



# Environment, Housing and Infrastructure

## Scrutiny Panel

### Quarterly Review Hearing

## Witness: The Minister for Housing and Communities

Wednesday, 26th April 2023

**Panel:**

Deputy S.G. Luce of Grouville and St. Martin (Chair)

Connétable M.K. Jackson of St. Brelade (Vice-Chair)

Deputy M.R. Le Hegarat of St. Helier North

**Witnesses:**

Deputy D. Warr of St. Helier South, the Minister for Housing and Communities

Ms. N. Day, Head of Strategic Housing and Regeneration

Ms. C. Cudlipp, Private Secretary

[10:59]

**Deputy S.G. Luce of Grouville and St. Martin (Chair):**

We will start off, Minister, if we may, just running around the table so we are clear. From my side, Deputy Steve Luce, Deputy for St. Martin and Grouville, and Chairman of the panel.

**Deputy M.R. Le Hegarat of St. Helier North:**

Deputy Mary Le Hegarat, member of the panel, district St. Helier North.

**Connétable M.K. Jackson of St. Brelade:**

Mike Jackson, Constable of St. Brelade, member of the panel.

**Deputy S.G. Luce:**

And on your side, Minister?

**The Minister for Housing and Communities:**

Yes, Natasha Day is Head of Strategic Housing and Regeneration and myself obviously the Minister for Housing and Communities, and Carly Cudlipp, who is my personal secretary/private secretary.

[11:00]

**Deputy S.G. Luce:**

Thank you, Minister. As I said, welcome to this quarterly hearing. Obviously some exciting times coming up for you in your capacity as Minister for Housing and Communities. We know that very, very shortly, next week, we are going to have an in-committee debate on the Residential Tenancy Law proposals. Would you like to just start off, because it is obviously very much of the moment, and just give us your expectations with regards to the debate next week and how you hope that the debate will inform the proposals moving forward?

**The Minister for Housing and Communities:**

Sure. So obviously an in-committee debate is one where we are gathering opinions and views and one thing I just want to very quickly say, we are in listening mode, we are collecting information, and it is interesting to see so many people in this room because I think it is important that we take on board all these views and opinions to clarify how we are going to move forward. So that is the biggest thing I want to help us with the Law on that front. The areas, which we have highlighted, which have been missing for many, many years, are around the social housing sector and how they have been looked after. We have had some issues obviously recently under the Jersey Homes Trust. We have now decided we want to bring them back into scope as it were underneath the Residential Tenancy Law. So basically trying to put both social housing and private landlords on a level footing and tenants on a level footing in that area. The other areas are around pulling lots of old Laws back into under one heading. So this is a 1946 Law in connection with the setting up of the Rent Tribunal, which we failed miserably to get through the Assembly some time ago. We want to bring that under the scope of the Law. And also widen its remit, so those are areas like that. We are also looking at various ideas around tenancies and looking at open-ended tenancies and considering that. We are obviously getting a lot of feedback on whether that is a good move or otherwise and those areas. We are looking at also how we protect, not just tenants, but also landlords in these scenarios, which is why I am talking about the Housing Tribunal being more than

just simply a rent-setter, but also someone to whom both landlords and tenants can turn to in the case of having issues in that area. Those are some of the headline figures.

**Deputy S.G. Luce:**

So we have this debate next week and we are aware that Jersey Landlords Association have asked for more detail prior to that. Have you got any more publications that you are going to put out to the public before we go into next week or will you be looking to have the debate inform the next stage of changes?

**The Minister for Housing and Communities:**

What we are doing already, we are already collecting information, we have already been receiving emails on queries. In fact I met with one individual yesterday for an hour to go through their concerns with regard to the proposals. What we are going to use is the in-committee debate as a sounding board to see where we are at and see what people's views are. We are going to break that down into very carefully choreographed sections so that we have, I am trying to find the right word for it, so that we have an orderly debate.

**Deputy S.G. Luce:**

A free-for-all is the word that came to mind.

**The Minister for Housing and Communities:**

Yes, we do not want a free-for-all.

**The Connétable of St. Brelade:**

So do you envisage breaking down any proposition into sections?

**The Minister for Housing and Communities:**

That is right. So we are going to break it down into 4 areas and maybe, Natasha, you can give me the 4 areas which we are putting it down into, thank you.

**Head of Strategic Housing and Regeneration:**

It has been lodged as a further R.56, to provide some structure around the in-committee debate, so we are envisaging it is going to be half-day debates, breaking it into 4 thematic sections, the first being on tenancy types, notice periods, and termination; the second part being rents and charges; third being minimum expectations for the provision of social housing; and the fourth being powers of investigation, offences and penalties, and the creation of a Housing Tribunal. So one hour apart and of course the Bailiff will help to manage the structuring of the debate and will have flexibility to extend or shorten those periods as may be necessary. I would, if I might, add a part in terms of the

wider context of the consultation. So the Minister has published his paper, which he has been calling a white paper, as a summary of policy intent. This is to deal with the high-level direction of direction of travel that the Minister is currently finding himself upon on the key policy areas. Of course many of those areas are quite significant changes for the rental market between landlords and tenants and their relationships, minimum obligations, and you can expect to see there will be a broad range of views against each of those things. So what the paper does not try to do is cover off all the detail and the specifics as to how it will operate in practice. It is to deal with the principles of what the Minister is trying to achieve. What must follow is the very fine and very important detail and the nuance that sits alongside those policies. So in relation to your question of whether or not further information is going to come at this stage, what we are hoping is that tenants, landlords, States Members, will provide their views on the high-level statements of intent and raise any concerns or issues that they want to highlight that will help us develop the detail or, if necessary, potentially change the direction. So that is how this paper is meant to function, it is about policy intent, the detail follows and hopefully the detail will be informed by the rich debate in the Assembly and the consultation and feedback that is received over the next 2 months.

**Deputy S.G. Luce:**

So these are quite extensive proposals, Minister, which cover a number of different Laws, and we understand you are trying to bring everything together so that it all works together much better. But are you not concerned that in doing that we leave behind some issues, which really are right of the moment, and I mean as a tenant, let us say tenants' rights for example, do you not think in waiting until next year that there is some urgent stuff that really we should be trying to tackle at the moment? I know I might be playing devil's advocate but it is not all great that we are waiting and getting it all together.

**The Minister for Housing and Communities:**

Yes, and just on that commentary, and this has been a comment made about waiting, we are not waiting or there is no further delay. We already have lawmakers working through the Law at this moment in time. I am using the word "lawmaker", that is not quite the right term, Law Officers. So that started at the beginning of last year. So we have this background work going on at the moment and the idea is that, by the time we have had our debate, we have had our thoughts on this, the end of this year we should be able to produce something which is going to be a Law, which will be then put in, while obviously the Assembly will have to vote on that, we are not avoiding the Assembly, but we want to have a brand new Law in place by the first quarter of next year. Now I do not see, and I am conscious that a colleague of mine in Reform has lodged a proposition, and I do not see how they believe that they can do things faster than we can do that. Given that we require this consultation period, because I cannot emphasise enough it is so important that we consult, because

I do not want to be going down one route only to find that the rest of the world wants us to go somewhere else. So I think it is really important that we consult on this.

**Deputy S.G. Luce:**

You are obviously the Minister and one hopes of course that you have considered that there might be small, urgent amendments to a specific Law, which you could bring sooner, but you made a conscious decision to get everything together and make sure that everything is aligned.

**The Minister for Housing and Communities:**

Absolutely. The problem we have, and historically have had, is this piecemeal approach to legislation. It is just this constant little chipping away in little areas. I am determined to end that approach. I really want to see one overarching Law, which is, not just fit for purpose for today in sorting things out today, but going into the future. What we have to recognise is the markets, I do not like to use the term “market” in a housing context, but the environment in which we are operating is constantly changing. Airbnb was not on anybody’s radar a decade ago. Now we know that there are 120 homes in Airbnb being taken out, whole houses that have been taken out of circulation. So what happens is, what I see is we see the environment changes and I feel that the Law lags the situation as it moves forward. So I am very determined to build into our Law a degree of flexibility, which recognises market changes as well as sorting out issues of today.

**Deputy S.G. Luce:**

So in reaching that conclusion, have you looked elsewhere at other jurisdictions to see how they are dealing with these problems? Because certainly where I go away at the moment to talk to others, most recently I was in London talking to the Chair of the Select Committee that are looking at housing, they have exactly the same issues that we do. So have you been away and looked at other jurisdictions for ways to move forward?

**The Minister for Housing and Communities:**

My team will be certainly. I will let Natasha enlighten you on that one.

**Head of Strategic Housing and Regeneration:**

It is quite normal practice in making new policy that you look to learn from the successes and failures of other jurisdictions. What we have here though is we have our own starting point, so we have our own Residential Tenancy Law, which is functioning in its own way, so it is difficult to draw direct comparisons with other jurisdictions, but certainly some learning of the successes and failures. Scotland have been doing certain things in the market, European style tenancies are often referred to, these are things that we are looking at. But this has to be a bespoke response for Jersey that is right for our own circumstances.

