



Summary of consultation feedback

Proposals on licensing of private rental properties

18th August 2019

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Executive summary

It is clear that some private landlords do not want to see any regulation of the rental market and are unlikely ever to change. Some of the responses are clearly responding to the Jersey Landlords Association description of the proposals, not the proposals themselves.

Some landlords see the advantage of licensing but question the need for a charging regime. Some landlords are supportive of the proposals.

The Social Landlords are in the most part in favour of the proposals. They make some helpful comments about the over-prescriptive nature of the proposed Licence Conditions.

Tenants are almost unanimously in favour of the proposals. Some voiced concern over the effect on rental levels, others suggested it would be worth it to ensure good property management and decent property standards.

Some of the responses are largely concerned with measures outside the proposals, such as supply and availability of rental property (tenants) and redress for damage caused (landlords). There was also some criticism directed toward the operation of the Deposit Scheme.

The managing agents and letting agents were supportive of the proposals.

Support was very strong from the Medical Officer of Health, The Children's' Commissioner, Jersey Fire and Rescue and Jersey Police. They cite the broader determinants of ill health," Putting Children First", Modern Slavery and protection of life among their reasons to support the proposals. The Minister for Children and Housing wrote in support of the proposals.

There is support from the proposals from Citizens Advice Jersey and the Jersey Consumer Council.

The Chartered Institute of Environmental Health was supportive of the proposals, particularly when linked to the Rent Safe accreditation scheme, and enclosed relevant research with their submission.

The charging regime was subject to some comments. Private Landlords objected to the "special treatment" being offered to Social Housing providers and charities. Private Landlords suggested it was a tax on Landlords and then, in a somewhat contradictory statement, said the costs would be passed on. Some tenants suggested it was a small price to pay.

The media was supportive with features in Press and Broadcast media. Social media has been largely supportive.

Consultation process

The public consultation ran from 28 May 2019 for 4 weeks. The licensing proposal, draft regulations, draft licence conditions and frequently asked questions were published on www.gov.je.

Respondents were invited to submit comments through an online survey and / or send a written response to Environmental Health via email or post.

Two public briefing sessions were also held at the Town Hall on Tuesday 11 June. Both events were very well attended.

Following a meeting held with the Jersey Consumer Council, the Council highlighted the public consultation through their quarterly newsletter, distributed to every residential address in the Island to encourage further responses.

There was also significant media attention to the consultation. Some of which has been captured in the appendix 15 of this report.

Results of the online survey

In total there were 111 responses via the online survey. The majority of respondents were landlords at 62%, tenants at 22.5%, managing or letting agents at 3.6%, Government at 2% and other 10%.

Of the landlords who responded, 45% had just one property in their portfolio with a further 45% having between 2 to 10 properties. Just under 8% had between 11 to 25 properties.

The following government representatives, departments or charities responded through this channel.

- The Commissioner for Children and Young People
- Medical Officer of Health
- Jersey Fire & Rescue Services
- Citizens Advice Jersey

When asked, most landlords had experienced other forms of licensing through the Population Office (46.7%) and the Fire Service (56.7%).

Two-thirds of respondents thought an online application and renewal process would help them apply for a licence. 31 % of landlords thought they would want a company to be able to apply for the licence on their behalf, 25% weren't sure and 44% didn't. A few landlords commented about the importance of not outsourcing the responsibility to licence to agents.

Two-thirds (58.7%) thought properties accredited with Rent Safe already meeting minimum standards should be charged a reduced fee.

When asked if properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection, 44% agreed, 37% disagreed with 19% unsure.

When landlords were asked about how Environmental Health should manage property inspections, (49%) thought through tenant complaints only, 28% on a risk basis and 7% on annual inspection.

Tenants were asked if they had lived in poor quality housing. 40% said yes and gave the following examples:

Electrical issues including live equipment, burnt sockets and plugs, trips constantly blowing, heating problems, no access to running water, poor quality water, damp and mould, house dust mites, no sink in the bathroom, single glazing, poor ventilation, poor thermal insulation, poor sound insulation, windows that don't close, no bins, leaking roof with water coming in and no smoke alarms fitted.

Additional information provided by tenants

Roll of government and policy

One respondent commented that Jersey has failed to regulate the private and social housing rental sector for too many years, being an appalling indictment on Jersey's Government who had consistently failed to address the crisis in housing amongst the most vulnerable in our society. Jersey should be ashamed at its appalling lack of care for its residents who over decades have been forced to live in substandard accommodation.

Another respondent thought it was the responsibility of government to declare a property 'habitable' rather than place the burden on a complainant to report it as 'uninhabitable'.

Health implications

Feedback included a lack of regulation resulting in unacceptable living conditions for hundreds of families and associated health outcomes. Good quality housing is a fundamental right and any failure risks impacts on our health service just as those exposed to poor housing suffer the impacts.

Affordable housing

One responded commented that there is no such thing as 'affordable housing' for many in Jersey. It is an illusion and a description that should be removed from the public service language.

Rent must be set in line with the condition of the property. The setting of 90% of market rate is totally misleading and unaffordable for the vast majority of those living in both private rental dwellings and social housing.

Law and enforcement

This law is needed and robust enforcement must be supported and successful prosecutions met with significant penalties. One tenant expressed concern that if they reported an unlicensed landlord, they would be 'blacklisted'.

Environmental Health resources

There should be a dedicated team set up, otherwise this will be too much for the Minister to take on.

The Scheme

One respondent has experience of the landlord and tenant sector in Wales. When a landlord / agent / management register with Rentsmart Wales there is compulsory training to undergo prior to approval of registration so that the Landlord understands their legal obligations. Jersey should consider adopting similar provisions for its licensing regime.

Another tenant supported the licensing of the property rather than the landlord so landlords could not hide poor quality units in a larger portfolio.

In relation to property at the higher end of the market, one tenant recalled renting through a major estate agent only to find no smoke detection, carbon monoxide detectors and lethal electrics. They found it disgraceful that the basics were not in place. Similarly, their employee rents a property with

damp where the landlord will not provide any space heating. For those reasons alone, Jersey needs a licensing scheme.

Finally, one tenant thought the landlord should pay any fee as they are the ones benefiting from the income.

Additional information provided by landlords and others

Roll of government and policy

The Jersey Fire and Rescue are fully supportive of the proposals to licence the rental market to ensure properties are of a minimum standard with regards to safety of residents. They would recommend a review period program to assess the level of the 'minimum fire safety standards' in consultation with this Department from time to time.

A couple of landlords commented that if government wanted to address the welfare of children, they can't disregard their living conditions. No half decent landlord would object to the proposed scheme and this was seen as a truly positive initiative from our 'new' government. Another commented that this will be the most positive achievement in this government's term with far reaching effects. One landlord applauds the States' efforts to clamp down on rogue landlords.

A managing agent believed licencing was a good thing as it would sift out bad landlords and help agents in the long run.

A large business and a major employer in a key sector of the Island's economy would be willing to meet with the Minister to discuss matters further and whilst recognising the ambitions of the regulations, were concerned an overzealous approach may be detrimental to the future success of the sector.

Another landlord commented about the open market. It is there choice where they live and no one makes them live in rented accommodation.

Housing policy according to one landlord should not become an extension of class warfare. There is a real risk of mission creep toward rent controls and one-sided security of tenure legislation.

Health implications

The Medical Officer of Health commented that there are strong links between standards of housing and people's health, mental as well as physical, especially that of children and of older people.

Regarding children, she strongly recommend reading the Shelter Trust report, "Chance of a lifetime: the impact of bad housing on children's lives" (there is a link to this in the rented dwelling licensing consultation document). The report summarises evidence on the many different ways in which poor housing is a key determinant of children's health, during their childhood and into the future. Its summary includes the following:

"A child's healthy growth and development are dependent on many factors, including the immediate environment in which they live. Children's life chances (the factors that affect their current and future well-being) are affected by the standard of their housing. This 'housing effect' is especially pronounced in relation to health. Children living in poor or overcrowded conditions are more likely to have respiratory problems, to be at risk of infections, and have mental health problems. Housing that is in poor condition or overcrowded also threatens children's safety."

"Growing up in bad housing also has a long-term impact on children's life chances because of the effect it has on a child's learning and education."

“It is vital that the Government takes action to address the problem of bad housing for families to ensure that all children have the opportunity to flourish in a safe, secure and healthy environment.”

One landlord, having seen pictures of damp and mould in the press questioned who would take on a property in such a condition and airing your home will for the most part prevent such issues.

The Commissioner for Children and Young People Jersey drew reference to housing being more than just a shelter. UNICEF state ‘A home includes a safe and sufficient water supply, safe and accessible sanitation, protection from hazards, free from excessive noise and overcrowding. Health care, education and child care services must be available and accessible within the community.’

We know that a decent standard of housing is essential for wellbeing.

In addition, the right to adequate housing is guaranteed by international human rights law.

Article 27 of the United Nations Convention on the Rights of the Child (UNCRC) says that children and young people should be able to live in a way that helps them reach their full physical, mental, spiritual, moral and social potential. ‘A child’s development cannot be divorced from his or her conditions of living.’ For this to happen, children should have access to adequate food and housing. Good nourishment and nutrition are essential for children and young people to reach their full potential, while safe and well-maintained housing is necessary to ensuring their development. The UNCRC states that children have the right to an adequate standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

The Universal Declaration on Human Rights 1948 (UDHR) says that everyone should enjoy a standard of living adequate for the health and wellbeing of themselves and their family, including housing.

However, the right to adequate housing does not require the Government to provide housing for all. Government housing law and policy should help realise the right to adequate housing for everyone. This can be through the provision of a range of housing options and also through setting minimum standards for non-government provided housing to ensure that the housing is adequate. For example the Government may decide that disadvantaged members of the community should be given priority consideration for housing. For many in Jersey the right to adequate housing is a problem because of the lack of affordable housing, homelessness, insecurity of tenure, poor housing conditions, overcrowding, and a discriminatory housing market which prejudices those living in poverty and those from disadvantaged social groups.

In relation to children and housing, the Commissioner for Children and Young People Jersey would advise that consideration be given to the UNCRC focusing not just on Article 27, but on a range of articles 5-9,18,20,21 and 30 which all contribute to the development of children’s social, moral, mental and spiritual development. The UNCRC is indivisible and therefore the provision of adequate housing must go alongside other rights for example access to healthcare, education, income support and childcare. If children are living in isolated areas the Government may need to consider how they will access their other rights for example the right to an education, to relax and play, and to meet with friends and to join groups.

The Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 introduces measures to ensure minimum standards of health and safety to be met by rented dwellings and this is welcomed however, there are wider issues to be considered for those children living and growing up on the island and the Government should consider these to ensure the rights of all children in Jersey are promoted and protected.

Affordable housing

Multiple landlords commented that the extra tax on landlords will ultimately push up rental prices for tenants.

Law and enforcement

There was a suggestion that the sanctions are light, another suggesting they were toothless and worth the risk to the unscrupulous. Another said that the States knew who the bad landlords were, being those with a catalogue of complaints against them.

Written guidance by property type to avoid inspector's variations in interpretations would be welcomed.

