

Submission received from Marion Buchanan 20 November 2019

Dear Nikita

I read through the above document this evening and as a Lodging House owner, I am confused as to what this proposed new legislation means for this type of accommodation. We seem to come under the category of “hostel type accommodation” as there is no mention per se of lodging houses even though we pay an annual registration fee as a “Registered Lodging House” and submit an annual return. The fee was £172.20 for the current year. Under the new proposals, would we also have to pay the Registration fee?

The whole concept of lodging houses seems to have been blurred with the introduction of the Residential Tenancy (Jersey) Law 2011 as amended 1st January 2019. This Law captured most of the units in our Lodging House as they are self-contained, i.e they have a kitchenette and a shower/toilet. Maybe this was one of those “laws of unintended consequences” but our occupiers are now no longer “lodgers” but “tenants” even though they have “lodgings” in a “registered lodging house”. They now have to have formal tenancy agreements where the required wording gives us as landlords no protection whatsoever from a bad occupier. We have to give them 3 months’ notice to quit and if they don’t leave, we have to apply to the Court and then they can apply for a Stay of Eviction on the basis of hardship. This means that we as a landlord can be out of pocket for a considerable period of time with the property falling into further disrepair necessitating capital expenditure to restore it to a lettable condition when the occupier is eventually evicted. The Law also states that tenants have to give their landlord one month’s notice. Lodging house occupiers tend to be of a transient nature – hotel and retail workers mainly – and the reality is that when they decide they are going, we are lucky if we get one week’s notice.

These new proposals heap yet more bureaucracy and fees on landlords. Whilst I agree that there is accommodation out there that is sub-standard, the way to tackle it is to give people who are in such accommodation the means to file their grievances in such a way that triggers an inspection of the premises and an order served on the landlord to remedy those grievances – not to penalise everyone who rents out accommodation with more rules and regulations and fees. The cost of upkeep of rented accommodation, particularly with lodging houses where there tends to be more turnover of occupiers so units have to be repainted and repaired more frequently, is rising all the time. In part, this is due to the huge number of inspections that have been carried out on rented accommodation recently which has resulted, for example, in a huge demand for electricians who can do PAT tests. As they compete for more electricians so work for them, so they have to pay more to attract them and this is passed on to their clients – us!

The reward for renting out property is certainly diminishing and many landlords that I know are now considering leaving the industry. These new proposals are just another nail in the coffin at a time when Jersey needs the private landlords to provide the housing that the Government is unable to provide.

Yours sincerely

Marion Buchanan