**Deputy S.G. Luce:**

The Minister has already mentioned open-ended tenancies. Where does that idea come from? Is that something that we have looked at from off-Island?

**The Minister for Housing and Communities:**

It is something that was referenced in a report from 2020/2021. I am trying to think of the name of the report. The Housing Policy Development Board made some recommendations in that area.

**Deputy S.G. Luce:**

We are going to come back to it.

**The Minister for Housing and Communities:**

Yes, so this was an area that was very seriously looked at and reviewed in that report. But apologies for not remembering the name of it off the top of my head.

**Deputy S.G. Luce:**

So just dealing with one issue now, if I might, you intend to establish a formal definition for social housing, social housing providers, and expectations. How are you going to work with stakeholders and the providers of social housing to come to that and what will be the expectations of them?

**Head of Strategic Housing and Regeneration:**

We are about to get some meetings in the diary with individual social housing providers. We met with social housing providers in the development of the paper to explain the intent and what is driving that. For your benefit, a key driver most recently has been, for example, what happened with the Jersey Homes Trust and their setting of rent procedures. At the moment, social housing providers do not have a statutory basis, so defining what one is and how one should operate does not exist in legislation and that is quite an important gap that we are trying to resolve. In defining those activities though and what a social housing provider should do has to take into account the individual circumstances of the social housing provider. They all perform slightly different functions. They deliver the housing for their own reasons based on the trusts and of course we have Andium Homes as the Government's own social housing provider. The report also acknowledges that the parishes play a really important role in providing forms of social housing, although historically have not identified themselves as social housing providers. So we are very keen to talk to the parishes to see if embracing them within the terminology of social housing provider would be beneficial or appropriate. So that again will come in direct engagement with the parishes and also the Comité des Connétables as a whole.

**The Connétable of St. Brelade:**

Just picking up on that point, do you think rent control is a very moot point, is it not, and let us face it when that will be discussed in the coming weeks. But given the Scottish model is suggested not to work, are we going down the right path?

**Head of Strategic Housing and Regeneration:**

On the matter of rent controls, the report quite clearly identifies that R.P.I. (Retail Price Index) is a suggested figure, but that more work needs to be done to very carefully consider what the right measures are, if ultimately we arrive at any at all. The R.P.I. increases are a part of standard tenancy agreements today, so it is not new, I think it is the combination of the R.P.I. increases with an open-ended tenancy, which prevents the ability to reset a rent over the course of time of a continued physical tenancy of a tenant. The measures and the issues of periods of high and low rates of inflation is very much a concern to us and we are working with the Chief Economic Advisor within Government to make sure that we get the best possible advice before setting a form of rent control. Of course with landlords they are also going to have their views about how that operates and I think the key thing to highlight is the detail that sits alongside any form of rent control, so that it would not be completely binary that: "Thou shalt not increase rents above R.P.I." that there are important nuances attached to that requirement or that expectation, such as if there has been a significant investment in the property or the longevity of the tenancy and other things, which may be helpfully picked up by a housing tribunal to arbitrate on.

**The Minister for Housing and Communities:**

I think it is important, nuance, I think we have to re-emphasise that point.

**Deputy S.G. Luce:**

I just want to get back to social housing before we move on again. You mentioned expectations relating to the provision of social housing. Can I ask you, Minister, what your expectations are? Obviously you are consulting on the definition. But what are your expectations?

**The Minister for Housing and Communities:**

What we have to think about with social housing is it is the most vulnerable people in our society, which we are dealing with here. What was very apparent from a parish hall meeting, which we had a few weeks back under the Jersey Homes Trust was (a) the amount of notice given to these tenants, I think it was 3 weeks. Thankfully Jersey Homes Trust, on our request, delayed their increase for a further 4 weeks and ended up delaying for another couple of months after that. But they recognised that was not fair to their tenants.

[11:15]

Then clearly the other issue is around, if they do increase, how much notice should that be. We need to establish that somewhere along the line. We obviously have Andium Homes who are our own and I think they are the benchmark level of how social housing providers should act and behave. So I would like to bring other trusts, different types of trusts, in line with our expectations of our own Andium Homes. That would be my expectation.

**Deputy S.G. Luce:**

In your discussions with social housing providers, are you finding that different ones have different *raison d'être* for doing what they are? Is that going to be an issue for you setting an overall social housing expectation?

**The Minister for Housing and Communities:**

This is a point about the consultancy process. We need to really find out and bottom that all out. All that I do know is that Jersey Homes Trust has highlighted where they have been slightly *laissez-faire* with the way they have been able to operate. So I think it is important that we need to bring them back under the overall heading in this, and this is an opportunity to do this. Previous Assemblies have endeavoured to try to bring in social housing regulators and every time they have failed. That is another level of bureaucracy. I think what would be really helpful is if we can use the setting up of a tribunal of some description and that falls within, and the whole social housing issues fall within this Residential Tenancy Law, I think that will make things a lot easier for everybody to understand.

**Deputy S.G. Luce:**

Okay.

**The Connétable of St. Brelade:**

Talking about consultations, which is easy to talk about but not always easy to put into place, how will you engage with migrant communities to ensure they are able to participate in consultations? Will proposals be translated into the community commonly-spoken languages on the Island to ensure everyone has their say?

**Head of Strategic Housing and Regeneration:**

We are currently working on our outreach programme to reach those communities in particular. So, yes, we are meeting with States Members to talk about this. The tenant side and the minority groups are very much recognised as the hardest to reach people, perhaps the most vulnerable and exposed in all of these issues that we are highlighting by the paper. So it is vitally important that we reach those people. We will be leaning on third-sector groups in particular to help us with that. I am very



pleased that we have members within our team who have a great deal of experience working with those parts of the community and will be helping us in our outreach efforts.

**The Connétable of St. Brelade:**

What about submissions during the period from any specific targeted stakeholders or groups? Could you detail those particular targeted groups, who they may be?

**The Minister for Housing and Communities:**

Today or tomorrow, Carly, tell me who we are meeting with tomorrow? Today it is the Elder Persons Forum, and who else do we have lined up?

**Private Secretary:**

The group is Learning Needs tomorrow and mental health representatives as well tomorrow.

**The Minister for Housing and Communities:**

Thank you. Yes, so we are trying to get involved with as many different groups as we can who would maybe not normally be consulted. One of the areas obviously, Citizens Advice Bureau is a clear area where we can get feedback from them as well. We are going to be meeting with them as well. So lots of different areas, as many as we can, we want to get involved. That is not just a case of relying on people emailing us, it is also a case of us going out there and meeting these people physically.

**The Connétable of St. Brelade:**

What about social media engagement? Obviously that is a strong route with many these days, are you responding to social media?

**Head of Strategic Housing and Regeneration:**

So the first 2 weeks of the consultation has been really giving people a chance to get their head into the paper and the issues and the themes that it is raising. Imminently, a programme of social media activity is going to start. People have just had the Easter holiday, so we did not want to start heavy engagement while people were trying to enjoy their family breaks. But that activity is going to start and hopefully stimulate a lot of public debate in the social media forums.

**The Connétable of St. Brelade:**

Good, okay.

**Deputy M.R. Le Hegarat:**

We are moving on to tenancy types, notice periods, and terminations. Minister, within your Residential Tenancy Law reform proposals, there is provision to control the rental eligibility criteria.

**Deputy S.G. Luce:**

There is no provision.

**Deputy M.R. Le Hegarat:**

Sorry?

**Deputy S.G. Luce:**

There is no provision.

**Deputy M.R. Le Hegarat:**

Sorry, no provision. No provision to control the rental eligibility criteria that some private landlords impose. For example, not allowing children or pets in rented accommodation. Do you anticipate incorporating any of this?

**Head of Strategic Housing and Regeneration:**

So it is included under the regulation-making powers part of the paper where we highlight homelessness and discriminatory behaviour of landlords as something to introduce in the future.

**Deputy M.R. Le Hegarat:**

In compiling the proposals, was any consideration given to adding to the opportunity that a tenant renting may have first right to purchase a property if a landlord were to terminate the residency due to selling? Could you provide details as to why this was not included in the proposals?

**Head of Strategic Housing and Regeneration:**

So I think we have had a similar proposition to that effect in the States Assembly in the last year and our reasons for not supporting that would still stand. There are a lot of complexities attached to introducing such a right and it would be very challenging to implement and manage it on both sides and it is not something that we are looking to pursue as part of these changes.

**Deputy M.R. Le Hegarat:**

In the section of your proposals around tenancy types, notice periods, and terminations, it is noted that there will be separate categories of tenancy agreements for short-term workers and similar. Could you provide further detail as to what the separate categories will consist of?