Environmental Health resources

Comments were made about the proposal being a way to increase numbers of Civil Servants, presumably mostly from the UK and extra staffing far outweighing the income.

One view was that it is unlikely that Environmental Health will have the resources to provide a reactive service to complaints let alone a proactive service of annual or even risk-based inspections. If they were to increase resources to provide a proactive service it would require additional staff and therefore additional cost. Regulation will be funded by the licensees. Landlord costs would rise therefore rents would rise to cover these costs.

The Scheme

Some landlords thought the scheme is an overkill, complex and unnecessary. They felt the focus should be on the bad landlords, leaving the good ones aside. Many felt bad landlords should be targeted through the reporting of complaints. Alternatively, suggestions included an anonymous reporting phone line and a tenant online feedback form on www.gov.je.

One landlord suggested a January 2021 implementation date as they were struggling to find local tradesmen to carry out the required works in a timely manner, not helped by overstretched Fire Officers in relation to fire certification.

A few thought the proposals were too much in favour of tenants. In contrast, a register of tenants could be held so prospective landlords could research and register nightmare tenants. Suggestions included 'LetSafe' or 'AirBnb' that has a two way review system.

One landlord understood the reasons for the proposals and requested the scheme be kept simple. They did however express concern regarding possible regulatory creep. Another thought good landlords should be given extended licences or exempt new build properties for the first 5 years.

Another thought Jersey was already an attractive place to live. They did not see how the scheme would change the attractiveness, and with increases in the population we don't need to attract even more people.

Others thought licensing properties would weed out bad landlords and if you have nothing to hide, you will be happy to have your property inspected.

There were also comments regarding acceptance of the limitations in renovating older properties.

Fees

Concerns were raised about increasing costs and time for businesses to prepare. Examples included the cost of fire certificates, electrical testing and pat testing.

One landlord thought it should be illegal to pass the costs of licensing and renewals of leases to tenants.

Others were strongly opposed to the fees and didn't think landlords or tenants should have to pay. Some made reference to the tax they already pay on property rental income and this fee appearing to be another form of taxation or stealth tax. They questioned why the States need to charge at all?

A couple of landlords thought it would be easier to sell their property to local families and therefore remove themselves from the rental sector completely and look for alternative forms of investments with less red tape.

One respondent suggested fees set at 15% of monthly rental value. They thought the fee was excessive for bedsits and too generous for larger dwelling.

Summary of written consultation responses

Written responses were received from a States Member, organisations and landlords with small, medium and large property portfolios. The following is a summary of comments. The full text is reproduced in appendices 6 to 14.

Statements of general support

The Minister for Children and Housing supports the proposed scheme which will provide an effective way of raising standards and promoting professionalism in the rented sector. This will, in turn, help to improve the lives of tenants. He stated this is an important element of Government's broader strategy for Jersey's housing market. As part of its Statement of Common Strategic Policy 2018-2022, the Government has made a commitment to improve the quality of rented dwellings and strengthen rights of tenants. This scheme, along with other proposed measures will contribute to the delivery of that commitment.

The Medical Officer of Health strongly supports this latest step in creating a new level playing field in monitoring and improving housing standards across the island. Specific reference was made to three of the five specific commitments in the Government of Jersey's Common Strategic Policy 2018-2022:

- We will put children first
- We will improve islanders' wellbeing and mental and physical health
- We will reduce income inequality and improve the standard of living

The creation of a licensing system for all rented properties, given the potential to encourage levelling up of any remaining poor housing, can enable improved wellbeing on a sustainable basis. This will also be consistent with the legal duty as set out in Article 9(9) of the Public Finances Law for the Council of Ministers to "in preparing the government plan, take into account the sustainable well-being (including the economic, social, environmental and cultural well-being) of the inhabitants of Jersey over successive generations"

The Jersey Homes Trust commented that it exists in order to provide and properly manage decent and affordable housing for those in need as a charitable activity. They are supportive of efforts to improve standards in the private rented sector and recognise that a licensing system is a positive step.

The Jersey Consumer Council members unanimously support the scheme which they thought was 'long overdue', recognising that rents take up a huge proportion of consumer spend.

Citizens Advice in a press release indicated that the proposals would take the strain off Citizens Advice staff and allow them to deal with other matters. They could make housing related referrals to Environmental Health. They commented that there has been no laws in place, but this is welcomed as it will help tenants. Some people fear speaking out because of the fear of being asked to leave their properties, but now they don't have to have fear.

The States of Jersey Police support the proposed scheme to ensure wellbeing of tenants with the focus on setting standards to ensure a healthy quality of life and one that seeks to avoid exposure to early chronic illnesses and support the elderly through the availability of appropriate living conditions. They view this as a positive step towards better protecting those considered to be vulnerable within our communities.

Andium Homes supports initiatives that improve housing standards.

The Chartered Institute of Environmental Health (CIEH) in the UK welcomes the proposal which brings together all of the legislation, leaving few loopholes and ensures that those landlords registered are likely to meet their responsibilities. They made specific reference to the publication of 'a joint research project between CIEH and the Chartered Institute of Housing' published in January 2019 which is reproduced in appendix 15. The research offered a largely qualitative analysis of existing licensing schemes to assess the benefits achieved in different areas and to suggest ways in which these schemes could be improved.

Finally, a private landlord was not against a licensing system and sees it as inevitable given that some landlords do not take the responsible position that they do in meeting their obligations.

Statements opposing the proposal

The Jersey Landlords Association in its draft preliminary response thought the proposal was huge and costly red tape. With no cost / benefit analysis, landlords are already leaving the market and see this as assessing housing statistics to determine if they are paying the income tax due.

The Jersey Housing Trust commented that the proposed regulation is unwelcome, unworkable for social landlords and unwarranted intrusion into management matters that are of no concern of the regulating body.

Individual landlords thought the scheme penalises the good landlords over the small minority who are unreasonable in their behaviour. Whilst poor landlords should be exposed, Environmental Health already have the powers to expose complaints.

A couple thought this was a sledge hammer to crack a nut. However they agreed that action should be taken against irresponsible landlords but they saw this as an unnecessary burden and red tape. Other options should be considered to target landlords that do not follow the rules. One landlord suggested a public awareness campaign where tenants are advised of their right to complain.

Two individual landlords could not see how the scheme will make a material difference to the aims. Knowing where properties are located is already within the powers of the States, held for example through the Population Office, Income Support, Income tax, the farming community, housing trusts and the Parishes through the rates register. Legislation is also already in place to combat sub-standard rental properties.

Whilst the proposals are well intentioned, they are not deliverable.

Would it not be better for discontented tenants to report their landlords and leave the good landlords to continue to co-operate with their tenants, maintain high standards and good relationships.

The Regulations would overburden civil servants, add costs to landlords which will be passed on to tenants. Resources would be better employed working with negligent landlords who need to upgrade their properties.

One landlord commented that perhaps tenants should be licensed to make sure they keep the property in a decent standard. Another commented that an example of government micromanaging the behaviour of landlords included dumping of white goods to remove the need of PAT testing goods supplied to tenants.

Power to revoke or refuse a licence

The Minister for Children and Housing commented that the scheme will raise standards by removing disreputable landlords, who provide poor quality homes and mismanage property, from the market.

Andium stated that the ability to revoke or refuse registration to landlords whose properties or actions don't meet minimum legal standards is vital.

Opportunities

CIEH highlighted that some licensing schemes provided clear evidence of reductions in anti-social behaviour. The Minister for Children and Housing thought this provided opportunities for greater joint working between agencies to tackle issues such as crime and anti-social behaviour, homelessness and other social issues.

The States of Jersey Police thought that inspections could include joint visits for intelligence gathering and safeguarding opportunities, and to better understand and provide support for those found to be housed in substandard accommodation. That could very well include those who may fall victim to Modern Slavery and People Trafficking.

Rent Safe

Andium expressed the view that they were keen to join the voluntary Rent Safe scheme. CIEH commented that combining the accredited scheme with licensing could help drive up standards in the private rented sector.

A private landlord thought they were penalised if you owned a flat in a block. You would not be in a position to influence or achieve the appropriate energy efficiency requirements (insulation) to take their property from 4 star to 5 star. Others commented on the successes or failures of the current Rent Safe voluntary scheme from their perspective.

Social Housing

Andium expressed the view that it was important that there was a level playing field through licensing with social housing providers alongside other landlords.

Jersey Housing Trust (JHT) commented that the inclusion of social landlords in the scheme is unnecessary. If they are not exempt, there should be a recognition that they are model landlords and should therefore not be subject to unnecessary regulation.

A private landlord thought exemptions should apply to all sectors, for example private rental accommodation where the tenants receive income support.

A non-profit registered organisation would like to see exemptions for their properties as they work hard to maintain financial solvency year on year and provide reasonably priced accommodation for locally qualified residents.

Licensing conditions

Andium commented that the licensing conditions need not reflect 'one size fits all', where for example Andium can demonstrate that they have robust planned maintenance programmes and 24-hour maintenance services available to tenants.

Jersey Homes Trust thought the licensing conditions are too prescriptive, especially for social landlords.

Security of tenure

The Minister for Children and Housing noted that the licensing scheme will contribute towards the prevention of homelessness and vulnerable housing situations, protecting tenants from unreasonable tenancy conditions and practices such as unlawful evictions.

Documentation

Andium felt it was not necessary to provide copies of licences to all tenants within the prescribed period. This would incur additional cost and burden with little benefit for tenants. They suggested they are held and available on demand, suggesting within 14 days of a request.

A landlord made a comment that providing timescales for completion of works is dependent on tradesmen and not always in the hands of landlords.

In relation to emergency call outs, what stops the tenant calling that number when they are locked out late at night or they have run out of electricity? Landlords may end up writing into their leases a charge for non-emergency calls.

Comments were made about the unnecessary production and storage of property inspection logs. A landlord felt this was excessive and unsettling for tenants seeing a landlord armed with a checklist. If using an agent, this additional cost for inspections would invariably be passed onto tenants.

Jersey Housing Trust feedback that the documentation requirements are excessive with an emergency out-of-hours telephone number being unreasonable. The existing JHT tenants' handbook is very comprehensive and sufficient for the needs of tenants.

References

Andium again feels the requirement to provide references unnecessary. This could be problematical for some tenants and lead to delays. Make it a recommendation within the conditions rather than a requirement.

A landlord questioned the need for Environmental Health to see tenant references. They also expressed concern that some people would struggle to obtain references including prisoners or young people moving away from home for the first time. Mandatory referencing would make renting unobtainable to some.

Appeals

A private landlord would like to see the period of appeal increased to at least 60 days.

Compliance Checks

The CIEH would recommend intelligence sources for compliance checks, including tip-offs and

information sharing. A further random sample of checks should be done on non-accredited properties.

One private landlord expected annual inspections to represent value for money for his licence fee, however acknowledged that this was intrusive for tenants and an additional workload for officers.

The Landlords Association thought inspections should only be carried out on receipt of a formal written complaint. This would then be shared with the offending landlord. If there is no formal complaint, no random inspection.

Jersey Homes Trust thought their tenants have no desire for unnecessary inspection of their homes. The proposed inspection proposals are heavy handed, insensitive and of detriment to the rights of tenants.

