

24.02.06.

**9.9 Deputy G.P. Southern of the Minister for Housing and Communities regarding the long-term plans for Les Cinq Chênes Estate. (OQ.28/2024)**

Just to show that we give nobody any breaks whatsoever. Will the Minister advise the long-term plans, if any, for Les Cinq Chênes estate and existing occupiers; and explain why rental tenants are expected to tolerate substandard damp conditions, when houses earmarked for sale are being renovated and fully insulated before sale?

**Deputy S.Y. Mézec (The Minister for Housing and Communities):**

Let us be clear that tenants up at Les Cinq Chênes should not be expected to tolerate substandard, damp conditions, irrespective of what the short or long-term plans for that estate are. I am due to meet with Andium Homes on Thursday where I will raise the matter. I know of at least one constituency case that has made its way to me to discuss that. The long-term plans for the sanction, as it currently stands, is that Andium is hoping to redevelop the site except for 30 homes which have been earmarked for sale through the Andium Homebuy scheme, which is their first-time buyers' shared-equity scheme. All of that is dependent on several things, Ministerial approval being one of those, acquiring the sites nearby that have been earmarked in the bridging Island Plan for development and a plan to ensure that those who currently live in rental homes there are assisted into even better homes elsewhere when they are available and all of that is of course subject to many different conditions. As I said at the start of my answer, I do not think it is an excuse for neglecting any kind of maintenance of the homes while there are families still living in them. They should continue to meet all of the standards that we would expect there and I will raise that with them at my next meeting with them.

**9.9.1 Deputy G.P. Southern:**

Is the Minister aware whether these have been passed, as it were, as fit for human habitation through Environmental Health? Certainly my impression is that many of these houses are not fit.

**Deputy S.Y. Mézec:**

I do not know if Environmental Health have officially declared that to be the case for those homes. If that is the case that they have done so then that is clearly unacceptable and Andium will certainly be hearing words from me to instruct them that that ought to be rectified at the soonest possible point. I would also say that when homes fall beneath minimum standards and the home becomes either wholly or partially uninhabitable there is a clause in the Residential Tenancy Law that would affect the amount of rent that tenants would be obliged to pay for that, so if that is not an incentive to get those fixed sooner rather than later I do not know what is.

**9.9.2 Deputy M. Tadier:**

It will look like a planted question, but I just got my laptop open and I have got Article 9 of the Residential Tenancy Law, and my question is when the Minister goes around to see the tenants of Les Cinq Chênes will he be reminding them of their rights under Article 9 of that law which says that when a unit becomes inhabitable through any other event than malicious damage or act by the tenant, the tenant is not required to pay any rent or any other amount payable under the agreement in respect of any time that the residential unit is uninhabitable? It also applies if it is partly uninhabitable. They can get a partial refund on their rent. Does he think that is a good incentive for all landlords in Jersey, not just Andium, to get their property in order, if they are going to lose money through it?

**Deputy S.Y. Mézec:**

Indeed, that is the law. That is what it says, and that is a right that tenants currently have under the Residential Tenancy Law, that they are not required to pay rent if part or the whole of their home becomes uninhabitable. The only caveat that I would put on that is that that law itself does not clearly define what uninhabitable means there, so it would be very important before any tenant took action on that that they made sure that they had a substantial basis underpinning it for any decision like that. I would say a report from Environmental Health confirming that the home is at least partly uninhabitable would hopefully constitute that. I would just advise them to be careful about making sure they interpret that law and do not end up putting themselves at further risk by misinterpreting it.

[16:30]

### **9.9.3 Deputy M. Tadier:**

Would the Minister look to go back perhaps with his officers and to find that there is a legal opinion given on the floor of this Assembly by one of the law officers, I think it was an Attorney General and I will not say who it was because I cannot quite remember, explaining what the meaning of “uninhabitable” was and perhaps using that as a starting point for any potential legal action that they may wish to embark on?

### **Deputy S.Y. Mézec:**

Indeed. If there is a clear legal opinion on that, that would be very helpful but I would still recommend to any tenant who felt that they had to invoke their rights under that law to try to seek advice in one form or another before doing so, just to make sure that they are totally protected. There is the Environmental Health Department who have the powers to instruct landlords to make repairs and undertake maintenance on properties when they fall beneath minimum standards and there are sanctions that they can apply if that does not happen. Also we have the Housing Advice Service, which has blossomed in recent years to be a very good outlet for people getting advice that they need, and I would certainly recommend any tenants who think they have got an issue to engage with that service, who can help them be informed of their rights.

### **9.9.4 Deputy P.F.C. Ozouf:**

Having lived throughout the time I have lived in Jersey in the vicinity of Five Oaks I am very well acquainted with the area. Would the Deputy, now that we all know about the St. Helier Deputy blocked vote, there are 5 St. Saviour Deputies, one Deputy Chief Minister who is a Deputy of St. Saviour and we have our Constable, of course. Would he agree to meet with us? The issues that are raised at Les Cinq Chênes, I am not sure in his recent times whether he has been aware of the scale of difficulties that good people are having from not only damp conditions but other issues, and would he work with the Deputies and meet us in early course after maybe the 6.30 a.m. run with the Chief Minister, he can do it tomorrow if he wants, but seriously meet with us, because all of the St. Saviour Deputies have got views and I am sure that we can help him and contribute, with our Constable?

### **Deputy S.Y. Mézec:**

I would be very keen to do that, not least because I have very fond memories of Les Cinq Chênes as well. I practically grew up there, even though I did not live there, but all of my friends were there. I spent lots of time there. I have not spent a lot of time there very recently though but given that there is a suggestion of long-term plans for that area I do not think it would be right to pursue any plans for that without proper engagement with the St. Saviour representatives, and I am more than happy to be involved in any kind of discussion on that.

### **9.9.5 Deputy G.P. Southern:**

Just to thank the Minister for taking this issue particularly seriously and to encourage him to meet both with myself and with St. Saviour Deputy representatives in order to bring some sort of conclusion to what is really lamentable standards being administered by Andium, who take great pride in building homes which are fit for people, but in this case they have let themselves down.

**The Deputy Bailiff:**

Is there a question there, Deputy Southern?

**Deputy G.P. Southern:**

I will leave it at that, Sir.

**Deputy S.Y. Mézec:**

Yes, as I mentioned, I am meeting Andium on Thursday where I intend to raise some of these issues as an early starting point, but at that I may also suggest to them that I have a site visit as soon as possible and I would want to include those who have expressed an interest in this area as well. I will give that undertaking and we will have that first conversation when I next speak to Andium.