**The Minister for Housing and Communities:**

Again, we are going to fixed-term and open-ended tenancies. Is there some more detail you would like to put on that?

**Head of Strategic Housing and Regeneration:**

Yes. Again it is about acknowledging the different circumstances as to why somebody might require rented accommodation for a period of time. So with the short-term worker or seasonal worker, for example, is a good example of why you might want a short-term tenancy, so if somebody is only on the Island for a 9-month period as part of their work permit, they would have a short-term tenancy that would cover them for that period of time. What we do want out of this consultation process is to understand in what other circumstances a fixed-term tenancy would be appropriate and that is finding the right balance between the option for a fixed term tenancy and the open-ended tenancy. So there has been much talk about open-ended tenancies being the default, but there may be other scenarios that we need to think about very carefully where a fixed term tenancy that is not attached to some sort of employment requirement, but is perhaps maybe on agreement between landlord and tenant to meet your very specific personal requirements. So if a landlord knows from day one that they intend to sell the property in 3 years' time or because their 18 year-old child is coming to an age that they want to leave home, obviously we might want to factor in the ability for that mutual agreement to be made from the outset rather than it being uncertain for the period of the tenancy. Really an issue for the tenant at that point in time that the landlord, on the point of making the tenancy, knew their intentions and that the tenant would not have the benefit of that understanding. So how can we address that nuance in the ability to create a fixed-term tenancy. I am sure landlords will have some views because this is a particular area that I am sure they are very concerned about.

**Deputy M.R. Le Hegarat:**

2 things, you will have received some email correspondence in relation to this matter and so what you are saying is that the landlord would be able to provide some reasons and so will those reasons, those acceptable reasons, will you have clear criteria about what those reasons will be so that everybody is aware of them? Because obviously this is a real concern for people.

**The Minister for Housing and Communities:**

I agree. I would just say to you, and this stems from a conversation yesterday I had with a landlady, and that is I am conscious there is a very limited list provided within the white paper. That list can be much more, and will be much more, extensive when we do that. There is a danger, however, when you start providing lists, because there will always be a circumstance where you did not quite cover that one off. This is where something like the housing tribunal, if we set them up appropriately, that would be where a discussion could be had, which says: "Hang on, this is an appropriate situation whereby we can terminate this lease," and understand that. That is really important to have that. I am going on the basis of an open-ended tenancy as opposed to a fixed-term tenancy.

**Deputy S.G. Luce:**

But, if you want certainty, Minister, why would you want to make the default position an open-ended tenancy, because that really would concern me as a landlord.

**The Minister for Housing and Communities:**

I am not saying I want a default open-ended tenancy. I am just saying this is coverage for if it is determined that open-ended tenancy is a default. I am not saying it is default at the moment. I am saying we need to hear back from everybody from our consultation period and then once we understand what people's thoughts are about that, and this is why I keep talking about consultation is such an important aspect of all of this, is that we will then recognise people's concerns. We talk about nuance, how we should nuance the Law to get the best outcome. Because, while we do want to protect tenants, we do not want to see private sector landlords going out of the market. They provide a significant amount of accommodation on this Island and if they start to leave the market because of unintended consequences, because of this Law, that means we have got the Law wrong.

**Deputy S.G. Luce:**

I am pleased to hear that, Minister, because, as you just quite eloquently pointed out, there is a danger in setting all this detail that landlords may say: "This is just too much of a challenge. I cannot commit. I cannot see where the end of the tenancy is. I cannot put my prices up if the rental cannot cover the mortgage payment or maintenance. I am just going to leave the market." We know that in the U.K. (United Kingdom) recently a huge percentage of properties left the rental sector.

**The Minister for Housing and Communities:**

We recognise that. So therefore that is why I keep coming back to my point about this consultation period is really important for us. It is really important that we bottom-out the nuances and what we need to put in the Law, what we leave out of the Law, will be determined upon what we receive back in feedback from individuals, which is why we are putting so much effort into meeting people, listening to people. One of my greatest concerns is that there is this pervading thought that somehow, once Government has made up its mind it is going to do something, it will just do it come hell or high water. This area is way too sensitive, way too complex, for us just to simply say: "This is how it is going to be. Tough." We have to really listen hard, think hard, and, as you can see, there is a massive amount of complexity here and we just have to make sure we get it as right as we can.

**Deputy S.G. Luce:**

Going back to the consultation that the Constable was talking about, there is no question, and you have already had it, you are going to get a lot of representations from landlords.

**The Minister for Housing and Communities:**

Absolutely.

**Deputy S.G. Luce:**

But some of the minority groups, and let us represent them for 2 minutes, who will be under a lot of pressure from some landlords because they may be paying cash, they are scared to complain in any way, shape, or form, whether that is putting a submission in, in consultation. Are you confident you are going to be able to get those that really feel it is difficult to say anything at all? Are you going to get the representation, the consultation, from that group?

**The Minister for Housing and Communities:**

This is where something like Citizens Advice Bureau will be really valuable, their feedback, because they monitor all of their conversations. Obviously the people who are struggling the most will be approaching organisations like that. So it is really important we get the detail from there. What is also interesting in the conversations, which I have had and seen, is there is quite a different perception between the landlords who live in the country parishes as against those who live in town. You were touching a bit on that and that is that in town we have a far-larger immigrant population than we do out in the country parishes. So I understand, and this is the landlady who I spoke to yesterday, I understand whereby she feels aggrieved that some of the commentary made in the white paper feels it is landlord bashing. We are not trying to landlord-bash, we are trying to find a point, which both sides can feel, and I do not even like to use the concept of sides, but it inevitably is sides. Because this landlady was saying: "We are working in partnership with our tenants." So it should not be us and them, it should be a very, very clear: "This is what we are signing up to." What I really want out of this is just a huge amount of transparency so that there are not odd charges thrown in, which suddenly appear, which people were not aware of. With all due respect to the landlords, in fact 95, 96, 99 per cent of them probably do the right thing. Unfortunately, the noise is from those landlords, the noise against these individuals comes from those who do not do the right thing and clearly do not do the right thing. In fact, from one tiny example very quickly, in my own business I was speaking about this to a couple of members of my team who are tenants. They said: "Yes, our properties are not the best. They could do with a lick of paint or they could do with this. But I am not going to say too much because I am worried that my rent will be stuck up and if I complain, and I do not know who to complain to, and if I get found out complaining my tenancy agreement will come to an end. By the way, my landlord has not renewed my tenancy, it has gone out of date over the last couple of years, but I do not know what to do. I am really struggling to know what to do." So I know first-hand some of the issues some of these tenants experience. So, as I said, there are very good experiences, there are also very bad ones, and we are trying to work a way through a best piece for everybody.

[11:30]

**Deputy M.R. Le Hegarat:**

There was something I was going to ask, and it may very well be, has any sort of consultation been done with the L.O.D. (Law Officers Department) in relation to human rights in relation to obviously the right to enjoy your own property? I am just thinking of it. I am not an expert but I just wondered, because obviously as an owner of a property I have rights and obviously as a tenant. So I just wondered whether any consultation had been made with the sort of experts in relation to the human rights implications in relation to any of your proposals?

**The Minister for Housing and Communities:**

Good question.

**Head of Strategic Housing and Regeneration:**

Yes. As a matter of course, when new legislation is developed, it is tested for its compatibility with human rights. I would probably highlight that there are a number of human rights at play in this circumstance, it is not just about rights to the enjoyment of your own property, it is also about right to a home, so these things have to be very carefully balanced. It is difficult to get everything perfectly balanced when you have sometimes competing rights that need to be addressed. So of course we will be taking advice of the Law Officers just to make sure that everything that we are doing is entirely compatible with human rights.

**Deputy M.R. Le Hegarat:**

I was aware of the need at the end of the legislative process that is a tick box. But what I was asking was, some of the things that you are putting forward, has that already been consulted on in relation to the L.O.D.?

**Head of Strategic Housing and Regeneration:**

We have had Law Officers advice on the draft law drafting instructions already and we are engaging with the law drafting office, so they have not raised any concerns to us to date that there is an inconsistency with rights.

**Deputy M.R. Le Hegarat:**

Thank you. In relation to landlords and tenants can come to an agreement to end a tenancy early, this is an existing provision that will be maintained. Do you anticipate that there will be a set list of reasons for which tenants, I think I may have already asked that, but you have said no to that, so there will not be a list as such as to what is reasonable?

**The Minister for Housing and Communities:**

I think there will be a list of some description. My concern is the omissions from any list that you create. So there will be a set of criteria, which are considered reasonable for termination of contract, that could be a tenant simply not paying their rent, it could be they are destroying the property, those kind of areas. These are obvious situations whereby absolutely a landlord should be entitled to remove their tenant.

**The Connétable of St. Brelade:**

Can I just pick up on that? I think care needs to be taken not to create a mass of red tape in a situation where you have people damaging property. If a landlord wants them out now, and we do not want to have to go through a process of perhaps having to go to a tribunal, which we will talk about later, and make it difficult.