Another landlord commented that they didn't want the interference and their tenants do not want the intrusion.

Fees

The CIEH found licensing fees varying from scheme to scheme and do not always reflect the true cost of scheme administration.

The Jersey Consumer Council believed the department should consider a single pricing policy for simplicity, however supported rebates for meeting certain criteria and incentives to raise the levels from merely acceptable.

One landlord thought the fee represented an indirect tax and an expensive burden on the sector for many years. Others described it as a stealth tax on landlords. Comments included no justification for the fee, ongoing charge or any assurance about rising fees.

A suggestion was made that the cost for the scheme should be supported by the Environment Department's budget. It is not clear where the money for the fees will be spent if no additional staff are taken on. Only non-complaint landlords should pay. If the fees cover the cost of inspections, why aren't more environmental health officers not being employed?

Social Housing providers should not be exempt from paying fees. This creates an uneven playing field.

Jersey Housing Trust commented that the fees appear to be excessive and intended to provoke enrolment in the Rent Safe scheme. Exempting fees for social housing providers would ensure 100% enrolment in Rent Safe but then subject it to unnecessary inspections.

A couple of landlords expressed concern that by making social housing free, private landlords carry the burden of the full costs of administration. In some cases tenants may be living in housing trust properties whilst in employment with no licensing fee due whilst tenants in the private sector may be in receipt of income support. It was also noted that the licence fee was not proportioned to rental income and questioned what happens to the licence on change of ownership. They also thought the tenant should pay for the scheme as they directly benefit.

One landlord thought this was just another tax on private landlords to support the finances of the department. The need for protection is far more necessary for lodging houses which are being made exempt for some reason.

Finally, a respondent objected to paying £200 and the cost of the inspections should come out of the tax they paid on the income.

Affordability

Multiple landlords commented that the fee will be passed directly onto the tenant, which goes against the Government's stated aim of more affordable housing.

A non-profit organisation commented that whilst they were exempt from tax, they would not be exempt from these costs and would therefore have to pass these on to tenants.

Penalties

The Jersey Consumer Council thought the levels of fines should be reviewed, with a second offence being a percentage of annual rent or value of the entire property portfolio. This would align with levels for a breach of data protection rules.

Another landlord thought fines should be punitive, which would act as a great incentive to enhance the standards of the property. They also suggested a public register of offending landlords made available to deter offenders and provide information to prospective tenants prior to commitment to leases.

Other issues

The Jersey Landlords Association noted that the proposed licensing scheme, like the legislation on minimum standards or deposit protection does not extend protection to lodgers in other people's houses or tenants who cannot afford to rent accommodation with kitchen and toilet facilities. The scheme will also encourage landlords to sell their properties to prospective home owners

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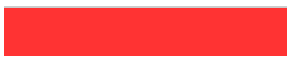






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Appendix 1 - Rental properties survey results – all results

Rented Dwellings Licensing Consultation

1. Rented dwelling licensing consultation





1. Are you responding as:								Response Percent	Response Total
1	Landlord							62.16%	69
2	Tenant							22.52%	25
3	Managing agent							1.80%	2
4	Letting agent							1.80%	2
5	Social housing provider							0.00%	0
6	Winter let provider							0.00%	0
7	Airbnb provider							0.90%	1
8	A professional body (please state which one below)							0.00%	0
9	Government (please state which department / area below)							1.80%	2
10	Other							9.01%	10
Analysis		Mean:	2.32	Std. Deviation:	2.74	Satisfaction Rate:	14.71	answered	111
		Variance:	7.48	Std. Error:	0.26			skipped	0
Details of organisation (if applicable) (18)									
1		We sold our rental property in March after 14 years (two tenancies)							
2		Charity - Citizens Advice Jersey							
3		Property bought and rented as a source of income in retirement (self-employed so no occupational pension).							
4		Private landlord							
5		Owner of a number of flats and houses							

1. Are you responding as:

		Response Percent	Response Total
6	SBS Property Management Limited		
7	Family owned small port folio of residential and medical rental properties.		
8	Private Landlord		
9	Private		
10	Commissioner for Children and Young People Jersey		
11	na		
12	think this is another ridiculous idea!!! it's just another excuse for states of jersey to get more money out of hard working folks!!		
13	Private landlord		
14	Jersey Fire & Rescue		
15	N/a		
16	Government of Jersey's Medical Officer of Health		
17	Seymour Hotels of Jersey		
18	Private		

2. Rented dwelling licensing consultation - owners

2. How large is your property portfolio?

			Response Percent	Response Total
1	1		44.74%	34
2	2 - 10		44.74%	34
3	11 - 25		7.89%	6
4	26 - 50		1.32%	1

2. How large is your property portfolio?

						Response Percent	Response Total	
5	51 - 200					0.00%	0	
6	200+					1.32%	1	
Analysis	Mean:	1.71	Std. Deviation:	0.84	Satisfaction Rate:	14.21	answered	76
	Variance:	0.71	Std. Error:	0.1			skipped	35

3. Why type of property do you rent out (tick all that apply)

						Response Percent	Response Total	
1	Flat					71.05%	54	
2	House (detached, terraced, semi-detached etc)					44.74%	34	
3	Lodging house					5.26%	4	
4	House of multiple occupation (as defined by the Fire Service)					9.21%	7	
5	Other					7.89%	6	
Analysis	Mean:	2.53	Std. Deviation:	1.57	Satisfaction Rate:	28.62	answered	76
	Variance:	2.47	Std. Error:	0.18			skipped	35

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

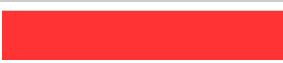


						Response Percent	Response Total
1	Fire service					56.67%	17
2	Population office					46.67%	14
3	UK licensing scheme					3.33%	1
4	Other (please specify):					20.00%	6

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

						Response Percent	Response Total		
Analysis	Mean:	2.4	Std. Deviation:	1.31	Satisfaction Rate:	37.78	answered	30	
	Variance:	1.71	Std. Error:	0.24			skipped	81	
Other (please specify): (6)									
1	31/05/2019 14:37 PM ID: 118123070								
2	20/06/2019 11:30 AM ID: 120043283	No							
3	24/06/2019 14:30 PM ID: 120320532	No							
4	25/06/2019 12:26 PM ID: 120429293	nil							
5	25/06/2019 15:55 PM ID: 120470945	No							
6	28/06/2019 16:27 PM ID: 120784042	Tourism Law & Lodging House Law							

3. Rented dwelling licensing consultation - owners




5. Would an online application and renewal process help you apply for a licence?

						Response Percent	Response Total	
1	Yes					61.04%	47	
2	No					23.38%	18	
3	I'm not sure					15.58%	12	
Analysis	Mean:	1.55	Std. Deviation:	0.75	Satisfaction Rate:	27.27	answered	77
	Variance:	0.56	Std. Error:	0.09			skipped	34
Comments: (13)								

5. Would an online application and renewal process help you apply for a licence?

			Response Percent	Response Total
1	30/05/2019 18:49 PM ID: 118049141	There should not be any such requirement, it being entirely my decision who and even whether I rent to anyone. This is further unwarranted State interference in people's private property rights.		
2	31/05/2019 08:48 AM ID: 118074956	It should not be the only means of application. Hard copy written submission should be allowed.		
3	31/05/2019 12:01 PM ID: 118101611	Yes if the licenses come in, however, is going to be an additional cost of time to tenants		
4	03/06/2019 18:28 PM ID: 118358200	Online and easy is key to successful implementation.		
5	08/06/2019 11:05 AM ID: 118953152	Only properties that fail to meet minimum standards or the equivalent in States rental properties should be licensed.		
6	24/06/2019 11:38 AM ID: 120303763	I use a managing agent		
7	24/06/2019 14:30 PM ID: 120320532	None		
8	25/06/2019 15:55 PM ID: 120470945	no!!		
9	25/06/2019 16:50 PM ID: 120479723	If a licensing scheme is deemed necessary for all rented properties the on-line administration would be needed.		
10	26/06/2019 13:25 PM ID: 120564478	I have absolutely no interest in being licensed. It sounds as if as usual this is a forgone conclusion.		
11	28/06/2019 15:21 PM ID: 120782581	The one property is our first experience as a Landlord and was built new and rented out for the first time in January 2018		
12	28/06/2019 18:30 PM ID: 120800555	this will increase the cost to landlords, as you will charge for a licence, then find that you need more staff to administer this, so licence goes up. rent goes up. what you need to do is listen to the tenants that complain, and jump on it.		
13	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		




6. Would you want a company to be able to apply for a licence on your behalf?

						Response Percent	Response Total	
1	Yes					31.17%	24	
2	No					44.16%	34	
3	I'm not sure					24.68%	19	
Analysis	Mean:	1.94	Std. Deviation:	0.74	Satisfaction Rate:	46.75	answered	77
	Variance:	0.55	Std. Error:	0.08			skipped	34


Comments: (11)

1	30/05/2019 18:49 PM ID: 118049141	See my response at 5 above. There is sufficient overbearing legislation in this area already without the need for further intrusive interference.
2	31/05/2019 08:48 AM ID: 118074956	Not unless the property owner (if a private individual) or the UBO (if owned by a company) is clearly identifiable in respect of any application. Any application made by a company on behalf of an owner must provide transparency regarding ownership and responsibility should regulatory action be required.
3	31/05/2019 12:01 PM ID: 118101611	This will only increase costs further for tenants
4	03/06/2019 18:28 PM ID: 118358200	Personally no, but can imagine it may be useful for some
5	11/06/2019 23:27 PM ID: 119266284	On the understanding that on cannot outsource responsibility.
6	12/06/2019 07:57 AM ID: 119275514	I would rather apply for myself to ensure that all licences are in date and monitored
7	24/06/2019 14:30 PM ID: 120320532	None
8	24/06/2019 20:48 PM ID: 120365563	An estate agent manages my rental property and I suppose it would be good to have the possibility for that company to apply on my behalf.
9	25/06/2019 15:55 PM ID: 120470945	Definitely not!
10	25/06/2019 16:50 PM ID: 120479723	Definitely not as this would only add to the costs
11	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

						Response Percent	Response Total	
1	Yes					58.67%	44	
2	No					25.33%	19	
3	I'm not sure					16.00%	12	
Analysis	Mean:	1.57	Std. Deviation:	0.75	Satisfaction Rate:	28.67	answered	75
	Variance:	0.56	Std. Error:	0.09			skipped	36

Comments: (22)

