

# **STATES OF JERSEY**



## **HOUSING REGULATIONS: REDUCTIONS IN QUALIFYING PERIODS**

---

**Lodged au Greffe on 27th May 2003  
by the Deputy of St. Martin**

---

**STATES GREFFE**

## PROPOSITION

**THE STATES are asked to decide whether they are of opinion –**

- (a) to agree, in principle, that the Housing (General Provisions) (Jersey) Regulations 1970, as amended, should be further amended –
  - (i) in order to reduce the required period of residence for persons qualifying under Regulations 1(1)(a) and 1(1)(h) from 10 to 6 years; and
  - (ii) so that the words “commencing prior to his twentieth birthday” in Regulation 1(1)(h) be deleted;

and to charge the Housing Committee to bring forward for approval by the States within 3 months the necessary legislation to give effect to these proposals with the changes to come into immediate effect following approval of the amendments by the States;

- (b) to agree that in the event of any further reduction in the qualifying period for persons qualifying under Regulations 1(1)(f) and 1(2C), the qualifying period should also be reduced by the same period for those persons qualifying under Regulations 1(1)(a) and 1(1)(h).

DEPUTY OF ST. MARTIN

## REPORT

Jersey must be one of the few places in the world where locally born, 1(1)(a) and their children, 1(1)(h), have to serve a period of residence in the place of their birth before they are able to rent or purchase property in the regulated sector. This requirement applies irrespective of the depth of their roots in the Island. I believe this is wrong.

It is iniquitous that our Housing Law allows for people with no connection with the Island, who because of the size of their bank balance can take up immediate residence in the regulated sector and/or in properties, which through anomalies in our Housing Law permit immediate occupancy. Regretfully, successive Housing Committees have failed to address these anomalies. As a result a great many of our residents, whether residentially qualified or unqualified are exploited and suffer unnecessary hardship.

The Housing President and his Committee have repeatedly commented on the inequities brought about by the “two-tier” system yet has done little to remedy the situation. Although Housing, since January 2001, has sought to ease the hardship inflicted by its own failed Housing Law by reducing the qualifying time for some unqualified residents surprisingly it has done nothing to reduce the qualifying period for the very people one assumes the Housing Law was intended to protect. My Proposition seeks to remedy that failure by requesting the States to reduce the qualifying period for those people.

Whilst it can rightly be said that we have a two-tier housing system in the Island, we also have a two-tier system operating for people in the (a) and (h) categories. This is not only divisive and counter-productive but inflicts hardship on people who had no say in their parents’ decision to spend time outside the Island.

It is divisive because any time spent out of the Island by children of residentially qualified people is not taken into account for residential qualifications purposes. Therefore those children on their return have to serve whatever period is required before they are able occupy property in the regulated sector. This leads to a situation where one member of the family who may have qualified before leaving the Island is able to access the regulated market but another member may have to lodge in unqualified property whilst serving their qualifying period. This situation is compounded by the rule, which stipulates that if the offspring is born out of the Island and takes up residence after its 20th year it is required to lodge for a 17-year period; whereas if the offspring is under 20 it is required to lodge for 10 years.

The Regulation is also counter-productive because as it affects their children’s qualifying period, it is a deterrent or an obstacle for many local people who may consider leaving the Island to gain experience and/or skills not obtainable in Jersey. This leads to the situation where we have increase our population by importing people with the required skills.

My proposals have no manpower implications but could lead to a reduction in our population. It is difficult to gauge what financial implications, if any, are involved but if my proposals encourage more skilled people to return, because of their earning potential, they are unlikely to require States properties or subsidies.

The Bailiff has advised me through the Greffier that he was of the opinion that it might be perceived that my actions were motivated by my personal interest rather than in the public interest. The Bailiff’s intervention was prompted by the fact that my daughter, in common with many other unqualified people suffering hardship through our Island’s archaic Housing Law, had made an application to the Housing Committee under Regulation (1)(1)(g) of the Housing Regulation.

In order for my proposition to be lodged, the Bailiff has advised that I should make a declaration that my motives are in the public interest rather than my personal interest. I have also been asked to state what effect the proposed amendments would have upon the position of my daughter. I declare that I seek to lodge my proposition because it is in the public’s interest. Even if the proposition is approved, my daughter will not be residentially qualified.