**Head of Strategic Housing and Regeneration:**

The reason why, if we go back to the point made earlier as to why we are taking the approach to do this very comprehensively, rather than on an individual basis, is that different parts of the Law have to come together. So that comes with an enhanced evictions process that we are looking to introduce and that it to make it easier for the eviction process on both sides that most likely leads to a tribunal process rather than escalating directly to the Royal Courts, which can be a very lengthy process, and an intimidating process to go through. So these things come as a package for a good reason in that there is the matter of open-ended tenancies and when you can naturally end a tenancy because of unacceptable behaviour of the tenant or when you can evict a tenant because of unacceptable behaviour. So these things have to come together.

**The Connétable of St. Brelade:**

Thank you.

**Deputy M.R. Le Hegarat:**

Will you provide a definition of what constitutes both a legal and illegal eviction to provide a basis of understanding?

**Head of Strategic Housing and Regeneration:**

So again that comes in the detail of the law drafting. We would take specific legal advice on that point to make sure that the law is as functional as it can possibly be. I am sure there would be arguments for and against setting that out in the legislation that we would have to work through very carefully.

**Deputy M.R. Le Hegarat:**

Okay. Minister, we note that new provisions will be added to make it an offence for a tenant to sublet a property without permission. Can you provide data with regards to how many cases of tenants subletting properties are known?

**The Minister for Housing and Communities:**

Hand on heart, no. I do not know what the number would be.

**Head of Strategic Housing and Regeneration:**

So these are provisions that are included off the back of experience from Environmental Health Officers who face these sorts of issues on a regular basis. So the paper sets out that some of the inclusions are because of real-time experience. We do not have data to hand on how many cases that may have been highlighted.

**Deputy M.R. Le Hegarat:**

What penalties do you anticipate being put in place for those found committing this offence?

**Head of Strategic Housing and Regeneration:**

In subletting, so again that gets down to the heart of the balance of whether or not it is a fine with the Environmental Health Officer, if it has to be escalated through the tribunal, or if it is a matter for the Courts. The treatment of different offences needs to be very carefully measured and evaluated, which we will be taking legal advice on. So it could be any one of those things and the most appropriate route will be determined as the detailed law drafting takes place.

**The Connétable of St. Brelade:**

Can I just ask, would that be considered as a reason for eviction?

**Head of Strategic Housing and Regeneration:**

Subletting, so again, as a matter of detail in the policy, that is something we will have to consider in the drafting. So if people have specific views about that then we would encourage them to make those views in the consultation so that we can take account of that detail.

**The Connétable of St. Brelade:**

There is subletting and there is taking a few pounds off your child to contribute towards board and lodging of course, which is a bit of a fine definition, is it not? Would you call that subletting, for instance?

**Head of Strategic Housing and Regeneration:**



I do not think we could call that subletting, no. Subletting being the case of if the tenant is a person party to the agreement, they vacate the property and somebody else enters the property, that would be subletting, not taking board from your child to cover the rent.

**Deputy S.G. Luce:**

We have heard a lot about housing tribunals today and a number of questions get put to you and I think the answer is quite often: "The housing tribunal will ...". So let us cut to the chase. When do you expect the housing tribunal to be operational?

**The Minister for Housing and Communities:**

Again, this is going to be part of the Law and the thing that has to be bottomed out is the scale or the remit of any housing tribunal. So again that will be something that will come to the Assembly towards the end of this year. So we will be able to give a lot more detail on that towards the end of the year.

**Deputy S.G. Luce:**

Of course the name has changed subtly, it is now a housing as opposed to a rent control tribunal. Do we envisage a greater number of members on that tribunal?

**The Minister for Housing and Communities:**

I do not envisage a greater number of members. What I envisage is a tribunal that is broader in its remit, it is not just about rent, it will be about other issues like we have talked about, reasons why maybe a landlord wants to pursue the removal of a tenant, or maybe a tenant has an issue that something has not happened. The point being at the moment is a lot of the recourse is through the Law Courts and what we are trying to do is we are trying to see what can we take out of the Law Courts. Because, again, people can find that very intimidating, very expensive. What we want is we want these things to be easier to do, to deal with. But we need to understand how much legal right we can give our housing tribunal. That is something that we need to work with Law Officers on and understand the detail.

**Deputy S.G. Luce:**

So you have a broader tribunal, do you envisage a broader membership of that tribunal to cope with the expansion?

**The Minister for Housing and Communities:**

Again, that was a matter raised yesterday, who would head up that tribunal. Because one of the reasons we were not able to get a rent tribunal was there was concerns over the makeup of that. We need to reflect upon that. So, again, as I said, whether we can be more specific, I would quickly

say there are 2 things, one is there are not a queue of people waiting to join a housing tribunal, for which there is no payment made, so these are people who are standing there because they want to do good for their society. So I think we need to recognise that. So if we start becoming too restrictive and too determined by saying: "They have to be from this sector; one has to be from this sector," we may well end up never having a quorate housing tribunal. So we have to really think long and hard about how we do that makeup.

**Deputy S.G. Luce:**

Given the potential amount of work this tribunal may have to do, are you going to consider the issue of whether it is purely on a honorary basis or are you going to have to consider paying people to do this job?

**The Minister for Housing and Communities:**

That is a really good point and I have to say, in this day and age, if there is more time. It is quite interesting, is it not, the rent tribunal died a death, whatever it was, 10, 15 years ago, and was deemed not being able to do anything, not doing anything. What we want is a very proactive housing tribunal. So you are right. If the workload becomes such, absolutely people should be paid. They will have secretarial support, which is already in train, can I clarify that, so we already have some secretarial support. But, as you correctly identify, maybe we will attract more individuals to these posts if it is a paid post.

**Deputy S.G. Luce:**

Can I just ask what resources you have available allocated for funding a tribunal should you need to do that?

**Head of Strategic Housing and Regeneration:**

Under the current Government Plan we have £90,000 allocated to a specialist rent control officer. We have appointed into that role because that recruitment process started prior to the conclusion of the rent control tribunal proposition around Christmas time. Those resources will be reviewed and reflected in Government Plan 2024, which we will be working on with Ministers, and of course that will come to the States Assembly later this year.

**The Connétable of St. Brelade:**

Just picking up on the point about the timeline for the implementation of the tribunal, you suggested I think it would take a year, but should it not be really ...

**The Minister for Housing and Communities:**

I did not suggest it was a year. I believe that if the States approve the Law towards to the end of this year and we get over the line on that front, and we then get this Law instigated in the first quarter of next year, then I would hazard a guess that is when the housing tribunal would be up and running.

**The Connétable of St. Brelade:**

My point is that really in order to make the decision on a proposition that is coming forward, there needs to be an understanding of exactly what the tribunal is going to be doing.

**Head of Strategic Housing and Regeneration:**

So if I may clarify on the appointments process for the tribunal, that would have to be dealt with within the legislation, much as it is at relatively high level in the current Dwelling Houses Rent Control Law. The timing of the appointment of that tribunal will have to be very carefully managed because of course if it carries a great deal of responsibility relative to the application of the Law then they will have to be up and running by the time the Law comes into force. So that is something that we will have to factor in, in terms of when the Law comes to life after it is agreed by the States Assembly.

**The Connétable of St. Brelade:**

There could be an initial deluge of work I suspect.

**The Minister for Housing and Communities:**

I hope it will be an appropriate, I do not say Housing Court of Law, I think it is a very strong part of this legislation.

**Head of Strategic Housing and Regeneration:**

Again, I would probably just highlight that, given these are quite significant changes and will affect many tenancies, or most tenancies in Jersey, we will have to very carefully consider the transitional arrangements upon the adoption of the Law to make sure that we do not then have a major problem with everybody having to consider their position or a surge in applications to the tribunal. So there may be some specific transitional arrangements to help to manage that.

**Deputy S.G. Luce:**

Is it too early in the process, Minister, to have any detail around how tenants might lodge a complaint? Is that done with Government officers or direct to the tribunal?

**The Minister for Housing and Communities:**

That is long grass. I have not got that far yet.

**Deputy S.G. Luce:**

Then the powers of the tribunal to fine and levy?

**The Minister for Housing and Communities:**

Again that has to be sorted out and resolved with Law Officers because we need to understand exactly what level of powers can be passed to them.

**Deputy S.G. Luce:**

Do you have any expectation at the moment when cases may be escalated up to the Courts or is that again detailed?

**Head of Strategic Housing and Regeneration:**

If I can refer you to the white paper, there is a diagram in there that explains a broad scenario of how a complaint would pass through the process of first of all arriving on the desk of an Environmental Health Officer, then considering the initial compliance with the Law, and if there is any action that they can take at the Officer level. Then the escalation route of that through a tribunal and then ultimately to the Courts.

**Deputy S.G. Luce:**

So on that flowchart then, the first complaint goes to the Officer and not direct to the tribunal?