1	30/05/2019 18:49 PM ID: 118049141	Fees? For what? The States proposes further intrusive bureaucracy and invites property owners to pay for the privilege.
2	31/05/2019 08:48 AM ID: 118074956	If rent-safe provides accreditation, why not just make accreditation compulsory and obviate the need for an additional layer of regulation as is being proposed. Why should properties already accredited under the rent safe scheme need to register under the proposed scheme as well?
3	31/05/2019 12:01 PM ID: 118101611	I can't understand why lodging houses are exempt. They are exactly the type of accommodation that this scheme should be monitoring. In the other sectors, this cost is only going to be passed onto the tenant through increased rents.
4	31/05/2019 14:37 PM ID: 118123070	Because they have already taken pro-active steps to comply with the legislation ahead of time.
5	03/06/2019 10:04 AM ID: 118285963	Rent safe only inspects a proportion of properties.
6	11/06/2019 12:25 PM ID: 119196827	I am a Rent Safe accrediting Landlord
7	12/06/2019 07:57 AM ID: 119275514	Not all landlords are registered with rent safe and those that do should have a preferable rate as it shows they are wanting their properties to be of a good standard
8	12/06/2019 09:49 AM ID: 119286521	I have answered yes but I think the licensing should be 100% FREE as we are already spending a lot of money keeping our dwellings up to standard and already paying for fire license and electrical surveys ... If you are trying to 'Catch' all rogue landlords as it was presented yesterday by  you won't achieve that by charging the decent landlords. Charging us is seen and felt as another taxing ploy. You need private landlords in the market and taxing them over and over again and making the regulations tighter will only push them to sell and the market will lose valuable rented dwellings (not every tenant wishes to own, some are very happy like that: I have a lot of tenants who have been there for over 15 years and they never intended to buy in the first place)




7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

			Response Percent	Response Total
9	12/06/2019 16:49 PM ID: 119345343	As it is the States who wish this introduction I would not be willing to pay at all.		
10	18/06/2019 11:37 AM ID: 119815753	There should be no fees at all		
11	22/06/2019 17:55 PM ID: 120223398	Do Rent Safe properties get inspected on a yearly basis to make sure that they still comply? Do the owners of Rent Safe properties have to pay an annual fee to remain 'accredited'? If there is a fee, does that fee plus the proposed reduced annual licence fee equal the proposed annual licence fee for a property that has not applied to be Rent Safe?		
12	24/06/2019 11:38 AM ID: 120303763	Yes		
13	24/06/2019 14:30 PM ID: 120320532	None		
14	24/06/2019 20:48 PM ID: 120365563	Don't understand what Rent Safe is and if that applies to my property.		
15	25/06/2019 12:26 PM ID: 120429293	I don't accept that only rent safe properties should be discounted. My property is at the top end of market as in its condition any problems are immediately fixed. I for example do not have an electrician check my own house regularly so cannot understand why thy this is a requirement for a rental property as you do not state what you can by regularly (every 5 years or 10 or 6 months ??:)		
16	26/06/2019 13:25 PM ID: 120564478	There should be no fees. You have quite obvious decided this disgraceful intrusion is going to happen.		
17	26/06/2019 22:35 PM ID: 120621691	Rent safe is not the perfect solution it is purported to be which means some properties will lose out because of the rent save failings.		
18	27/06/2019 10:52 AM ID: 120644492	This whole process is over regulation in a market that is driven by the high standards tenants already demand. There may be sub standard properties in Jersey and they must be removed from the market. There are plenty of avenues aggrieved tenants can access should they wish to highlight poor living accommodation. I recently rented my one bedroom flat to two lovely people who had been living in a property for three years because they were paying very cheap rent at £630pcm with parking. With an unrealistic rent increase requested by the landlord, who gave them limited privacy and restricted the use of hot water, they decided to move. This property was self contained and attached to the back of a his private home. Very often this is where the issues lie not with genuine landlords who are providing good accommodation for long term tenants. They had a choice, they are intelligent people with good jobs, they are thrilled with their new home. Make the rent safe scheme a necessary requirement before implementing higher costs with yet another regulation. The schemes are in place already, the condition report and the rent safe scheme. Why is there need for more?		
19	27/06/2019 11:54 AM ID: 120664321	I've been renting to the same person for years and haven't had to use Rentsafe. I don't see why I should be penalised.		

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

			Response Percent	Response Total
20	27/06/2019 22:24 PM ID: 120724449	All of this over regulation and increased expense will simple make landlords give up and sell. There will be little property left to rent and rental prices will go up further. Lot's more states jobs will be required to regulate this. Buy the time you have paid them and their pensions you will just lose money.		
21	28/06/2019 18:30 PM ID: 120800555	any increase in fees equals increase in rent.		
22	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

			Response Percent	Response Total				
1	Yes		44.00%	33				
2	No		37.33%	28				
3	I'm not sure		18.67%	14				
Analysis	Mean:	1.75	Std. Deviation:	0.75	Satisfaction Rate:	37.33	answered	75
	Variance:	0.56	Std. Error:	0.09			skipped	36

Comments: (20)

1	30/05/2019 18:49 PM ID: 118049141	See my previous responses. The question pre-supposes there will be a licensing scheme, it appears you have already made up your mind and this is a consultation exercise in name only (not uncommon with the States of Jersey of course).
2	31/05/2019 08:48 AM ID: 118074956	I don't see the rationale for this. It would just encourage landlords of lower quality or substandard accomodation to apply early to keep themselves off the radar, for a year at least.
3	31/05/2019 12:01 PM ID: 118101611	What's the point of automatically granting them, should be inspected if that is going to be the rules
4	31/05/2019 13:05 PM ID: 118110705	This appears to be a revenue raising exercise and does not protect the tenants as outlined from the outset. All properties should be subject to an inspection prior to being registered and the department needs to ensure it has appropriate staffing to handle the influx of initial registrations that will be required. It is unacceptable to bring in a licence arrangement if you cannot meet the immediate demands. The





8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

			Response Percent	Response Total
		fire service fell foul of this when they brought in their licencing and it impacted landlords massively.		
5	31/05/2019 14:37 PM ID: 118123070	Provided an inspection is carried out within the following 12 months, dependant on the risk profile of the accommodation.		
6	07/06/2019 20:27 PM ID: 118803441	No, as they mightn't meet basic standards or rent safe guidelines.		
7	11/06/2019 23:27 PM ID: 119266284	In order to get the scheme established yes. There should however be inspections held in a reasonable period.		
8	12/06/2019 09:49 AM ID: 119286521	Rent safe does a great job already, would you want them inspected again?		
9	12/06/2019 16:49 PM ID: 119345343	The question doesn't make any sense, If the property is sub-standard the landlord wouldn't need to be inspected if an application is made this year? where's the sense in that.		
10	22/06/2019 17:55 PM ID: 120223398	There are not enough people available to inspect all the rental properties in Jersey, you are going to have to employ a lot of extra staff. What happens to all the sitting tenants who are living in perfectly acceptable accommodation if no one is allowed to rent a property before an inspection has been carried out? Also, how many times will an inspector have to visit a property if in the first instance there are minor improvements required?		
11	24/06/2019 13:33 PM ID: 120321408	I think every rental property should be inspected and then granted a licence if appropriate.		
12	24/06/2019 14:30 PM ID: 120320532	None		
13	24/06/2019 20:48 PM ID: 120365563	It doesn't mean just because you apply early your property is clean and safe!		
14	25/06/2019 12:26 PM ID: 120429293	I am more than happy for an inspection. A £200 pa charge however is outrageous and cannot be justified. Perhaps an initial charge of £100 to register and then a £10 annual fee could be justified where the properties are deemed way above minimum.		
15	26/06/2019 13:25 PM ID: 120564478	There you go again already decided.		
16	26/06/2019 13:31 PM ID: 120565901	Otherwise I shall simply remove my property from the rental market.		
17	26/06/2019 22:35 PM ID: 120621691	This proposal is flawed and is being assumed as a one size fits all solution.		

8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

			Response Percent	Response Total
18	27/06/2019 10:52 AM ID: 120644492	This question implies that despite asking for landlords and managing agents view and comments there is absolutely no hope of changing the structure or timing of this regulation. It is targeted at private landlords and the condition report, which is legally required, has been a great start at ensuring any tenants are happy with the property as they move in and landlords are happy when they move out. The deposit is kept offshore and can only be accessed when each party is happy. I would have thought with the condition report it would be advantageous to approach the UK company that holds the deposits to see how many disputes are managed and on which side the fault lies before implementing further costly regulation.		
19	28/06/2019 18:30 PM ID: 120800555	that's a contradiction of purpose.		
20	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
1	An annual inspection of every property		6.67%	5
2	On a risk basis		28.00%	21
3	Through tenant complaints only		49.33%	37
4	Other (please specify):		16.00%	12
Analysis	Mean: 2.75	Std. Deviation: 0.8	Satisfaction Rate: 58.22	answered 75
	Variance: 0.64	Std. Error: 0.09		skipped 36
Other (please specify): (12)				
1	31/05/2019 08:34 AM ID: 118073104	Inspection within set time of registration, then risk based basis.		
2	10/06/2019 17:33 PM ID: 119122398	And tenants complaints.		
3	11/06/2019 12:25 PM ID: 119196827	An application inspection and then an inspection every 3 years. As a property can only go really badly in 3 years if already substandard. If up to grade at the		

9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
		beginning to be granted a licence then it should Siri practically to warrant an annual inspection		
4	11/06/2019 23:27 PM ID: 119266284	Risk based taking account of tenant complaints and the time between inspections. No property should go uninspected for a lengthy period. The regime should be able to come up with standard times as examples present themselves. Suspect landlords should be subject to very regular inspections.		
5	12/06/2019 11:28 AM ID: 119301738			
6	17/06/2019 16:38 PM ID: 119743901	Also through recognised agents who manage properties on our behalf		
7	17/06/2019 17:08 PM ID: 119747257			
8	20/06/2019 19:01 PM ID: 120094573	An initial inspection followed by an inspection every 3 years		
9	22/06/2019 17:55 PM ID: 120223398	Through complaints by both tenants and other people, eg neighbours		
10	24/06/2019 20:48 PM ID: 120365563	Maybe a graded system on the age and condition of individual properties.		
11	24/06/2019 20:53 PM ID: 120370970	By enforcing completion of Condition Reports and keep a log of those. If a tenant is not happy with a condition of accommodation this will be easy to target.		
12	25/06/2019 11:40 AM ID: 120419395	If a tenant complains then the landlord must have the same rights to complain about a tenant		
Comments: (24)				
1	30/05/2019 18:49 PM ID: 118049141	It is reasonable to inspect where the laws and regulations already in place are breached or are suspected to have been breached. A reasonable report from a tenant is a sufficient trigger for such an inspection but not otherwise, or the States will have the power to enter private property without just cause or because an officer just feels like it.		
2	31/05/2019 08:48 AM ID: 118074956	If a licencing scheme was introduced, My view is that it is unlikely that Environmental Health will have the resources to provide a reactive service to complaints let alone a proactive service of annual or even risk-based inspections. If they were to increase resources to provide a proactive service it would require additional staff and therefore additional cost. Regulation will be funded by the licensees. landlord costs would rise, rents would rise to cove these costs.		
3	31/05/2019 12:01 PM ID: 118101611	No licenses required but inspections should a tenant complain		

