of this policy is 'Apartments'.

Is this an existing, revised or new policy?

This policy is seeking to revise and improve existing policy.

What is it trying to achieve? (intended aims/outcomes)

The project aims to address by the most appropriate means, the problems experienced in practice relating to the ownership and management of apartments. When the Commission consulted on its First Programme of Law Reform, it received numerous responses regarding problems in the apartment sector.

The objectives of the project are:

- To examine the law under which apartments are owned;
- To examine the structures and framework under which apartments are managed;
- To assess the strengths and weaknesses of the current systems;
- To gather evidence of the problems arising in practice;
- To consult key stakeholders including owners of units, owners' management companies, managing agents, developers, the Law Society of Northern Ireland, MLAs and others;
- To use the analysis of responses received to inform policy development;
- To consider whether legislative reform is appropriate;
- To consider whether the establishment of a form of regulation or licensing for managing agents is a possible solution;
- To consider amending company law to provide for a special form of company specifically to manage residential property;
- To consider mechanisms to enable existing company structures to be converted to a more appropriate format;
- To consider appropriate dispute resolution mechanisms to address existing problems;
- To consider the better provision of information for purchasers of apartments;
- To consider means of improving communication between the parties on a development;
- To consider the best means of addressing problems on unfinished developments; and
- To develop proposals which are tailored to the particular context of Northern Ireland and which address the problems arising in this jurisdiction.

Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.

It is envisaged that this policy will create a positive impact generally for all those involved in the apartment sector. No specific benefits have been identified for any of the section 75 categories.

Who initiated or wrote the policy?

The Northern Ireland Law Commission is responsible for devising the policy.

Who owns and who implements the policy?

The Northern Ireland Law Commission make recommendations to government, who will decide whether to adopt the recommendations and duly implement them.

Implementation factors**Are there any factors which could contribute to/detract from the intended aim / outcome of the policy/decision?**

Financial – Government budget and cost cutting requirements

Legislative – Timetable and legislative process, prioritisation

Other – Resource constraints

Main stakeholders affected**Who are the internal and external stakeholders (actual or potential) that the policy will impact on?**

There are a number of stakeholders who are potentially affected by the policy for example, solicitors, property professionals e.g. surveyors, estate agents, lenders, the Law Society of Northern Ireland, Land and Property Services, regulatory bodies, owners' management companies and apartment owners themselves.

Other policies with a bearing on this policy

The Consultation Paper on Apartments (NILC 15 (2012)), the Consultation Paper on Land Law (NILC 2 (2009)), Supplementary Consultation Paper on Land Law (NILC 3 (2010) and Report on Land Law (NILC 8 (2010) previously published by the Northern Ireland Law Commission have relevance on this policy, which seeks to complement those proposed policy recommendations.

Other policy areas of relevance include planning, roads, company law, consumer law and property law.

Available evidence

There is very limited statistical information available in respect of apartment developments generally. The Northern Ireland Law Commission has considered statistical data and other evidence from the Northern Ireland Statistics and Research Agency, Lands Tribunal, Land and Property Services, Northern Ireland Housing Executive, Housing Rights Service and Companies

House. All sources of information used have been referenced throughout the main text of the Consultation Paper and the Report.

Of the statistics available, there is a focus on the number of apartments being built, housing prices, owner occupied compared to social housing etc. with limited evidence on those who occupy them.

Apartments currently account for around 9% of the total housing stock (NIHE, *Northern Ireland Housing Market Review 2012*). The 2011 Census does show a trend towards smaller household sizes meaning that the number of households are increasing more rapidly than the number of people. The number of households has increased by 12%, whereas the population has grown by 8%. This is particularly significant in the context of apartments, as apartment living is a suitable means for accommodating smaller households. The population is projected to increase by 6% between 2010 and 2020 which will put increased pressure on the housing supply market (NIHE, *Northern Ireland Housing Market Review 2012*).

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence / information
Religious belief	There is no available evidence which provides a breakdown of apartment ownership based on religious belief
Political opinion	There is no available evidence which provides a breakdown of apartment ownership based on political opinion
Racial group	There is no available evidence which provides a breakdown of apartment ownership based on racial group
Age	There is some evidence to suggest that persons aged 17 – 24 and those over 75 may be over represented with regard to apartment ownership / occupations, when compared to those in other age groups. (NIHE, <i>Northern Ireland Housing Condition Survey 2011</i>).
Marital status	There is no available evidence which provides a breakdown of apartment ownership based on marital status.

Sexual orientation	There is no available evidence which provides a breakdown of apartment ownership based on sexual orientation.
Men and women generally	There is no available evidence which provides a breakdown of apartment ownership based on gender.
Disability	There is no available evidence which provides a breakdown of apartment ownership based on disability.
Dependants	There is some evidence to suggest that those without dependants are more likely to own / occupy an apartment. Statistics from NIHE (<i>Northern Ireland Housing Condition Survey 2009</i>) show that apartments are occupied by higher proportions of lone adults (19%) and lone pensioners (16%) than other types of housing. The <i>Northern Ireland Housing Condition Survey 2011, Preliminary Findings</i> also shows that lone adults are more likely to live in apartments than households with children. Typically apartments have only 1 or 2 bedrooms; therefore it is likely that this type of housing will be more suited to those without dependants than those in larger family units.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy / decision? Specify details for each of the Section 75 categories.