**Head of Strategic Housing and Regeneration:**

So it really depends on the issue. We would envisage most things being dealt with at an Officer level without the need for formal intervention. Of course that is in the spirit of how we do compliance in regulated activities that we would always seek to engage with both parties to seek a resolution before that has to be escalated to any sort of formal action. So that is a really important role that officers can play to support that process. I envisage there to be some circumstances that it is just more efficient for a tribunal to have a standard set of procedures where something can be dealt with very, very quickly, such as it may be an eviction process, for example. But ultimately the Officer as a filtering point at the beginning is very helpful to say: "Is there a breach here or is there a case to be made here?" so that it does not overburden the tribunal with cases that it cannot deal with.

[11:45]

**Deputy S.G. Luce:**

By the same token, we do not want to overburden the Courts, so we are expecting the tribunal to have fining powers and other powers so that they can deal with lower level.

**The Minister for Housing and Communities:**

Certainly that would be my intention.

**The Connétable of St. Brelade:**

In a similar vein, in terms of the section on property maintenance proposals, discussing uninhabitable premises, it states that Government Officers and/or a housing tribunal can be tasked with the serving of notices, determining liability, and ruling on where compensation is due. So currently aspects relating to these sort of premises fall under Court jurisdiction. But, given the recruitment difficulties faced across the public service, do you anticipate the Government Officers will be sufficiently staffed consistently to respond to and provide resolutions in time-sensitive cases?

**The Minister for Housing and Communities:**

I was going to say, obviously a lot of this is under the Minister for the Environment. That is his kind of area of the Law. Now what he is doing is he is bringing to the Assembly a Law, which is trying to identify whether a building is licensed. The point being, and this is the other point we are trying to make, is in terms of resource, this is not a case of Government representatives going into all the premises and just checking them all out. This is an on-demand service. In other words, if there is an issue from a tenant or a landlord and they need to make representation, then we react accordingly. So we just have to be very careful we are not suddenly needing to hire a whole raft of civil servants to carry out some of this work.

**The Connétable of St. Brelade:**

So will Government Officers and the housing tribunal have a service-level agreement when providing aid to tenants or landlords, contacting them, including provision of a certain turnaround time?

**Head of Strategic Housing and Regeneration:**

I will clarify that just because we have enhanced provisions for things like whether or not something is deemed uninhabitable and action able to be taken, there are other provisions in the Law that help to manage that from the outset. So standard tenancy agreements, for example, that are much clearer in terms of the obligations of a landlord to their tenant in such circumstances and vice versa. So we spoke here about whether or not something is an accident, being the fault of the landlord or no fault of the landlord, or the fault of the tenant. Having greater clarity up front on those issues means that there is less of an argument to be had because if let us say it is a flood caused by a burst watermain, the clarity will be there right at the very beginning as to who is responsible for that, rather than having a flood, it being an emergency situation, you being unable to live in the accommodation, and then having an argument over who is responsible, that clarity will be there.

**The Connétable of St. Brelade:**

So if Government Officers are tasked with new responsibilities as well as the powers of investigation, will this entail new roles being created with relevant experience or will existing officers receive training to up the ante?

**Head of Strategic Housing and Regeneration:**

It is important to recognise that the Residential Tenancy Law is in existence and much of this work is already undertaken, most of this work is already undertaken by Environmental Health Officers. The key issue that they have is the inability to enforce the powers that they have because of a lack of clarity under the Law. So they do a huge amount of work and then cannot take it to the point of reaching a conclusion because they do not have the evidence or the powers to do something about it. So they are already doing so much work in this area, these changes enable them to take action in relation to some of the issues that they are experiencing. I do not envisage this being a significant growing of the Environmental Health Department. It is very much within their existing functions.

**The Connétable of St. Brelade:**

So within the section on Residential Tenancy Law proposals, an aim that is repeated is to achieve more informal resolutions of matters. Can you elaborate further on how you would envisage this would work and the types of circumstances where you believe it would be beneficial? So what would be the definition of informal before it got to the lower levels of the tribunal?

**The Minister for Housing and Communities:**

I think, as Natasha mentioned there, this is about transparency. This is about having some very clear things written down within the Tenancy Law. So that for me is how informal agreements are reached. That would be my take on it. Clearly, if there is a sense that this is really unfair, then that is where it gets escalated.

**The Connétable of St. Brelade:**

So you are really looking for enhanced tenancy agreements at the outset.

**The Minister for Housing and Communities:**

Yes, absolutely.

**Head of Strategic Housing and Regeneration:**

Enhanced. I think it is fair to say enhanced tenancy agreements that bring greater clarity, so from the outset everybody's roles and responsibilities are much clearer, so you should have less disputes happening in the first place. But then the second part is about improving the relationships between landlords and tenants where much of these disputes will come as a result of a relationship breakdown, not because either party are prepared to do what is right and what is in their tenancy

agreement. So the role of an Officer in that will be to make sure, a point to highlight, tenants quite often do not know their rights, and you were talking before about minority groups and people who have English as a second language. It is harder for them to understand a tenancy agreement and what that means for them. So the role of the Officer can support them through that process, so you do not need to escalate it through perhaps a heavy-handed tribunal or a Court process, it can be dealt with at a much softer level.

**The Connétable of St. Brelade:**

Will you be proposing a mandatory tenancy agreement template of any description?

**Head of Strategic Housing and Regeneration:**

So a standard form of tenancy, there is a minimum list within the current Law as to what needs to go in a tenancy agreement, and we would be looking to enhance that in the new Law.

**The Connétable of St. Brelade:**

Other jurisdictions do provide templates. Is this something that might be helpful, especially to non-native speakers if you like?

**Head of Strategic Housing and Regeneration:**

Yes, it is.

**The Connétable of St. Brelade:**

What protective measures, if any, will be put in place to ensure tenants can anonymously report landlords and would this be to the housing tribunal or initially to a dedicated Government Officer?

**Head of Strategic Housing and Regeneration:**

So much the same as what has been happening with the Public Health and Safety (Rented Dwellings) legislation. The introduction of powers of investigation essentially helped to anonymise when complaints are made. So random inspections can be undertaken and therefore, if somebody has made a complaint, that may manifest as a random inspection rather than an inspection that has come as a result of a complaint. That is very important for the protection of the tenant and their ability to feel confident to raise a concern to Government when they have one.

**The Connétable of St. Brelade:**

Just finally on this section, do you envisage the tribunal being at the disposal of, not only you as Minister for Housing and Communities, but also the Minister for the Environment?

**The Minister for Housing and Communities:**

That has not crossed my mind at the moment but that does not sound like an unreasonable situation to do that, to share resource, absolutely. I am trying to think of a circumstance where that would be the case but off the top of my head I do not have one.

**The Connétable of St. Brelade:**

It seems there will be crossover.

**The Minister for Housing and Communities:**

Absolutely, there absolutely is, and I think this is where a little bit of joined-up thinking between the departments is going to be really important to deliver on a lot of this.

**Deputy M.R. Le Hegarat:**

Okay, rents and charges. Minister, given the timescale of consultation and various stages to form the Residential Tenancy Law reform proposals, are there any immediate actions that will be put in place in the meantime to protect tenants from further rental increases?

**The Minister for Housing and Communities:**

You are talking of as of say tomorrow? No. I think we are at the situation where we are in the consultation period. I think it is unwise that we start doing it. Again we come back to piecemeal. We have to get this sorted out. We have to get this right. As Natasha has highlighted, there is current legislation in place already, the 2011 Law is still there, there are plenty of proper agreements out there already. We are trying to move on from that and that will take a degree of time. But I keep coming back to the point, it is important we get it right and we do not just do some kneejerk reactions, which was the biggest concern of mine.

**Deputy M.R. Le Hegarat:**

If landlords can only increase rents once a year, do you have any concerns that they may inflate the rises at the commencement of a tenancy agreement in anticipation of the upcoming 12 months?

**The Minister for Housing and Communities:**

They might do. But I think on the other hand, I hate to use the term the market is the market, they are in a competitive market as well. So clearly there are 2 aspects to that, one is you do not want to force your tenant out because they can no longer afford to pay the rent, and secondly you may not be able to because there is too much competition out there. Bear in mind, Andium Homes is building thousands of new homes, there is going to be plenty of accommodation out there over the coming 12/24 months. So there is going to be quite a lot more choice for tenants. So the market will determine that in a lot of ways.



**Deputy M.R. Le Hegarat:**

Codes of practice, Minister, in this section in the summary of policy intent tables, it states that the Minister may produce a code of practice. Can you confirm if this is a possible proposal that you will be seeking feedback from stakeholders on?

**The Minister for Housing and Communities:**

Okay.