9. How should Environmental Health manage property inspections?



			Response Percent	Response Total
4	31/05/2019 18:42 PM ID: 118149686	I		
5	03/06/2019 09:01 AM ID: 118276469	The majority of landlords are conscientious. To inspect every property would require a large and disproportionate number of States employee time at the expenses of the taxpayer. The innocent should not have to pay for the sins of the guilty.		
6	03/06/2019 18:28 PM ID: 118358200	Using data available from various SOJ departments to identify high risk of low quality, and using mechanisms such as opportunities to ask tenants through other channels they are already interacting with (eg income support) to give feedback would make sense. I wouldn't have an issue with my property being inspected but it is high quality and wouldn't be the best use of resources. My tenants would say the same I'm sure, so making it easy for tenants to give feedback by an online form etc (maybe linked to current GOJ feedback form) would help give an idea of random/sampled checks rather than just the obvious suspects.		
7	11/06/2019 23:27 PM ID: 119266284	The suggested sanctions appear toothless and worth the risk to the unscrupulous. The [REDACTED] comments are quite frankly laughable.		
8	12/06/2019 07:57 AM ID: 119275514	I don't think all buildings need to be inspected on an annual basis, I think risk basis or through complaints		
9	12/06/2019 09:49 AM ID: 119286521	Maybe the first time on application then through complaints by tenants or neighbours		
10	12/06/2019 11:28 AM ID: 119301738	I do not agree with the scheme and the cost of the bureaucracy to implement		
11	12/06/2019 16:49 PM ID: 119345343	An annual inspection of every property annually would be a very costly exercise. If that cost is charged each year, you can be sure rents will go up accordingly.		
12	18/06/2019 11:37 AM ID: 119815753	If any of my tenants made a complaint, I'd be more than happy for an inspection to take place. Surely you know who the bad landlords are because of the complaints that you've received. The expression 'a sledgehammer to crack a walnut' springs to mind.		
13	24/06/2019 11:38 AM ID: 120303763	All Landlords should have to use an independent accredited managing agent who can manage and monitor the properties. If they unable to get the landlord to address any problems/complaints then they should be able to call in the Environmental Health to inspect and issue an order to correct at a charge to the landlord. Any agent who did not perform would loose their accreditation.		
14	24/06/2019 14:30 PM ID: 120320532	None		
15	24/06/2019 20:48 PM ID: 120365563	My rented property isn't four years old yet and well maintained and regularly visited by my agent so I don't necessarily think one system applies to all properties. A tiered system relating to certain factors seems more appropriate.		

9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
16	25/06/2019 11:40 AM ID: 120419395	An annual inspection is just creating more jobs for an already overpopulated island		
17	25/06/2019 12:26 PM ID: 120429293	If this scheme is to identify those properties/landlords theatre below par as it purports to be then it is extremely inequitable and discriminatory to penalise the majority		
18	25/06/2019 15:55 PM ID: 120470945	Not every property has a problem!!!		
19	26/06/2019 13:25 PM ID: 120564478	It would be quite nice if you had actually thought this through. I have spent a huge amount of money on my property. It was my home for nearly 30 years, I couldn't afford then to make it as comfortable as it is now. My tenant is very happy, think of them if you want someone in your house you invite them in. You do not want officials poking around in what is your private space.		
20	26/06/2019 13:31 PM ID: 120565901	Quite simply if a tenant complains then yes it should be followed up, however many owners will simply take their properties off the rental market if there is too much interference and cost involved.		
21	26/06/2019 22:35 PM ID: 120621691	This is a difficult question and is an example of how this proposal is placing all landlords in the same bucket of having poor quality properties, etc.		
22	27/06/2019 10:52 AM ID: 120644492	If through tenants complaints, why is there any need to over regulate the rental market? Tenants can complain through many channels along with social media. I personally find that after years of good relations with my tenants that there has become an unhealthy distrust until they settle in and realise we are available for any unforeseen repairs and leave them to enjoy their new home.		
23	28/06/2019 16:27 PM ID: 120784042	Fees should be proportionate to risk		
24	29/06/2019 11:02 AM ID: 120828833	Is the current legislation ineffective.?		

4. Rented dwelling licensing consultation - tenants

10. What sort of accommodation do you currently live in?

			Response Percent	Response Total
1	Flat		52.00%	13
2	House (detached, terraced, semi-detached etc)		48.00%	12

10. What sort of accommodation do you currently live in?

						Response Percent	Response Total	
3	Lodging house					0.00%	0	
4	House of multiple occupation (as defined by the Fire Service)					0.00%	0	
5	Other					0.00%	0	
Analysis	Mean:	1.48	Std. Deviation:	0.5	Satisfaction Rate:	12	answered	25
	Variance:	0.25	Std. Error:	0.1			skipped	86

11. Have you lived in what you consider to be poor housing?

						Response Percent	Response Total	
1	Yes					40.00%	10	
2	No					60.00%	15	
Analysis	Mean:	1.6	Std. Deviation:	0.49	Satisfaction Rate:	60	answered	25
	Variance:	0.24	Std. Error:	0.1			skipped	86

Please add any comments which explain your answer (18)

1	31/05/2019 11:59 AM ID: 118102228	Water quality poor Electrical issues Heating problems
2	31/05/2019 12:22 PM ID: 118103568	I have been lucky enough to choose what type of accommodation I live in as I am able to pay half of the rent alongside my partner. However, the "decent" housing that I currently live in has it's problems as well. We have to have 2 dehumidifiers running 24/7 to deal with the mold problem we have in our bathroom, office and bedroom. As our building is a listed building it has single glazed windows which means it becomes so cold in the winter. I don't want to think about the poor people who can't choose where they live and have to live in accommodation that's worse than ours. It can't be good for their mental or physical health.
3	31/05/2019 15:58 PM ID: 118133780	Windows not air tight, poor ventilation in bathroom causing mould, no bins, unsafe/blown out electrical sockets
4	31/05/2019 19:43 PM ID: 118160960	I live in a good home and have an excellent landlord now, but have previously had an awful landlord.

11. Have you lived in what you consider to be poor housing?

			Response Percent	Response Total
5	31/05/2019 23:00 PM ID: 118172375	Mould and damp , sons clothes in his wardrope all damp and mouldy too and took good couple of months to come and sort a leak in the roof which was had water coming through		
6	03/06/2019 09:18 AM ID: 118276895	<p>Although the landlord was good at allowing simple repairs to be done anything bigger was more of a problem. For years we had water coming into the living room through the roof if the wind blew in the wrong direction. This continued for years even though the landlord had 'sent people to fix it'. There was black mould in every room in the house (not a trickle vent or ventilation brick in site); the bathroom was so damp, (despite an air vent in that room) that I couldn't even keep a face cloth in there as everything got ruined with mould. The seal in the double glazing in the bathroom had gone and this had luminous green mould in it that glowed in the dark. The bathroom probably had the most colourful range of mould in the whole house.</p> <p>The electric immersion heater/water cylinder was outside next to the oil tank with no fire retardant material between them. A few weeks before we left we noticed the plug to the immersion heater had turned brown. When we unplugged it, the socket itself had melted. I am claiming a miracle that there was not an electrical fire - you can imagine what that would have been like as it would have happened right next to the oil tank.</p> <p>I am sure they were not even the worst landlords in Jersey</p>		
7	12/06/2019 23:26 PM ID: 119379525	Within 4 days of moving into the property we discovered the outer casing of the cooker was live. The electricity constantly tripped after 18 months it was finally discovered that water was running down the electrical terminals of the boiler. For the first 18 months in the property the roof leaked and the windows did not close. We have had 3 prolonged periods of no running water. There were no smoke alarms in the property until March 2019.		
8	12/06/2019 23:55 PM ID: 119380556	I live in a relatively new build apartment.		
9	14/06/2019 03:25 AM ID: 119490372	<p>Though currently living in a flat, seeking a detached house.</p> <p>Poor housing consisted of lacking thermal insulation, failing to be wind and/or water proof, lacking sound insulation (from neighbours' and outside noise). Quality available in Jersey is woeful for the prices demanded by proprietors.</p>		
10	14/06/2019 10:45 AM ID: 119512510	<p>I moved to Jersey around 15 years ago. for many years I had rented unqualified properties and while some of them were nice (and expensive, £850 pcm for a small bedsit) there were a few that were poorly maintained. One had no sink in the bathroom and the only option was to wash in the kitchen sink. Others were full of mould. Others didn't have adequate heating.</p> <p>Unfortunately at the time I wasn't aware of environmental health and just assumed i'd made a bad decision and had to either put up with it or move on, which in most cases I inevitably did.</p> <p>The unqualified rental market is a minefield that is littered with poor properties and uninterested (except when the rent is late) landlords. For there to be a set of minimum standards that will give basic amenities and a basic level of cleanliness to properties is a huge positive step forward for people coming to live on the island. Well done!</p>		

11. Have you lived in what you consider to be poor housing?

			Response Percent	Response Total
11	20/06/2019 08:18 AM ID: 120018427	While the property is begining to show its age and is in need of modernising in the next 5 years, it is still a nice property for myself and my children.		
12	20/06/2019 10:23 AM ID: 120033281	If it wasn't the standard I require I would not rent it!		
13	22/06/2019 21:02 PM ID: 120229828	<p>Overall I am very happy with the flat I am living in, and the landlord/landlady (owner) is a kind person.</p> <p>Nevertheless I have two issues with my flat:</p> <p>1) the nitrate levels in my tap-water exceed the legal limits. I had the water tested at my own expense a few times, and informed the owner of the situation, and they see no reason to remedy the issue. I am since then using bottled water for cooking. This feels like camping in my home. It puts me of cooking. How do you rinse Pasta when you need one hand to hold the sieve and two hands to decant water out of a 5 liter bottle. I also can't afford to throw away bought water, tipping it down the drains. So I sometimes don't wash my vege, eat fewer vege, and more ready meals :(not good.</p> <p>2) the flat seems to be suffering from some raising damp. Not so much that there would be visible mold on the walls. Though enough to support House Dust Mites (HDM), who eat of skin flakes that have been pre-digestd by mold. I've been living in this flat for 15 years, and whilst I was allergy-free when I moved in, I have since developed a HDM allergy. The owner has provided me with a dehumidifier. (I already had one running in the kitchen). Since I run the second dehumidifier in the bedroom, my allergy symptoms have reduced, and my electricity bill has significantly increased.</p>		
14	24/06/2019 14:21 PM ID: 120326983	<p>The property I currently live in is quite reasonable.</p> <p>I should point out that I am a landlord myself, having property in the UK.</p> <p>My previous career has involved me in the private rented sector with ██████████ Council and working in partnership with ██████████ Landlords Association.</p> <p>As an Enforcement Officer I have seen both sides of problems relating to tenants, landlords and their properties.</p> <p>I have to say that a registration system and inspection of privately rented properties on the Island is long overdue. I have seen so many properties here that I would consider to be in serious disrepair, if not unfit for human habitation! I have heard Jerseys landlords saying that it will cause some landlords to leave the business if the scheme is adopted. It is my belief that the Private Sector would be far better off without them. I am constantly amazed with how everything is in the landlords favour. This needs to be addressed to ensure the private rented sector becomes a safe and regulated sector, providing decent standards at fair rates.</p>		
15	24/06/2019 19:14 PM ID: 120363328	Whilst I have lived in less than perfect accommodation with damp etc it has ultimately been a choice over price.		
16	25/06/2019 14:20 PM ID: 120453163	Prior to the flat where I now live, several other living areas were really quite shabby		
17	26/06/2019 22:49 PM ID: 120623282	I've lived in places that require work but the rent has reflected that or the landlord assisted with the work knowing it also benefited the property		
18	27/06/2019 10:17 AM ID: 120648899	Some places I have rented have needed work or had old windows, tired décor, etc however I wouldn't call them poor housing.		