Section category	75	Details of needs / experiences / priorities
Religious belief		There is no evidence that people of differing religious beliefs have any particular needs, experiences and priorities in relation to this policy.
Political opinion		There is no evidence that people of differing political opinions have any particular needs, experiences and priorities in relation to this policy.
Racial group		There is no evidence that people of differing racial groups have any particular needs, experiences and priorities in relation to this policy.
Age		As there is some evidence which suggests that apartment living has a higher take up for those over the age of 75 there is a need to ensure that the policy takes account of their needs. For example

	the policy seeks to address some of the problems by ensuring that owners have greater awareness of and access to information. Consideration must therefore be given to the most appropriate means to disseminate that information, and that there should be a variety of methods available i.e. not just solely based on technological methods.
Marital status	There is no evidence that people of differing marital status have any particular needs, experiences and priorities in relation to this policy.
Sexual orientation	There is no evidence that people of differing sexual orientation have any particular needs, experiences and priorities in relation to this policy.
Men and women generally	There is no evidence that people of different genders have any particular needs, experiences and priorities in relation to this policy.
Disability	There is no evidence that people who are living with a disability have any particular needs, experiences and priorities in relation to this policy.
Dependants	There is no evidence that people who may or may not have dependants have any particular needs, experiences and priorities in relation to this policy.

PART 2. SCREENING QUESTIONS

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 categories?

Section 75 category	Details of policy impact	Level of impact? Minor / major / none
Religious belief	The Northern Ireland Law Commission does not consider that the policy has an impact on people of different religious beliefs.	None
Political opinion	The Northern Ireland Law Commission does not consider that the policy has an impact on people of	None

	different political opinion.	
Racial group	The Northern Ireland Law Commission does not consider that the policy has an impact on people of different racial groups.	None
Age	The Northern Ireland Law Commission does not consider that the policy has an impact on people of differing ages.	None
Marital status	The Northern Ireland Law Commission does not consider that the policy has an impact on people of different marital status.	None
Sexual orientation	The Northern Ireland Law Commission does not consider that the policy has an impact on people of different sexual orientation.	None
Men and women generally	The Northern Ireland Law Commission does not consider that the policy has an impact on people of different genders.	None
Disability	The Northern Ireland Law Commission does not consider that the policy has an impact on people of living with disabilities.	None
Dependants	The Northern Ireland Law Commission does not consider that the policy has an impact on people who have or do not have dependants.	None

2. Are there opportunities to better promote equality of opportunity for people within the section 75 equality categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different religious beliefs.
Political opinion		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different political opinions.
Racial group		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different racial groups.
Age		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different ages.
Marital status		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different marital status.
Sexual orientation		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different sexual orientation.

Men and women generally		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people of different genders.
Disability		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people living with a disability.
Dependants		The Northern Ireland Law Commission does not consider that this policy provides opportunities to better promote equality of opportunity for people who have or do not have dependants.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Good relations category	Details of policy impact	Level of impact Minor / major / none
Religious belief	The Northern Ireland Law Commission does not consider that this policy is likely to impact on good relations between people of different religious beliefs.	None
Political opinion	The Northern Ireland Law Commission does not consider that this policy is likely to impact on good relations between people of different political opinions.	None
Racial group	The Northern Ireland Law Commission	None

	does not consider that this policy is likely to impact on good relations between people of different racial groups.	
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4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No, the subject matter of this policy does not provide an opportunity to promote good relations between people of different religious beliefs.
Political opinion		No, the subject matter of this policy does not provide an opportunity to promote good relations between people of different political opinions.
Racial group		No, the subject matter of this policy does not provide an opportunity to promote good relations between people of different racial groups.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

There are no impacts on people with multiple identities.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant section 75 categories concerned.

Not applicable.

PART 3. SCREENING DECISION

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Northern Ireland Law Commission has decided that it is not necessary to conduct an Equality Impact Assessment because it is not envisaged that the policy will have negative impacts on any section 75 categories. The nature of this policy is that it is intended to have a positive impact generally for all those involved in the apartments sector, by addressing the problems in practice which have arisen. This in turn will benefit all section 75 groups in a uniform fashion, irrespective of their section 75 categorisation.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

Not applicable – no negative impacts have been identified.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable.

Mitigation

Can the policy / decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

The subject matter does not easily lend itself to the promotion of equality of opportunity and / or good relations. However, the Northern Ireland Law Commission did take such factors into account when it was determining the final recommendations.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment

Not applicable

PART 4. MONITORING

The Northern Ireland Law Commission is not responsible for monitoring the effect of this policy as its role is limited to making recommendations for law reform. Should the Department with policy responsibility for this subject matter decide to implement the policy, it will be responsible for monitoring its effects in practice.