STATES OF JERSEY



INVESTIGATION INTO THE ESTABLISHMENT OF A DIGITAL REGISTER OF LANDLORDS AND TENANTS (P.82/2020): AMENDMENT

Lodged au Greffe on 1st July 2020 by the Deputy of St. Peter

STATES GREFFE

2020 P.82 Amd.

INVESTIGATION INTO THE ESTABLISHMENT OF A DIGITAL REGISTER OF LANDLORDS AND TENANTS (P.82/2020): AMENDMENT

PAGE 2, PARAGRAPH (a) -

For the words "and of the Lodging Homes (Registration) (Jersey) Law 1962 in order to determine the feasibility of using this legislation" substitute the words ", the Lodging Houses (Registration) (Jersey) Law 1962 and any other legislation or data source deemed relevant in order to determine the feasibility of using this legislation and these data sources".

DEPUTY OF ST. PETER

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion -

- to request the Council of Ministers to investigate the provisions and administration of the Control of Housing and Work (Jersey) Law 2012 (in particular Articles 9 and 16), the Lodging Houses (Registration) (Jersey) Law 1962 and any other legislation or data source deemed relevant in order to determine the feasibility of using this legislation and these data sources to establish a digital register of landlords and tenants, with the register to cover landlords and tenants of accommodation in the following categories
 - Qualified accommodation;
 - Registered accommodation;
 - Lodging houses;
 - Lodgings in private dwellings; and
- (b) to report back to the States Assembly by 1st September 2020 with the findings of this investigation, identifying (where appropriate) prospective changes that could be made to the legislation and that would increase the feasibility of using the Laws for the purpose of establishing such a register.

REPORT

As a Government we are trying to remove silos by working across departments to increase efficiency and provide better value to the Islanders of Jersey. My proposition is intended to ensure that the value of existing legislation, and the information obtained pursuant to it, is investigated prior to the introduction of new and onerous legislation.

This Amendment corrects the terminology in respect of the lodging houses legislation, replacing "Lodging **Homes** (Jersey) Law 1962" with Lodging **Houses** (Jersey) Law 1962. Further research has indicated that there are perhaps other pieces of legislation and data sources (in addition to the <u>Control of Housing and Work (Jersey) Law 2012</u> and the <u>Lodging Houses (Jersey) Law 1962</u>) that could be included in any investigation as they too have the power to obtain information about properties and accommodation. Part (a) of the Proposition has been amended to reflect their inclusion.

I am aware that the purpose behind each piece of legislation differs and, therefore, the type of information collected also varies but without any investigation it is unclear the extent to which any such information could be pertinent to a landlords' and tenant register. I anticipate that much of the information will already be online which would considerably ease its transfer to a centralised point.

I believe the investigation should include, but not be limited to, the following additional pieces of legislation and/or data sources:

1. Rates (Jersey) Law 2005

Two types of rates are paid – owner (foncier) and occupier and the information held in parish records reflects this. Rate forms are available online as are forms for change of address, the latter being important not just for rates but for driving licences, the Electoral Register, dog licences and firearm certificates.

2. Register of Names and Addresses (Jersey) Law 2012

This is described as a law for the establishment of names and addresses of individuals in Jersey for use by public authorities for specific purposes. It provides for the appointment of a Register of Names and Addresses Commissioner.

Secondary legislation has been passed under this law –

- (i) Register of Names and Addresses (Registered Entities) (Jersey)
 Regulations 2013 which references certain individuals under the CHW
 Law; and
- (ii) Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 2015 and Register of Names and Addresses (Access for Medical Purposes) (Jersey) Regulations 2015 which has dealt with sharing of information.

3. Public Health and Safety (Rented Dwellings) (Jersey) Law 2018

This is a law to promote health and safety of persons in rented dwellings. Article 2 looks at the "Meaning of Rented Dwelling". Information regarding

issues arising through problems with a tenancy will be found under this law but how the information is kept is unknown.

Secondary legislation has been passed under this law –

• Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018 stipulates minimum standards and allows for enforcement of their enforcement. Article 8(c) looks at the obligations of persons carrying out inspections to "keep such a record, and the record of the inspection and assessment, in written or electronic form".

4. Lodging Houses (General Provisions) (Jersey) (Order) 1962

The above Order provides for the exemption from registration purposes of any premises in which lodging for reward at any one time is provided for 5 persons or less (Article 2(b)). The lack of information in respect of lodgers in private accommodation is an area of concern and I believe that any register should incorporate details of this type of arrangement.

5. <u>Landlords Accreditation Scheme (Rent Safe)</u>

This is a voluntary scheme which was launched in 2017 and it has now been extended to Managing Agents. Registration is online through Environmental Health and an assessment is carried out by an Officer. Properties are categorised depending on the outcome of the assessment and/or the need to carry out work to reach minimum standards.

There is no apparent reference in either the <u>Residential Tenancy (Jersey) Law 2011</u> or the <u>Residential Tenancy (Condition Reports) (Jersey) Order 2014</u> to information that is held but both pieces of legislation have relevance in relation to landlord/tenant interactions.

A comprehensive investigation into all and any information relating to landlords and tenants can only be of benefit moving forwards and potentially negate the need for a further level of control. There will undoubtedly be issues arising in relation to Data Protection, but I anticipate that these will be highlighted and addressed during an investigation.

Summary

This is an opportunity to use readily available technology to deliver the required data on all rental properties. How it is to be used is not today's debate, however there is no debate to be had without an accurate database. Without, how can we be assured of informed decision making?

This document highlines how continued additional legislation, and data collection, has evolved over the years. During the period it is clear no consideration has been given to inter-dependant laws. This is the best opportunity to consolidate the data collected from existing laws. In so doing there will be the obvious efficiencies and benefits of having accurate data at your fingertips. An opportunity I ask all members to embrace.

I envisage this data can be used beyond rental properties to assist in determination on population, immigration, and housing requirement. It will ultimately become invaluable

in setting budgets and policy for many areas of Government. Good data equals good decisions.

Finally, this addresses, and gives an ideal solution, to the well documented aims of the Ministers for the Environment, and Children and Housing to 'know where all the rental properties are'.

Financial and manpower implications

There are no additional financial and manpower implications arising from the amendment.