5. Rented dwelling licensing consultation

12. You can read licensing proposal here:		
	Comment	Response Total
Are there elements that you particularly support	100.0% (59)	59
Are there elements that you particularly oppose	100.0% (68)	68
Are there elements that you think are missing	100.0% (45)	45
Should there be exemptions for certain rental properties (please explain)	100.0% (52)	52
	answered	77
	skipped	34

13. Is there anything else you would like to add, or information you want to contribute to the consultation?				
			Response Percent	Response Total
1	Open-Ended Question		100.00%	81
1	30/05/2019 18:49 PM ID: 118049141	My prior comments refer, it is no business of the States of Jersey how, whether, when or who to a private property owner decides to let a property. The already overbearing array of Laws and Regulations are more than sufficient without a further tier of bureaucracy being added to them.		
2	31/05/2019 08:29 AM ID: 118073431	For too many years Jersey has failed to regulate both the private rental sector and the social housing rental sector. This resulted in unacceptable living conditions for hundreds of families and the health outcomes have never been fully investigated or indeed considered. This is an appalling indictment on Jersey's Government who have consistently failed to address the crisis in housing amongst the most vulnerable in our society. Landlords have escaped investigation and potential prosecution despite the potential health impacts on the lives of children and adults who have been exposed to the real health risks caused by poor quality housing. This law is needed, robust enforcement must be supported and successful prosecutions met with significant penalties. There is no excuse in the 21st Century for anyone to be housed in a property that does not, at the very least meet 'Decent Housing Standards'. Rent must be set in line with the condition of the property. A 2* property for example should not be rented out at the same average rent for a 5* property and these rents should also be capped. The setting of 90% of Market Rate is totally misleading and unaffordable for the vast majority of those living in both private rental dwellings and social housing. There is no such thing as 'Affordable Housing' for many in Jersey. It is an illusion and a description that		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		should be removed from the public service language. Governments should be judged on how they look after the most vulnerable in our society and there is no other sector where the evidence is overwhelming at our governments total apathy and lack of care. For decades than the Housing Rental Sector has never even figured on the governments list of priorities . Jersey should be ashamed at its appalling lack of care for its residents who over decades have been forced to live in substandard accommodation. Good Quality Housing is a fundamental right and any failure to provide risks impacts on our health service just as those exposed to poor housing suffer the impacts. This legislation is at least 30 years late in coming and we must not wait any longer.		
3	31/05/2019 08:34 AM ID: 118073104	We sold our "quirky" rental property this year at the end of the lease after following the course of the new law and regulations, facing the issues of ongoing maintenance to a listed property, and the associated high costs. Charging a relatively low rent does not excuse the lack of double glazing, an inadequate heating system, poor insulation, etc - we will buy a modern property if we enter the market again as landlords.		
4	31/05/2019 08:48 AM ID: 118074956	Added regulation will mean added cost to those being regulated. You only have to look at the Information Commissioner's proposal for fee increases for Data Protection registration to see this in action. Added cost to the landlord will be passed on to tenants. The higher the regulatory bar is raised - reactive vs proactive - whether risk based or mandatory inspections, the greater the cost passed on to the landlord and comensurately it will further inflate rents in an already stressed environment, where investors, especially in new properties, seek to receive a market return on their investment.		
5	31/05/2019 09:33 AM ID: 118081050	With the numerous UK TV programs that show rogue landlords and rogue tenants still operating in a more regulated environment than Jersey I really don't see what this will achieve other than increased costs that will be passed on to tenants. That is not in anyone's interest. Please just encourage tenants to be more vocal about unacceptable conditions.		
6	31/05/2019 12:22 PM ID: 118103568	I think there should be a dedicated team set up, otherwise this will be too much for the Minister to take on. A dedicated "Licensed Rental Team" should be set up to inspect each property and report back to the Minister for the Minister to then sign off. The application process should allow inspectors to take photos to prove that the accommodation is suitable. Also, it must clearly state whether the license should be displayed in the rented property or not as this could infringe on the tenants want to personalize their home. Individuals must also be given assurance that if they report a rented dwelling as unlicensed there will be no backlash on their part such as being placed on a landlords "blacklist".		
7	31/05/2019 12:24 PM ID: 118105556	I have experience of Landlord and Tenant sector in Wales. When a landlord/agent/management register with Rentsmart Wales there is compulsory training to undergo prior to approval of registration so that the Landlord etc understands their legal obligations. Jersey should consider adopting siimilar provisions for its licensing regime.		
8	31/05/2019 12:32 PM ID: 118106147	I feel property rented in private estates, should have any restrictions which are in the deeds ie parking and where to park and number of cars allowed, should be made clear to whoever rents a house or flat. And not left to residents to complain giving them stress just because the owner wants to make money at others expense.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
9	31/05/2019 16:38 PM ID: 118138879	As a landlord I take the maintenance and condition of my property very seriously. The trouble is a few landlords don't and this gives everyone a bad name. I put up my rent this year for the first time in 3 years. I only did this as the service charges went up for the 2nd time in 3 years.		
10	31/05/2019 18:42 PM ID: 118149686	I let accommodation for approximately 18 years. I received no complaints from any tenants. I never once refused or delayed payment of any returnable deposit. I believe this is purely about generating 'business' or perhaps, justifying employment of future, additional civil servants. Unless standards have seriously declined in the last 20 years, the accommodation in Jersey is generally not as bad as the public are led to believe. The few unsafe and sub standard premises are usually the ones that 'make the headlines'. Until recently, I visited several hundred rented premises & I'd estimate under half a percent required 'urgent' work undertaken to allow continued habitation. A large number of premises are damaged by tenants not airing the premises & drying laundry indoors which naturally culminates in unsightly & unhealthy living conditions. I do not let any premises, therefore, have no vested interest but do feel that more & more red tape is being stacked against the landlord whom, incidentally, generates money for our Island.		
11	01/06/2019 23:32 PM ID: 118221883	The rental accommodation market is an open market. If you don't like somewhere you don't have to live there. It is your choice where to live. No one makes you live in a rented accommodation. Therefore market conditions prevail and this legislation is totally unnecessary for which the costs will only be passed onto the tenant. Totally unnecessary. I take pride as a landlord with all my properties. This feels like a financial punishment for doing nothing wrong.		
12	03/06/2019 09:01 AM ID: 118276469	I distrust the intentions of the Housing Minister. He appears to favour the interests of tenants and has no regard for landlords. Housing policy should not become an extension of class warfare. There is a real risk of mission creep toward rent controls and one-sided security of tenure legislation.		
13	03/06/2019 09:18 AM ID: 118276895	There is not a lot of detail about the mechanics of how the scheme would run. However, I believe it is important that the issuing of a licence is for individual properties and not for a landlord. As some landlords have a large portfolios of dwellings, they shouldn't be allowed to 'hide' poorer quality dwellings in amongst those of a better standard. Tenants are in a very powerless position in Jersey - properties are very expensive to rent and can be difficult to find. I believe therefore that in any scheme the responsibility needs to be on the government to declare a property 'habitable' rather than on a tenant to complain that the property is 'uninhabitable'.		
14	03/06/2019 10:04 AM ID: 118285963	Fees should be circa 15% of monthly rental value as per lease at time of inspection/application. Proposed fees are excessive for bedsits and generous to larger dwellings.		
15	03/06/2019 18:28 PM ID: 118358200	The link to licensing proposals didn't work so I haven't read in detail.		
16	04/06/2019 16:56 PM ID: 118457879	The introduction of fees for Landlords will inevitably increase rentals for tenants and affect the supply of decent letting properties. The introduction of the minimum		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		standards has already caused costs in respect of newly signed off properties which have to have an electrical safety inspection.		
17	07/06/2019 16:08 PM ID: 118776769	<p>The rental property market is well regulated already. My deposit scheme involves property inspections and a condition report linked to a lease agreement. Because of the numbers accommodated, Lodging houses are already annually inspected and are fire certified. This proposed licence scheme will lead to fewer rental properties being made available, deter investment into rent property, pushing up rents and reducing rental stock.</p> <p>It would be much better to band Bad Landlords from renting properties out , until they had made improvements to bring their properties up to an acceptable level. There should also be a register of Bad Tenants.</p> <p>Leaving the good tenants and landlords free for state interference.</p> <p>This proposed licensing punishes all the good and decent local landlords.</p> <p>If this license schedule is made in to Law, I and a number of private landlords will be selling our properties and make alternative investments. Please acknowledge my comments, Kind regards [REDACTED].</p>		
18	08/06/2019 11:05 AM ID: 118953152	This proposed new law depreciates the many high value and top private rental sector properties that are a credit to Jersey. They are not the problem. Instead a law should be enabled to regulate the poor conditions sometimes suffered by tenants in low value rental properties with commercial multi unit landlords. This proposed law is too broad a brush and whilst we all share the wish that standards are met, penalizing private owners of high quality rental properties with big brother regulation because of the publicity surrounding poor conditions in mainly St Helier, is not the way forward.		
19	10/06/2019 17:32 PM ID: 119121799	<p>Having lived in (unsafe) flats as a student in London, ensuring safe good standard rental accommodation is essential. This is particularly important for Jersey and the well-being of the many children who live in flats. How can we address the welfare of children while disregarding their living conditions?</p> <p>No half decent landlord would object to the scheme proposed.</p> <p>The only problem is that this has not happened earlier.</p> <p>At last a truely positive initiative from our "new" government.</p>		
20	10/06/2019 17:33 PM ID: 119122398	Everyone should be as safe as they can be in their home....especially children,and the vulnerable.more resources to department...it will be ahead of many jurisdictions,will alleviate many social and health problems...it will be the most positive achievement in this Gove term with far reaching effects...don't let a few vociferous rogue landlords who don't reflect our views damage the safety of people for one pound a week.		
21	10/06/2019 20:31 PM ID: 119140200	There is no definition to what social housing is. i would suggest that there some units of accommodation that are paid for by income support in the private sector in this case they should be exempt if you have housing trust which are classed as social housing then they all need to be charged. how is social housing identified and what happens when it changes part way through the year.		
22	11/06/2019 12:25 PM ID: 119196827	Worries by the cost as the cost just seem to be escalating. le fire certs, electrician testing, pat testing, ect ect		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
23	11/06/2019 23:27 PM ID: 119266284	The sanctions are light. The registration and renewal of a lease should incur a landlord cost which must be illegal to pass on to the tenant.		
24	12/06/2019 07:57 AM ID: 119275514	I believe that the licencing is a good thing as it will sift out the bad landlords and help us agents in the long run. We do not want to be renting out bad accommodation or having to have confrontations with landlords to ask them to make changes. It will also make me sleep better at night knowing that the tenants I have housed are in a good standard of accommodation.		
25	12/06/2019 09:10 AM ID: 119281068	The introduction of such a scheme in the format described by [REDACTED] (11/06/19) is total over kill. I do not know of any other jurisdiction that has introduced a scheme that requires every rental property to be inspected annually. Very expensive for tenant and landlord. I do believe that there is a need for a process that allows for tenants with problems to complain to a responsible body that takes action.		
