



The Environment, Housing & Infrastructure Scrutiny Panel

1 November 2019

P.106/2019 – Draft Health and Safety (Rented Dwellings) (Jersey) (Licensing Regulations) 201-

Thank you for giving me the opportunity to make a submission in relation to the proposed Minimum standards for rented dwellings: licensing regulations scheme.

May I initially indicate that I appreciate what the regulations are intended to do and that should be applauded as no one should live in sub-standard housing

Before I comment on the proposals it may be appropriate if I gave details of my work experience. For the past 45 years I have worked in the finance industry and for the last 20 years in internal controls and compliance. My roles included looking at the Legislation/ Codes of Practice to see how we could undertake tests to make sure that we meet the requirements and how we could extract information from our existing systems to identify the basis of the tests in a consistent, measurable and repeatable manner.

With this in mind I have considered the proposals and it initially raises two questions.

1 How successful will the proposals be if the providers of the sub-standard accommodation are already ignoring the existing regulations and the deposit protection scheme.

2 How can information held in the existing states databases be interrogated to identify the target properties

The answer to these two questions will negate why we, as landlords, are being asked to pay an initial and annual fee to administer the scheme which does in view of the recent announcement by the States of the intention to save a certain amount raise the question if this is a stealth tax. I have previously commented this is a sledge hammer to crack a nut.

How can question 1 be resolved? My thoughts on that were directed by a comment that one of the attendees at the consultation session made that she does not have a computer and were there any printed leaflets on what the obligations will be. Therefore my recommendations would be.

1. That a leaflet be printed in 3 languages stating what the obligations of the Landlord and Tenant are in a formal lease situation plus the obligations on lodging and accommodation provided as part of employment.
2. That the leaflet be retained in La Motte Street and that a copy be given to each person who newly registers with Social Security or notifies a change of address
3. That there is an obligation on the landlord/ lodging provider/ employer to provide on the creation of a new arrangement or the extension of an existing agreement either a copy of the leaflet or a printout thereof from the internet.

Failure to provide the leaflet/ printout should result in heavy penalties to the provider or their agent as appropriate.

When the legislation is put in place there should be comprehensive advertising of the requirements and possibly reference to this legislation in letters sent out by eg Income Tax enclosing the ITIS rate

Such a proposal would mean that all relevant persons would very quickly become aware of what is expected in the provision of accommodation and thereby force the providers thereof to raise their

standards without penalising the responsible providers. It would also protect the providers in respect of bad tenants as the tenants will also be aware of their obligations if the leaflet also includes what is expected of them. Eg. Ensuring that the property is adequately ventilated when cooking or washing to avoid the creation of mould caused by condensation. We know from our own experience the costs that we had to incur in remediation works after a tenant had failed to do this.

I did originally wonder if when advised of a change of address that Social Security should send out a questionnaire to the Tenant at their new address requesting information on the condition of their prior residence but on reflection it may be simpler to include in the leaflet wording such as "If you consider that your prior residence in Jersey did not meet these standards then please contact *****". This would provide intelligence to the appropriate department.

Turning now to the interrogation of the States databases I understand that the intention is that there will be a central persons database which will be connected to the property identifier database and that these will provide the core record into which the other States departments databases will read.

I would not envisage that it could be too complex to add to that database a counter which would identify how many persons reside at a particular residence at any particular time and a cumulative counter of the total number of persons who have resided there. If this counter could also record the population status of the occupants and any children then it would be possible to extract.

1. Properties with a mixture of population status residing therein.
2. Properties with a mixture of population status plus children.
3. Properties which have a high turnover of residents.
4. Properties with a defined population status residing therein plus children but that the nature of the property using eg postal code would imply overcrowding.

This would provide a simple source which several departments could use as the core data for sample review.

I understand that the tender for the rent deposit scheme is up for renewal and that the States are considering running it themselves. In the event that the scheme is renewed then I would suggest that a condition be put in the agreement with the landlord/ tenant that in the event that there is a dispute as to the reason why rent deposits are not being repaid that the States of Jersey will be informed of the dispute. It is not the responsibility of the States to arbitrate in the dispute.

This would enable the relevant departments to add the property to their at risk list especially if the same property or landlord is frequently identified.

If the States decided to run the scheme themselves then the scheme could be bolted on top of the existing databases.

To summarise I acknowledge that organisations such as the Jersey Landlords Association may raise comments on the additional administrative and financial burden that the legislation may place on landlords forcing some out of the property market thereby forcing up market rents but if my proposals were followed up then there would be no need for either the Rentsafe scheme or the register of rental properties as the tenants would effectively police the matter themselves and the relevant States departments will have sufficient information to pursue the delinquent landlords and providers of sub-standard accommodation.

I hope these comments are of assistance and I would be happy to provide further explanation if required by the Panel.

Yours faithfully

Roger Boys