**Head of Strategic Housing and Regeneration:**

Yes, thank you. So the role of the code of practice is really to bridge the gap between what is often very technical, legal provisions and what that means for the tenant and landlord. Sometimes there are some gaps to fill in between there in terms of a legal requirement and how that may manifest in practice in the form of an agreement or how we would reasonably expect the relationship between a landlord and tenant. So it can perform a very helpful role, one that will help tenants and landlords better understand what is expected of them. Of course, as a result of the consultation, it will reflect if there are any gaps in what would be the statutory provisions and how we might bridge that gap with the additional guidance.

**Deputy M.R. Le Hegarat:**

Finally, Regulations and Orders. In the section Regulations and Orders, separations are made between Regulations or Acts, which must be made by a proposition adopted by the States Assembly, and other subordinate legislation such as Orders, which may be made by the Minister. Minister, when do you anticipate being in a position to advise, after consultation and advice from the Law Officers Department, which Residential Tenancy Law matters will be dealt with as Regulations or Orders?

**The Minister for Housing and Communities:**

That will just come out of the consultation period and we will be able to have more clarity in that area. I wish I could be more certain than that. Let us see where we are at once the consultation is closed, let us see what the Law Officers are suggesting. One of the intimations in all of that is that the Minister for Housing and Communities will suddenly have this carte blanche role of being able to dictate everything there is. That is absolutely not the case at all. There are going to be critical matters here, which the States Assembly will have every right to have input on. Let us see what comes out.

**The Connétable of St. Brelade:**

So you envisage more Regulation than Order in other words?

**The Minister for Housing and Communities:**

Yes, who knows, I mean what we have to bear in mind is, and again we come back to how we have got to where we are today, and that is that we have to have a Law that is fit for purpose. Therefore, we have to have a Law that is adaptable to current circumstances. The problem is, if you keep having to go back to the Assembly in certain areas, all that you do is you delay, delay, delay, and we arrive at a situation where we end up with different legislation over the decades again. What I am trying to do is trying to find a way that we can flex the legislation, which gives enough flexibility to the Minister to be able to be flexible, as I described earlier, given the changing landscape, and to be able to make Orders, because Orders will be able to change the Laws, tweak the Laws to make them more appropriate and fit for purpose. But obviously where that line is and where that becomes the Assembly's interest as opposed to the Minister's interest we have to wait and see.

**Deputy S.G. Luce:**

Before we move away from residential tenancy, Minister, I just want to run over a few little questions I have jotted down here while we have been talking. What is your view on rent control?

**The Minister for Housing and Communities:**

I have been asked this so many times. There are obviously different types of rent control. So you have hard rent control. I think we determined it is one, 2, and 3 steps in rent control. One is a hard rent control where the Government determines what the rent is going to be on every single property and that is clearly impossible, that is insane. So my view about rent control is more around rent increases, how often a rent increase can be applied, what level of rent can be applied, what circumstances are there whereby a landlord is justified in putting up rent above a certain fixed area. That is what I determine as rent control. I do not determine setting the baseline on a one-bedroom flat, that is not, as far as I am concerned, I do not want to even begin to get into that territory.

**Deputy S.G. Luce:**

So you are not favouring rent control.

**The Minister for Housing and Communities:**

I keep using the word nuanced all the time here. I am aware of that. But we have to recognise there is a flexibility in here and that landlords are entitled to charge what they feel is appropriate for their property. Now once a tenancy agreement has been established, then, because we have heard one or 2 horror stories out there about double increases in a year, tenants being priced out of their homes effectively as a method of eviction, we want to make sure that those areas are not ...

**Deputy S.G. Luce:**

Do you have a view on what the minimum time for an increase should be? Should it be 12 months? Should it be 2 years? Should it be less?

**The Minister for Housing and Communities:**

Again, we are looking at an annual increase, we are looking to set a law which has an annual increase limit. Now, whether that is R.P.I. or some other measure, that is again yet to be determined, so that would be how we do it. I am also conscious that there are people who had to make a 3-year tenancy agreement, which was highlighted to me yesterday, where maybe they do not put the rent up annually by R.P.I. or whatever it is and then they come to reset. Maybe one of the issues is around if that is the same tenant who you are resetting the rent level with and there is a sense that, hang on, have we got out of kilter with the market?

[12:00]

How do we accommodate those scenarios? Okay, and I think this is, again, a concern to landlords and I think we need to look into that in a bit more depth.

**Deputy S.G. Luce:**

Just moving back to the tribunal, obviously a court, if you ended up in the Magistrate's Court would be independent of Government and would be expected to act and make their own decisions. Do you see the tribunal absolutely being completely independent of yourself and your department?

**The Minister for Housing and Communities:**

Absolutely, absolutely. I do not want to influence them. Obviously if there is public disquiet or something like that then we would be questioning what they are doing and what they are up to but, as far as I am concerned, no, they are an independent body and they determine outcomes.

**Deputy S.G. Luce:**

Okay. Something else I wrote down here, it is clear that we are trying to get away from subjectivity, so we have got things to find and what is this and what is that? I am referring to devil's advocate again but is there not a danger here that we are going to have to have a 25-page tenancy agreement for every property on the Island in order to accommodate all that detail?

**The Minister for Housing and Communities:**

That is a fair point. I think it is one of the issues around transparency is how much level of detail do you go to when you are offering transparency? I think what we need to do is we need to recognise the key areas for both landlords and tenants, which are headlines now. Do we need to go into a lot more detail within the tenancy agreement? I do not know. One would suggest that if you find lots

of things appearing in a housing tribunal and it is a recurring item, then one would have to say, well, we need to update tenancy agreements to accommodate this particular aspect. Yes, as I say, I just keep coming back to the word transparency; it is just more clarity. I do not see huge reams of paper in that respect. Keeping better records of when the electricity was last checked out or routine things, things which, I think, most people using common sense would say that is appropriate and reasonable. I think we have to bear in mind we are trying to create a home here, this is a home. We are not talking about we are buying and selling products. These are people who have a right to a home, to live in a home and have a roof over their head, a human right we talked about earlier to have a roof over their head. There has to be some enhanced regulation around that. At the moment there are too many concerns from the general public that there are not sufficient rules around that.

**Deputy S.G. Luce:**

Okay. Final question regards the length of tenancies and we have spoken about short-term tenancies. We mentioned 3 and we know there is 9 units.

**The Minister for Housing and Communities:**

Yes.

**Deputy S.G. Luce:**

But you specifically mentioned a default position potentially being open-ended tenancies. Can you just bottom this out, it does worry me considerably that we could end up with a default position of open-ended tenancies; how would that situation arise?

**The Minister for Housing and Communities:**

Okay.

**Deputy S.G. Luce:**

What process would we have to go through before we get to open-ended tenancies being the default?

**The Minister for Housing and Communities:**

In default, would you like to ...

**Head of Strategic Housing and Regeneration:**

There is a couple of things in there. I think, first of all, establishing the principle of an open-ended tenancy being the default will come as a result of the consultations. We have to break it down and consider the risks and benefits of introducing that and listening to both landlords and tenants in relation to those proposals. The second thing is thinking about that nuance that comes with the

introduction of open-ended tenancies and the level of acceptance that would be attached to that there. Then in terms of the implementation of open-ended tenancies, that really comes down to those transitional arrangements that I mentioned earlier and that is I do not think it would be sensible to have if a law came in and overnight everybody had to update their tenancies; that would be a very difficult thing to go through. There may be some transitional arrangements that when a tenancy ends then the new tenancy becomes an open-ended tenancy.

**Deputy S.G. Luce:**

Okay. It is not set in stone, there will be more discussion. Okay, fine. Just going to move away to 3 other subjects under your remit, Minister. The first one is empty homes and could you just give us a very brief update on the Empty Homes Service and progress you have made and the numbers of cases you have had?

**The Minister for Housing and Communities:**

Yes. The numbers of cases that have been reported so far are at the order of 220, okay. We are just sort of going through all that. What we are basically doing right now is we are triaging our way through all of that. There are 3 things which are being highlighted here, we were talking about this earlier, one was we are finding circumstances, home and individual, okay. What is the situation as far as the property is concerned? What is the individual situation? Then we have the circumstances, that is have we got issues around inheritance, are there lots of family members who want to do things or cannot do anything? We are finding properties what we call under the radar, under the rates radar as it were. You have probably seen us in the paper reference that we discovered one property which had not been lived in ...

**Deputy S.G. Luce:**

Since 1975.

**The Minister for Housing and Communities:**

Yes, exactly, so it is a while. I am trying to work out why that happens, why that gets stuck, why these things fall off the radar. I think at the moment, as I say, we obviously have a headline figure of 900 properties. What we are endeavouring to do with this service and the *raison d'être* behind all of this is, how do we use our built environment more effectively? How do we stop building on more green fields? This is why we are putting effort into this area. As I said, as we go through case by case we have started to get a picture of what the complexity is.

**Deputy S.G. Luce:**

Let us look at that picture.

**The Minister for Housing and Communities:**

Yes, yes, sure.