26	12/06/2019 09:49 AM ID: 119286521	Please see previous comment. I am not opposed to being on a landlords list (I am already on Parish rates' list) but I am very strongly opposed to the fee and don't think it should be down to either myself nor my tenant to pay for it. They have always been happy tenants and don't need to be charged more. I really hope you listen to our comments and do something about the bad landlords and leave the good ones aside. You have helped the tenants already a great deal by imposing the leases and schedules of conditions (which I was already doing), the MyDeposits scheme (which wasn't needed for 90% of landlords/tenants), the rent safe scheme including the 5 year electrical inspection (which should be a suggestion, not an obligation), and others I can't think of just now... FOCUS ON THE BAD GUYS AND MAYBE HAVE AN ANONYMOUS REPORTING PHONE LINE FOR POSTIES, TENANTS, VISITORS TO REPORT THE UNSAFE PLACES		
27	12/06/2019 11:28 AM ID: 119301738	Scrap this ridiculous over regulation		
28	12/06/2019 13:27 PM ID: 119319962	I think this will push rental prices up.		
29	12/06/2019 16:49 PM ID: 119345343	I am part owner of a modest house which was divided into 2 flats in 1975. It was bought for my parents to retire to having lived in rented accommodation all their married life as a home with an income. They've both gone now and my family let the 2 flats. I would like to know why their doesn't appear to be any legislation covering bad tenants? Having seen fairly awful pictures of homes with damp walls on the JEP. I question how they got like that? It appears you always blame the landlord. When in fact airing your home will, for the most part prevent damp and mould. Added to which who would take on a property in such a condition? Surly it's the occupant who contributes the state of the home they live in		
30	12/06/2019 17:06 PM ID: 119349345	I think some landlords are put off from applying for Rent Safe as they don't want to have their personal details in the public eye. There needs to be more public awareness. Many landlords are still unaware of the Law and more legislation will		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		result in properties being sold instead of rented.		
31	12/06/2019 23:26 PM ID: 119379525	The proposed regulations should mirror UK law with annual boiler testing, electrical safety testing, water testing. Tenants should not have to pay full rent for any period during which the landlord does not maintain the property. Persistent non maintenance should constitute a breach of contract by the landlord releasing the tenant from the contract.		
32	12/06/2019 23:55 PM ID: 119380556	Yes. Again, you should really apply to this registered dwellings only or at in the first instance. We know that it is these dwellings which often have the poorest quality standards maintained. implement that as a proof of concept. Don't waste time, and taxpayers money implementing this to properties which are newly built and obviously therefore built to high standards and maintained to already high standards.		
33	13/06/2019 20:59 PM ID: 119476567	Agree that landlords need to be charged. Proper regulation costs money and landlords should pay as they make a fortune.		
34	14/06/2019 03:25 AM ID: 119490372	I hope that this is a starting step, to improve the quality of rental stock within the island; there's much more to do beyond such basics. This licensing scheme would also seem useful by which to gather statistical data on the island's private rental dwellings. This being something that was mentioned several times, by States members, during their debate on soaring rental prices and the general housing crisis of late.		
35	17/06/2019 16:38 PM ID: 119743901	If the aim is to reduce/minimise or get rid of poor properties then this is an expensive and far reaching over reaction.		
36	17/06/2019 17:08 PM ID: 119747257	While I applaud the States' efforts to clamp down on Rogue Landlords, this seems to be an extra tax on every landlord - good or otherwise. I live in UK and rent out an old family property in [REDACTED]. I already pay 20% tax on the rental income - despite the fact that I only come to Jersey once every two years or so - and my visits tend to be very brief. Despite my absence from the island, I keep in regular contact with the tenants, and spend a considerable amount to maintain the property through trusted local tradesmen. For example we recently had an electrical inspection and had some re-wiring done, and a new fuse-board fitted. I don't see why I should be paying more tax on top of what I'm already paying. After all, if I don't use any of the Jersey Public Services, what exactly am I paying the taxes for? Even if I were in the island - every landlord pays tax on their rental income - again, what is this money for if the States are asking for additional money to cover the cost of inspecting rental properties. You are essentially taxing the same income twice - which seems grossly unfair.		
37	18/06/2019 11:37 AM ID: 119815753	I've been a landlord for well over 30 years now and I've never had any tenant complain - either to me or the States - about the standard of the accommodation that I provide. Most of my tenants have been with me for at least 10 to 15 years - some well over 20 years. Is this indicative of a bad landlord? The extra		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		bureaucracy and expense won't make me a better landlord. Why do you need to charge? You already know who the bad landlords are - they are the ones that have catalogue of complaints against them from their tenants. Do you really think that by registering me, and making me pay, will help you identify the bad guys? - of course not - you already know who they are. I suspect that this whole exercise is a veil for another stealth tax.		
38	18/06/2019 22:38 PM ID: 119900268	I feel that this is an extra tax on landlords that will ultimate push up rental prices for tenants		
39	19/06/2019 16:32 PM ID: 119978090	Earlier this year I purchased a block flats and am involved in the process achieving of fire Certification amongst other upgrades. I am finding it very difficult to achieve improvements in a timely manner as the local trades are all working flat out, for instance I have been waiting 4 weeks for an emergency lighting price from [REDACTED]. I fear this proposed law is not giving enough lead time for landlords to react, given this environment. I for one will struggle to achieve Fire certification in time, least of all because the Fire Officers are also overstretch. I feel an implementation date of January 2021 to be more appropriate and more likely to provide a measured result. I have only just found out that I have missed the consultation event last week! I would also comment that as my properties are at the budget end of the market, the application costs will have to be passed on to the tenant in one form or another		
40	20/06/2019 08:18 AM ID: 120018427	I believe in the long term this is the right thing to do, to ensure that all rented accommodation is of basic standards as the welfare of all islanders is important and this should all ensure that all buildings are maintained.		
41	20/06/2019 09:48 AM ID: 120027294	This is an overly complex scheme that is unnecessary and will discourage landlords from renting properties, therefore reducing the number of properties available on the market. It will also increase rental prices, as costs will be passed on. The Rent Safe Scheme is already in place and working, why is it necessary to add an additional layer of bureaucracy and associated costs. This impacts all landlords and tenants as opposed to focusing on those few that need inspecting and monitoring.		
42	20/06/2019 11:30 AM ID: 120043283	I can't see how any of this will protect the tenant or guarantee any standards This is just more red tape & expense. The cost will be passed on to the tenant, the standards will not change. If any tenant is unhappy they can complain (which is the case anyway today) This is another waste of time		
43	20/06/2019 14:34 PM ID: 120067731	Please keep it very simple - the more paperwork, the less likely we will continue renting out the property! I understand the reason for these proposals but fear that this will lead to regulatory creep and therefore less properties on the market.		
44	20/06/2019 19:01 PM ID: 120094573	Yes, agents in Jersey are not insisting on rental Properties complying with existing legal standards. We moved to Jersey in 2016 via [REDACTED]. We rented a high value property through one of the major estate agents and it did not have smoke detectors, carbon monoxide detectors and the Electrics were potentially lethal. We know because we ended up buying the property and had to put everything right. I find it disgraceful that the agent rented the property without ensuring these basic things were in place. My cleaner rents a property which is		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		unacceptably damp and the landlord is not providing space heating. For these reasons I think you need a licensing system.		
45	22/06/2019 17:55 PM ID: 120223398	<p>Your statement that these regulations will prevent 'no fault' evictions is wrong, especially in the long term. You state that all properties are going to have to be registered, so at the end of the tenancy of a property that is registered, the Landlord will be equally able to decide not to extend the tenancy to an existing tenant and as the property is registered, he will be able to rent the property to someone else. Are you actually proposing that the Landlord has to explain why there has been a change in tenant?</p> <p>Jersey is already an attractive place to live and work, why else would we have an increase in our population of over 1,000 year after year. The registration of rental properties is not going to change that attractiveness and we don't need to attract even more people, we haven't got enough places for people to live in as it is!</p> <p>I am dismayed at the price some people charge for renting out a property. It is almost impossible for families to afford their rent, particularly those who are 'single parents'; a growing sector, I am afraid to say. All the fees that you are going to charge are just going to be passed on to the tenants, making it even more expensive for them to rent.</p> <p>I am afraid to say that this all feels like a sledgehammer to crack a nut. The amount of bureaucracy you are recommending is making me believe that it would just be easier to sell my properties to local families and therefore remove them from the rental sector completely.</p>		
46	22/06/2019 21:02 PM ID: 120229828	<p>Who has to prove that a property is fit for human habitation? I would recommend that the onus should be with the owner / landlord / letting-agent that the accommodation is fit for purpose. Not with the tenant to challenge it if the believe that aspects of the accommodation are falling short of legal requirements.</p> <p>-----</p> <p>Who is does "the Minister" refer to? I would hardly believe that our housing minister will walk around looking at properties. There are too many properties to look at for one person do do that job.</p> <p>Some issues cannot be ascertained by a site visit - nitrates in water, e.g. that requires a laboratory analysis. The team of inspectors will require a broad training / background to identify the various issues that could occur.</p>		
47	24/06/2019 11:38 AM ID: 120303763	I am nervous of a regular fee as this would push up the rental costs to tenants. If costs can not be passed on then a number of properties would probably come of the market as alternative form of investment would be found with less hassle/red tape. Maybe this is what the States of Jersey want to avoid so many individuals to monitor.		
48	24/06/2019 13:22 PM ID: 120315229	Increasing legislation against landlords is leading to many good properties, managed by considerate landlords, being withdrawn from the rental market.		
49	24/06/2019 13:33 PM ID: 120321408	By licensing properties to rent it would weed out the bad ones. If you have nothing to hide you will be happy to have your property inspected.		
50	24/06/2019 13:34 PM ID: 120319876	Housing is more than just a shelter. UNICEF state 'A home includes a safe and sufficient water supply, safe and accessible sanitation, protection from hazards, free from excessive noise and overcrowding. Health care, education and child care		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>services must be available and accessible within the community.' We know that a decent standard of housing is essential for wellbeing.</p> <p>The right to adequate housing is guaranteed by international human rights law.</p> <p>Article 27 of the United Nations Convention on the Rights of the Child (UNCRC) says that children and young people should be able to live in a way that helps them reach their full physical, mental, spiritual, moral and social potential. 'A child's development cannot be divorced from his or her conditions of living.' For this to happen, children should have access to adequate food and housing. Good nourishment and nutrition are essential for children and young people to reach their full potential, while safe and well-maintained housing is necessary to ensuring their development. The UNCRC states that children have the right to an adequate standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>The Universal Declaration on Human Rights 1948 (UDHR) says that everyone should enjoy a standard of living adequate for the health and wellbeing of themselves and their family, including housing.</p> <p>However, the right to adequate housing does not require the Government to provide housing for all. Government housing law and policy should help realise the right to adequate housing for everyone. This can be through the provision of a range of housing options and also through setting minimum standards for non government provided housing to ensure that the housing is adequate. For example the Government may decide that disadvantaged members of the community should be given priority consideration for housing. For many in Jersey the right to adequate housing is a problem because of the lack of affordable housing, homelessness, insecurity of tenure, poor housing conditions, overcrowding, and a discriminatory housing market which prejudices those living in poverty and those from disadvantaged social groups.</p> <p>In relation to children and housing I would advise that consideration be given to the UNCRC focusing not just on Article 27, but on a range of articles 5-9,18,20,21 and 30 which all contribute to the development of children's social, moral, mental and spiritual development. The UNCRC is indivisible and therefore the provision of adequate housing must go alongside other rights for example access to healthcare, education, income support and childcare. If children are living in isolated areas the Government may need to consider how they will access their other rights for example the right to an education, to relax and play, and to meet with friends and to join groups.</p> <p>The Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 introduces measures to ensure minimum standards of health and safety to be met by rented dwellings and this is welcomed however, there are wider issues to be considered for those children living and growing up on the island and the Government should consider these to ensure the rights of all children in Jersey are promoted and protected.</p>		
