

STATES OF JERSEY



HOUSING REGULATIONS: REDUCTIONS IN QUALIFYING PERIODS (P.73/2003) - COMMENTS

Presented to the States on 1st July 2003
by the Housing Committee

STATES GREFFE

COMMENTS

1. Deputy Hill's projet refers to three specific proposals, the first of which is –
To reduce the current requirement for Jersey-born and children of locally qualified persons to be resident in the Island for an aggregate period from 10 years to 6 years in order to qualify under the Housing Regulations.
2. The Housing Committee can see no justification for this reduction. That 10 years features in various parts of the Regulations, indicates a consistent approach whereby persons qualifying can demonstrate a degree of commitment to the Island which is both proven and justifiable. The Committee is concerned that the proposed reduction would be likely to have a significant effect on demand as it would overnight enlarge the number of people around the world who would automatically have the right to return to the Island, being fully entitled to occupy controlled accommodation and be in receipt of any relevant subsidies relating thereto. The Committee is already aware, as was highlighted in Mark Boleat's report, "A Population Policy for Jersey (1996)", that there is a substantial number of people who are already fully qualified under these two specific Regulations and who could at any time return to the Island and take up controlled accommodation. In the Committee's view it would be sheer folly to take steps at this time to automatically increase this potential demand.
3. Any reduction in the 10-year period would impact on other parts of the Housing Regulations. For example the current Regulations allow an approved essential employee to fully qualify after a continuous ten years of essential employment. Successive States and Housing Committee Policies have consistently been aimed at avoiding this situation as far as possible but if this proposal is approved Jersey-born children of essentially employed persons would automatically qualify once of full age even in cases where their parents would not. Once again the Committee views this as an unwarranted additional demand on the future housing stock which would be unsustainable. This would also create an undue imbalance between the qualifications of parents and children, and introduce an undesirable inconsistency into the Regulations.
4. Another area of the Regulations requiring 10-year residency is the automatic granting of qualifications to non qualified spouses of qualified persons. If approved these proposals would allow children of such relationships to qualify ahead of the non qualified spouse. Once again the purpose of the 10-year period is to demonstrate a commitment and a real claim for local housing status. In the Committee's view the proposed 6 year (or less) qualifying period does not indicate that strength of claim.
5. *The second proposal is to remove the requirement for the residence of a child of a qualified parent to commence prior to their twentieth birthday.*
6. The Committee can see no justification for this amendment. The original Housing Regulations did not have this requirement, the twentieth birthday concept being incorporated into the Regulations following a wide range of public consultation on the Regulations as a whole by the Housing Committee in 1992. The actual amendment took place in 1995 and followed the agreement of the States that the "child" of a residentially qualified person should have commenced the required period prior to its twentieth birthday to demonstrate the strength of connection or commitment to the Island. It was felt that allowing a "child" to qualify when the commencing period of residence occurred when in their forties, fifties or sixties was no longer credible.
7. The Committee is of the view that if this part of the proposals were approved in conjunction with part (a) there would be a significant number of people resident outside the Island who would be enabled to return to take up full residence because by some quirk of fate they had resided in the Island in the past, and now were in a position to either return fully qualified or be in a position to so qualify after a very brief period of additional residence.
8. *The third and final part of Deputy Hill's proposals directly links the aggregate period required for Jersey-*

born children and children of Jersey-born parents to that continuous period required for persons with no other connection with the Island.

9. The Committee does not accept that there is any justification whatsoever for this linkage. The ultimate position if this proposal were adopted would be that as the continuous period was reduced in the future (as it is intended to be), the qualifying period for those under 1(1)(a) and 1(1)(h) would gradually reduce to zero. The Committee's view is that the two different periods of residence in the Regulations are required for reasons of enabling a degree of consistency and ensuring fairness and equality in the application of the Regulations themselves.
10. In summary the Committee does not support any of the proposals for changes in the Regulations as proposed. The Committee sees no justification for easing the ability of persons referred to in the projet to achieving local qualifications with the resultant additional demand on the Housing stock. The current housing situation is reasonably under control - these proposals can seriously undermine that position. The Regulations as they stand already provide a significant advantage for Jersey-born children and children of Jersey qualified parents. Where there is a proven case of genuine hardship which befalls an applicant who does not meet the current requirements, there is ample provision within the Regulations to use discretion in such cases. Whilst accepting that the current continuous requirement of 16 years is greater than the Committee would wish, the Committee feels it is reasonable to expect those children who already have an advantage under the Regulations and only have to achieve an aggregate period of residence, to demonstrate that they have a fair claim to be afforded all the rights that go with full local housing qualifications.
11. The Committee is further of the view that in the absence of any proven inequality in the current requirements, to tinker with the Regulations in this manner prior to the imminent presentation and discussion of Policy and Resources Migration Policy, would be misguided.