**Deputy S.G. Luce:**

Have you got any percentages roughly that you can start allocating, a third of these empty houses are empty because people are moving or ...

**The Minister for Housing and Communities:**

I think we are going to produce a report within, I think, 6 months, end of June, is it, beginning of July when we are going to be reporting exactly that detail? We will be able to give you that level of detail.

**Deputy S.G. Luce:**

Okay. Very specifically, the property you identified that had not been used since 1975, is there anything you can do? When are you going to bring that property back into use?

**The Minister for Housing and Communities:**

That is a really valid question and this is obviously with the Receiver General at this moment in time and we are currently in conversation with him to see what the next step is along the route on that front.

**Deputy S.G. Luce:**

Do you envisage in the future maybe some legislation that might give you some power over properties which are not used?

**The Minister for Housing and Communities:**

You are starting to get into compulsory purchase, are you not, territory? We already have things like empty dwelling management orders and there are areas where we can up the ante, as it were, in terms of that.

**Deputy S.G. Luce:**

There is powers there that we are not using.

**The Minister for Housing and Communities:**

Absolutely, absolutely. But we have just got to be very careful how we use those powers because it is not a one-size-fits-all. Each circumstance is very unique to that property, so it is a very bespoke operation. I think we need to understand that, talk about the data and what areas, what is our overall trends? For instance, this particular property there was no will, so as far as I am aware and clarify

that there was no will. Therefore, it fell off everybody's radar and no doubt we will find other properties of that ...

**Deputy S.G. Luce:**

I do not want to steal your thunder and the report will come out but can you give us a rough indication of what percentage of the total number of empty properties you think you are going to end up bringing back into ...

**The Minister for Housing and Communities:**

Back into, even that I am going to start with saying a number, putting a number to that.

**Deputy S.G. Luce:**

A rough percentage ...

**The Minister for Housing and Communities:**

Natasha will give you a good civil servant response here.

**Head of Strategic Housing and Regeneration:**

Only if you think of the context we estimated around 900 truly vacant properties, in fact to have a third of those in the first quarter of the Empty Homes Service being up and running. But those are homes that we are investigating and each one, as the Minister has highlighted, is a bespoke case review. At the moment we have reviewed to the order of about 40 of those homes in a great deal of detail and we will continue with the reviews of those properties. Even when we get to that point of the 6-month report we will not yet have had a chance to review that whole backlog. We are very keen to review that backlog because we are learning some very interesting characteristics that were not on any of our radars really when we commenced. But we knew there would be some very interesting characteristics but we are now only starting to see patterns of what they are. An issue with the rates system, for example, where at the outset it was talking about empty property tax and that would be a simple answer. It is not simple if these properties are not even showing on the rates list because you cannot tax properties that you do not know about. There are some interesting things like that that are patterns, I could not attribute numbers to them. There are issues with perhaps the Wills and Successions Law where things can get stuck in loops where inheritance issues, they can get bottomed out or there is not a will and you know there are heirs but you cannot find those heirs. Lots of issues that are starting to form patterns but not yet enough to say definitively that there is a single answer.

**Deputy S.G. Luce:**

While dealing with empty homes is absolutely laudable, is there a danger, Minister, we get to the 6 months, say 12 months into this and find the cost of doing this just does not bear any resemblance to the result at the end?

**Head of Strategic Housing and Regeneration:**

I will highlight that £500,000 was allocated to the issue of vacant homes and we will not touch anywhere near that level of funding in order to do the Empty Homes Service. Really it is the cost of an officer and officer's time who is dedicated to doing these case reviews.

**Deputy S.G. Luce:**

Yes, but just because you have the money allocated, Minister, does not mean to say you have to spend it. Is the cost justified?

**The Minister for Housing and Communities:**

Let us find out.

**Deputy S.G. Luce:**

Okay.

**Head of Strategic Housing and Regeneration:**

Just to emphasise the cost is a post, an officer who is on a contract with the Government, so not growth within the organisation to fund this. We fully expect to spend way below the very generous amount of funding that was allocated to this issue.

**Deputy M.R. Le Hegarat:**

This is a bee in my bonnet, just one quick question, have any of the properties that have been identified, are any of the reasons that they are empty due to the fact that they cannot be developed because of their age and the fact of the rules that apply to what you have to do with certain types of buildings?

**Head of Strategic Housing and Regeneration:**

If you are referencing historic buildings there is certainly a very big pattern emerging relative I think; we are calling it 19th century farmhouse pattern where the description is empty and beginning with that description. There is certainly a pattern with historic buildings but that is in the context of farms that are passed down into families, which then gets into the complexity of inheritance. It is not just about the fact that it is a listed or old building, it is that these are historic farming families who then pass the property on down the generations and that is a different issue altogether. But listed buildings is certainly a pattern that we expected to see. We have been working with officers in



planning policy and historic environment where we have access to the Heritage at Risk Register, which is a very helpful starting point to see the historic buildings that are falling into disrepair through a lack of inability to maintain those properties. We will be referring back to the Minister for the Environment with a new list of properties that we are saying there are some very significant historic buildings here that are not getting the attention that they need because they are currently vacant. Of course we will not be able to share the reason that we might have established for those but very helpful for us to understand the extent of issue with historic buildings.

**Deputy M.R. Le Hegarat:**

Thank you.

**Deputy S.G. Luce:**

I think that is one very much for the Minister for the Environment but I think we all know, Minister, that maintaining listed buildings is hugely expensive.

**The Minister for Housing and Communities:**

Yes, yes.

**Deputy S.G. Luce:**

We know the view of the department might well be that, well, if you are not prepared to do it in the way we tell you it does not get done at all and ends up falling down, which to my mind is not acceptable either.

**The Minister for Housing and Communities:**

Tragic, yes.

**Deputy S.G. Luce:**

Anyway, we will move on to supply constraints.

**The Connétable of St. Brelade:**

After the recent news that Garenne Construction Group, which included Camerons, went into administration, what are your views on the stability and capacity of the construction industry at the moment and do you have any concerns that this will impact negatively on the delivery of housing for Islanders?

**The Minister for Housing and Communities:**

I think what is really good news is that it has not impacted on Andium Homes, who are still on target to deliver 3,000 new homes by 2030, so that has been really, really good news. They were obviously

working with Camerons on, particularly, the Ann Street site. I am trying to think of the current name of it. It is not still called the Ann Street site anymore, is it? Is it Cyril Le Marquand site? Cyril Le Marquand House, yes. They have managed to keep that, they maintained that sort of stream of work going. We have obviously got work going on at La Collette and The Limes as well. There has just been absolutely no hold up at all, which is really, really good news and really encouraging news for the Island. Obviously in the private sector there are issues; Le Masurier now obviously have a major issue on Bath Street with being able to progress that area. But as far as we are concerned and I can only talk about Government projects, we were going to see no delay, as far as we are concerned.

**The Connétable of St. Brelade:**

Do you think any construction firm will continue to agree to fixed-price contracts, given the supply chains are so difficult these days?

**The Minister for Housing and Communities:**

I think that is a really good point. I think the reality is we have seen huge inflationary increases, significant costs going up. I guess if you have entered into a fixed-term contract you would like to think you were going to have a friendly developer, as it were, who is going to accommodate the builders' increased costs and maybe adjust their quotation accordingly. You do not have to obviously and clearly this is ...

**The Connétable of St. Brelade:**

Given this has been the case with Camerons ...

**The Minister for Housing and Communities:**

I understand that.

**The Connétable of St. Brelade:**

... do you anticipate different forms of contract, perhaps open book?

**The Minister for Housing and Communities:**

As a business person myself, I would expect a lot more flexibility. If you want to put it in mortgage terms it is the difference between a fixed-term mortgage and a sort of variable-rate mortgage, is it not? You have to determine what you are going to do, what level of risk you are prepared to take as a builder, as a developer.

[12:15]

Yes, it is a market issue, it is not something that I, as a Minister for Housing and Communities, can turn around and say: "This is not the right thing to do, I think these guys have to mitigate their own risks."

**The Connétable of St. Brelade:**

The question I am asking really is, have you got confidence that future developments will be implemented?

**The Minister for Housing and Communities:**

I have confidence in Andium.

**The Connétable of St. Brelade:**

Yes, yes. Another constraint on the potential delivery of necessary homes is the need to update the drainage systems in the Island generally.

**The Minister for Housing and Communities:**

Yes, yes.

**The Connétable of St. Brelade:**

Do you have any concerns how this might impact housing delivery once again?

**The Minister for Housing and Communities:**

We have concerns in both areas. We have concerns in La Collette as well. I think I was reported in the paper today as saying: "We need to resolve these major, major issues." This is not something that this Government is a problem that they have created. This is a problem of decades of underinvestment. It almost beggars belief some of the things which have happened prior to my term. But we have got to get over that, we are where we are and there are some major, major strategic decisions need to be made to make sure we do not, as you correctly identify, hold up the supply of housing, of new accommodation.

