

STATES OF JERSEY



DRAFT RESIDENTIAL TENANCY (JERSEY) AMENDMENT LAW (P.24/2025): AMENDMENT (P.24/2025 AMD.) – COMMENTS

**Presented to the States on 4th July 2025
by the Minister for Housing**

STATES GREFFE

COMMENTS

This preliminary comment responding to Deputy Bailhache's proposed amendments recognises the intention of the Scrutiny Panel¹ to call in the Draft Residential Tenancy (Jersey) Amendment Law 202-² (Draft Amendment Law). States Members are asked to agree the Draft Amendment Law in principle during the 8 July States Meeting, so that the Scrutiny Panel is allowed to present its findings, which can be considered as part of a full and fair debate after the summer recess. Once this process is complete, I will offer more comprehensive comments on the amendment.

But for now, I contend that Deputy Bailhache's proposals are clearly wrecking amendments. They constitute an attempt to gut the entire Draft Amendment Law both in substance and spirit.

The Deputy proposes deleting all provisions for rent increases, the Rent Tribunal³ and new tenancy types (initial term and periodic tenancies), leaving only a handful of token amendments in place, none of which form part of my core intentions for this Law. I consider this to negate the proposition. In fact, Deputy Bailhache is explicit that this is his intention.

It is disappointing that the Deputy seeks to impute my integrity in his report, by claiming my proposals are brought forward for ideological reasons, rather than for the reasons which I explicitly outline in the report to the Draft Amendment Law. I have approached this entire project in an open and transparent way, undertaking wide engagement with all sorts of stakeholder groups. I have also offered States Members opportunities to meet with me to discuss the detail of the Draft Amendment Law. Deputy Bailhache did not avail himself of this before lodging his amendments.

To be clear, if adopted, the amendments would leave the existing law fundamentally unchanged and do nothing to improve conditions in the rental market. Indeed, they would presage the abandonment of the Council of Ministers' Common Strategic Policy commitment to *"introduce a new Residential Tenancy Law that will improve tenancy arrangements for tenants and landlords"*.

Deputy Bailhache opposes the 5% rent increase cap, whilst failing to acknowledge the statutory exceptions allowable for landlords – without permission – to recoup outlay on beneficial investment or protect them from losing out from significant changes in market rent. The Deputy offers various explanations for why tenants might be finding the cost of living difficult but seems happy to leave it at that, focusing exclusively on the interests of landlords. This disregard is instructive, but I believe many landlords in Jersey think it right to offer basic safeguards to tenants, and in a way that does nothing to prevent landlords realising a fair return on their investment.

Deputy Bailhache suggests that the revised tenancy types mean a tenant's right of possession overrides a landlord's right of ownership. This is false, and I would direct him to the Draft Amendment Law's Human Rights Notes, which conclude that the

¹ The Scrutiny Panel intends to call in the Draft Amendment Law as set out in [Letter-RTL-Panel-Timeline-Update-17-June-2025.pdf](#)

² [Draft Residential Tenancy \(Jersey\) Amendment law 202-](#)

³ Tribunals feature in other important Jersey laws and are administered by the [Tribunal Service](#). The States Assembly has already voted in principle to *"establish a body such as a Rent Tribunal to adjudicate on housing disputes"* (see [P.18/2023](#)).

revised tenancy measures would not create a “*disproportionate or excessive burden on landlords*”, “*carefully balancing*” landlords’ and tenants’ interests⁴.

Deputy Bailhache rehashes the argument that there is no hard data on revenge evictions. But he knows full well that the number of revenge evictions are unknown by design. Currently, landlords can end periodic tenancies with no reason, or for whatever reason, no matter how trivial or vengeful. This is not to say that landlords engage routinely in revenge evictions. But laws must be able to mitigate bad behaviour, even if such behaviour is limited to a minority. I cannot ignore the scores of constituency cases that come to me, people who are either stuck in tenancies that they must end but cannot afford the penalties in order to do so, or who are too afraid to ask for their home to be maintained properly in case they’ll be served notice. Citizens’ Advice Jersey tell us that they hear the same. Indeed, a total of 115 people contacted them last year about evictions.

Deputy Bailhache’s proposed amendments are in no way constructive and are a missed opportunity to put forward amendments that could be debated within the overall framework of the positive and proportionate changes I have set out.

To conclude, the misleading arguments contained in the Deputy’s amendment are too numerous to deal with individually in this short comment. I therefore draw attention to the guide to the Draft Amendment Law⁵, published shortly after lodging, and my letter to the Scrutiny Panel dated 6 June⁶, which addresses common misunderstandings and misrepresentations arising from submissions to the Scrutiny Panel, and the paper I presented to the Scrutiny Panel which explains the decision-making process for the rent stabilisation metric⁷.

⁴ [Draft Residential Tenancy \(Jersey\) Amendment Law 202-](#) p.24

⁵ [Guide to the Draft Residential Tenancy \(Jersey\) Law 202-](#)

⁶ [Letter of response to submissions for the EHI Scrutiny Panel’s review of the Draft Residential Tenancy Amendment Law 202-](#)

⁷ [RTL-Economic-Rationale-for-Rent-Cap-Rationale-Paper.pdf](#)