**Deputy S.G. Luce:**

You are a developer, let us just assume you are a developer, Minister, you have a site where you want to put 40 homes and you apply. The Infrastructure Department say you cannot build those homes because the drainage system will not work. Are you satisfied with that, Minister?

**The Minister for Housing and Communities:**

I am not satisfied with that, no, no.

**Deputy S.G. Luce:**

The Infrastructure Department should take that on board. They should just accept that they need to take more ...

**The Minister for Housing and Communities:**

In fact I think it is already recognised. I do not think it is a case of me telling them something that they do not already know. It is absolutely recognised that a major investment has to be made in our system. The question is, I guess, some ways is the mechanism but, as I say, that is for the Infrastructure Department and Deputy Binet to sort out. But he is very conscious that this is an issue with regard to delivering homes.

**Deputy M.R. Le Hegarat:**

Okay, finally almost there.

**The Minister for Housing and Communities:**

Okay.

**Deputy M.R. Le Hegarat:**

Homelessness.

**The Minister for Housing and Communities:**

Yes, yes.

**Deputy M.R. Le Hegarat:**

Minister, please could you provide an update with regards to the work being carried out by the recently established Housing Advice Service?

**The Minister for Housing and Communities:**

Sure. One of the slight frustrations I have had in terms of data because I was hoping by the end of the first quarter to have some data, better data about the scope of the issue, the scale of the issues and thing like that. What I have been asked is, can we delay providing that data until the end of the June? Okay, so this is Housing Advice Service but they are doing a huge amount of work in this area. It is interesting, I was reading a report which was way back in the day, a homelessness report from 2020-2021 which identified a number of the issues we have in this area. The Housing Advice Service is one of the reasons why it exists because that came out of that report. But in terms of the numbers, I can give you some individual numbers. For instance, as of 24th April we have got 27 under 25 year-olds in J.A.Y.F. (Jersey Association for Youth and Friendship). We have got 111 individuals in shelter, one in refuge, we have got 24 on the waiting list in Sanctuary and we have got

issues in Causeway. The total number basically is 175 in the homeless category at this moment in time, as measured currently. As I said, I think that is as we measure today, I am not convinced by that figure in the round because we need to dig down into that a bit more.

**Deputy S.G. Luce:**

Do you see trends, Minister, regardless of how you calculate the number?

**The Minister for Housing and Communities:**

Yes.

**Deputy S.G. Luce:**

Is your number increasing?

**The Minister for Housing and Communities:**

Again, that is a very difficult one to do, it may grow in one area and decline in one area. But what I would say is that it is recognised that - and particularly if you talk to Sanctuary - there are working people now who are unable to live in their own home and can no longer afford the rent and have ended up in places like Sanctuary and I think that is very, very concerning.

**Private Secretary:**

Just to confirm for the record because I know they're transcribing this, it is 11 on the waiting list for Sanctuary and not 24.

**The Minister for Housing and Communities:**

Sorry, not 24, sorry, because I have got the figure the wrong way round, okay.

**Deputy S.G. Luce:**

I take it this information is going back to other Ministers around the Council of Ministers' table, the one you have just quoted about people having to go to Sanctuary and they are working.

**The Minister for Housing and Communities:**

Yes, yes. Obviously the Minister for Social Security is obviously there and helping and giving support on that front. Clearly one of the other areas and one of our objectives is to deliver more social housing and so to give more assistance there. I think there is also recognition that we need to be broader in our support and how we organise support for the people who find themselves in very difficult circumstances. There is a huge amount of work, which is, I have to be honest, ongoing right now and I am very encouraged because I think over the next 6 months we will have a very much wider, better idea of the scale, the issue, what provisions need to be made and how we need to

adjust our offer going forward. I feel very encouraged by that because I think we have got some very good people in the background working on that information.

**Deputy M.R. Le Hegarat:**

You have obviously talked about the sort of data and the understanding and the extent and that of homelessness but have you considered what new actions you may put in place to address it all?

**The Minister for Housing and Communities:**

Do you want to say anything on that front? Yes.

**Head of Strategic Housing and Regeneration:**

Yes. You will know in the Minister's Ministerial Plan that there is a commitment to continue to implement the accepted recommendations of the Homelessness Strategy. It is only in this last week that, as officers, we have been reflecting on that long list of recommendations again and how we may refresh those in light of the ever-changing circumstances around the issue of homelessness. One of the key things that the Minister's Ministerial Plan highlighted was the need for a whole system response to this. Housing is very much the symptom of what is a collection of many different diseases and that could be issues in the housing market affordability, that could be matters of alcoholism, drug dependency, relationship breakdowns. There are many, many issues that lead to the issue of homelessness and if there was any thought that the Minister for Housing and Communities alone could solve that issue I do not think we would ever get to the end of the issue. I think we need to refresh that piece of work and that is what we are looking at, at the moment.

**Deputy M.R. Le Hegarat:**

Thank you.

**Deputy S.G. Luce:**

All right, thank you, Minister. I do not know if I have ...

**The Connétable of St. Brelade:**

Just one, if I may, I know what you are saying, we need to rationalise a raft of existing laws. But would you not agree there is a risk of creating additional red tape here and that we are not using a sledge hammer to crack ...

**The Minister for Housing and Communities:**

In what area, in homelessness?

**The Connétable of St. Brelade:**

In your proposed paper of your proposed proposition.

**The Minister for Housing and Communities:**

The Residential Tenancy Law.

**The Connétable of St. Brelade:**

Yes.

**The Minister for Housing and Communities:**

No, absolutely not. I am absolutely of the opinion that this is a way of bringing an awful lot of things which have been going on and not been dealt with for year after year after year and bringing them under one roof, under one legislative ... I know that could be a perception, however, even in the short time that I have been Minister for Housing and Communities I have seen too many things being referred to me, various ministerial decisions I have had to make. I think when you sit where I sit now and I obviously used to think it was a lot easier when I have sat outside of the Assembly and now I sit on the inside and the information that I am given and have seen, housing is just this key issue. It is not just Jersey I know, it is a key issue across the whole of sort of Western Europe and we have got to get a handle on it. I fundamentally believe that in Jersey with 103,000 people on this Island, if we cannot get a handle on this no other jurisdiction has got a hope in hell. I really do believe and I just want people to, dare I say it, trust the Minister. If anybody can ever trust a politician trust the Minister to try and get this right and I think trust the Assembly to get it right as well. Because I think this is not just a journey for me, it is a journey for the Assembly as well. Yes, we are looking at - I repeat myself - a once-in-a-decade change update to the legislation, which will I do not say solve all the ills but it will go a long way to assisting those people who are, again, dare I say it, the most vulnerable in our society, as well as give clarity to those people who are providing the accommodation on this Island that they need.

**The Connétable of St. Brelade:**

My view is there are a lot of very good landlords on the Island but there are a few rogues.

**The Minister for Housing and Communities:**

Absolutely agreed, yes, yes.

**The Connétable of St. Brelade:**

Is this a disproportionate response I am wondering?

**The Minister for Housing and Communities:**

But is this not the problem with laws? We bring laws in for those people who break the rules. We do not bring laws in for people who stick to the rules all the time and we have just got to recognise that. You do make a point, let us be careful how we do that and that is why we are consulting so heavily because we do not want to get this wrong. It is too big a deal for all parties for us to get this wrong. Again, this is why in Committee debate are working very, very hard to communicate outwards how complex this issue is. We have already seen in a very short period of time quite a few people get quite angry about things and then we want to explain in a bit more detail that please do not get angry, let us talk about this, let us think about this in a rational way because it is in the interests of everybody. As I come back to the landlords, we recognise that private-sector landlords are a very important component as providing housing on this Island, accommodation on this Island. We are not out there to frighten the landlords but we have to find a balance between landlords and tenants.

**The Connétable of St. Brelade:**

A quick way to consult?

**The Minister for Housing and Communities:**

Is across everywhere. What is the email address that we are going send to?

**The Connétable of St. Brelade:**

Hold on, yes, email address ...

**The Minister for Housing and Communities:**

What email address are we ...

**Head of Strategic Housing and Regeneration:**

[housingmatters@gov.je](mailto:housingmatters@gov.je).

**The Connétable of St. Brelade:**

[housingmatters@gov.je](mailto:housingmatters@gov.je), there we are.

**The Minister for Housing and Communities:**

There we are, thank you.

**Deputy S.G. Luce:**

Okay, well I am going to wind it up there, Minister. Thank you very much. In Committee debate next week, we will have a lot to talk about at our next meeting.



**The Minister for Housing and Communities:**

Absolutely.

**Deputy S.G. Luce:**

Have that debate and come out the other side of it. But for today we are due to finish in 3 or 4 minutes, so that is really good timing. Thank you for coming today and we look forward to seeing you again very soon.

**The Minister for Housing and Communities:**

Yes, my pleasure. Yes, thank you very much indeed. Thank you for all your questions.

[12:25]