51	24/06/2019 14:21 PM ID: 120326983	Please see my previous note regarding being an Enforcement Officer in the private rented sector.		
52	24/06/2019 14:30 PM ID: 120320532	Increasing legislation against landlords is leading to many good properties being withdrawn from the rental market		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
53	24/06/2019 19:14 PM ID: 120363328	The existing tenancy deposit scheme is flawed. My deposits have a fundamental lack of understanding of Jersey from what others have told me. I previously had my deposits refunded in full, but now have to pay an administration fee out of it. The delay in receiving the deposit refund has impacted on being able to secure another property.		
54	24/06/2019 20:53 PM ID: 120370970	Adding complexity will frustrate landlords. My Deposits is a great service, enforce Condition Reports, this will identify "cowboy landlords" and make them work for the licence. I think anyone who does everything by the book should be rewarded, not punished.		
55	25/06/2019 11:40 AM ID: 120419395	This proposal is far too much in favour of the tenant and must also give landlords equivalent rights. The proposed fees are far too high. I would have to pay £200 each year, which will just be added to the rent thus increasing housing costs, for what? An annual inspection which is likely to take how long? These prices seem to me to be competing with lawyers as to who is the most expensive.		
56	25/06/2019 12:26 PM ID: 120429293	Go Back to the drawing board and come up with a fair scheme that identifies the few bad landlords and substandard properties without ostracising the entire market and lets face it voters		
57	25/06/2019 13:18 PM ID: 120438426	<p>This is simply a continuation of the States gradual interfering in everyone's lives with the resulting increased number of Civil Servants (presumably mostly from the UK in at all possible). Why can minimum standards not be set and investigated (by a local with appropriate training) when a tenant complains.</p> <p>Also, please would you advise where the register of tenants will be held so that prospective landlords can research, and register, nightmare tenants?</p>		
58	25/06/2019 14:20 PM ID: 120453163	Having reached page 5 of the licensing proposal, pages 6-8 were blacked out. Therefore, cannot comment.		
59	25/06/2019 15:18 PM ID: 120463917	<p>Introducing blanket legislation is a very blunt tool, is not cost effective and untargeted. The best policing is achieved via intelligence gathering and feedback from the public. The new legislation is counterproductive to increasing the quantity of property. Resources should be set on encouraging more private sector owners to release property to the market. More availability equals lower rents and better standards.</p> <p>Finally the very few bad landlords are unlikely to be cooperative and thus unnecessary time will be wasted trying to identify and bring these into line instead of dedicating it to encouraging improvement and a more stock in the majority.</p>		
60	25/06/2019 15:55 PM ID: 120470945	<p>Why should hard working people be charged to rent out their properties!!</p> <p>I think this is disgusting and so typical of states of Jersey coming up with all these same ideas of having licenses on everything targeted all at people who own their own properties.</p>		
61	25/06/2019 16:50 PM ID: 120479723	<p>My wife and I are landlords of one rental property. We maintain the property whenever an issue is raised by the tenant, and in some cases without issue, as it is to our advantage to keep the property well painted and free of defects. Indeed a portion of the rent is held back every month for maintenance.</p> <p>This licensing proposal, as regards our property, will only add to our costs, which may have to be passed on to the tenant. In our case it is not needed and I am sure</p>		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		this applies to the vast majority of private landlords with single properties. I would suggest an exemption is made for us.		
62	26/06/2019 10:53 AM ID: 120544108	Jersey Fire & Rescue are fully supportive of the proposals to license the rental market to ensure properties are of a minimum standard with regards to safety of residents. We would recommend a review period program to assess the level of the 'minimum fire safety standards' in consultation with this Department from time to time.		
63	26/06/2019 13:25 PM ID: 120564478	This is an interfering, nanny state nightmare. Just another stealth tax.		
64	26/06/2019 13:31 PM ID: 120565901	Yes as a pensioner who will soon be moving into a care home with my husband, I am faced with the choice of either spending a few thousand pounds on my property to enter the rental market to fund my care or sell the property. I was intending on renting it out at a below market value in exchange for the tenants completing the necessary work which is mainly cosmetic, i.e. painting & decorating, otherwise I shall be using all my savings which I will need to pay the LTC cap for both of us leaving me the choice of getting a loan to pay it (which will have to be paid back on my death), so whatever happened to people not having to sell their homes is not a reality if you don't have a lot of savings, unless their children want to buy their inheritance.		
65	26/06/2019 22:35 PM ID: 120621691	<p>This is simply going to increase rents for tenants. Whilst there are some poor quality rental properties this is often matched by the price. For decent accommodation this benefits nobody, however at 250 cost on a £1000 a month property it will put the rent up by 2%. The rent safe scheme is flawed as again the requirement for electrical and gas checks will push up rent costs. Most domestic properties never have electrical checks, and the problems caused in recent cares are often through tenants using multiple extension leads, foreign adaptors etc which the landlord had no control over.</p> <p>There is a large problem with managing agents who do little to serve tenants or landlords but no longer have any regulation.</p> <p>The mydeposits scheme has caused many problems. My experience showed they did not know Jersey legislation, failed to accept Jersey labour prices in quotations and did not accept breaches of contract (smoking in property plus painting walls without permission both clearly detailed in the contract). The only other recourse they offer is based on the UK system not available in Jersey. Finally the time now required for a tenant to obtain their deposit is restrictive. In the case of a long term tenant I have viewed it better to defer their last months rent in order that they can afford to move to a larger property then wait for the mydeposits repayment.</p>		
66	26/06/2019 22:49 PM ID: 120623282	<p>This will cause rents to rise as naturally landlords will pass on the cost. The rent safe scheme will also cause costs to tenants through the checks that are required. I do not know anybody that owns their own property that has an electrical or had check up each year.</p> <p>The requirements for energy saving whilst appreciated are often impossible in older properties or should only done about when heating etc require replacement. Again forcing rents to rise.</p>		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
67	27/06/2019 09:08 AM ID: 120639501	We appear to be using a sledgehammer to crack a nut. You know which rental properties and which landlords are the dodgy ones. The ones that exploit their tenants. You should focus on them. The landlords who maintain their properties properly should be given extended licences so that they don't have to fork out more money for a new licence annually.		
68	27/06/2019 10:17 AM ID: 120648899	<p>In most properties I have rented the services have been fine or in the case of a water leak remedied quickly. Charging a fee and requiring regular checks makes rental more expensive as these costs will be passed on to the tenant. However I have rented two properties where it was my responsibility to arrange and pay for a boiler service with any additional cost paid for by the landlord.</p> <p>I am not convinced this is going to do anything to the lower end of the market, including those which operate on a cash only basis. Sometimes these suit the tenant as they are not encumbered with a contract, others are from unscrupulous landlords but who may not be worried about housing qualifications, etc.</p>		
69	27/06/2019 10:52 AM ID: 120644492	<p>The proposal has been drafted, is ready to go and there is no chance of changing or altering what has been decided. Of course, housing must be safe for people, I don't doubt that and we, as landlords, conscientiously maintain our properties to a good to high standard, keep our rents below market value to encourage longer tenancy, service all appliances as legally required, follow health and safety regulations, repair and decorate when tenants leave. Our older property has limitations which have to be accepted. Despite what the media wishes to portray there are decent people doing a decent job and this charge is an unfair regulation for the many to weed out the few. I particularly object to the photographs used both in the JEP and the consumer council leaflet which shows a photograph of a beautiful kitchen made to look like a dump! What is this trying to imply? There has been a campaign to discredit landlords in Jersey over the last few years which has not been fair or useful to the relationship between landlord or tenant and which is why many landlords choose to use management companies which take a months rent for the service. Everyone seems to want their chunk which has pushed rents higher. Better to look at the photos of property's to rent on Jersey Insight or the Facebook sights which is a far fairer example of the quality available in Jersey today where standards have been racing upwards for many years and for which this regulation is an unnecessary expense for all except the new manager drafted in from the UK to manage the process.</p> <p>We have had no complaints from any tenant, on the contrary they are pleased with the service we provide.</p> <p>This charge will be the catalyst that causes long term landlords of more modest properties at lower rents, with a small portfolio to sell. Perhaps that is what the States wish to happen but where the people will live is another matter to be considered.</p>		
70	27/06/2019 15:12 PM ID: 120685287	<p>As [REDACTED] I wish to express my strong support for this latest step in creating anew a level playing field in monitoring and improving housing standards across the island,.</p> <p>This move is aligned to the Government of Jersey's Common Strategic Policy 2018-2022 , especially so to three of its five specific commitments:</p> <ul style="list-style-type: none"> - We will put children first - We will improve islanders' wellbeing and mental and physical health - We will reduce income inequality and improve the standard of living <p>To explain further:</p> <p>There are strong links between standards of housing and people's health, mental as well as physical, especially that of children and of older people.</p> <p>Regarding children, I strongly recommend reading the Shelter Trust report,</p>		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>"Chance of a lifetime: the impact of bad housing on children's lives" (there is a link to this in the rented dwelling licensing consultation document). The report summarises evidence on the many different ways in which poor housing is a key determinant of children's health, during their childhood and into the future. Its summary includes the following: "A child's healthy growth and development are dependent on many factors, including the immediate environment in which they live. Children's life chances (the factors that affect their current and future well-being) are affected by the standard of their housing. This 'housing effect' is especially pronounced in relation to health. Children living in poor or overcrowded conditions are more likely to have respiratory problems, to be at risk of infections, and have mental health problems. Housing that is in poor condition or overcrowded also threatens children's safety." "Growing up in bad housing also has a long-term impact on children's life chances because of the effect it has on a child's learning and education." "It is vital that the Government takes action to address the problem of bad housing for families to ensure that all children have the opportunity to flourish in a safe, secure and healthy environment." A final point: The creation of a licensing system for all rented properties, given the potential to encourage levelling up of any remaining poor housing, can enable improved wellbeing on a sustainable basis. This will also be consistent with the legal duty as set out in Article 9(9) of the Public Finances Law for the Council of Ministers to "in preparing the government plan, take into account the sustainable well-being (including the economic, social, environmental and cultural well-being) of the inhabitants of Jersey over successive generations". [REDACTED], 27 JUNE 2019</p>		
71	27/06/2019 16:48 PM ID: 120701275	I feel that this proposal is a drain on the government and an unnecessary waste of public money. Are you expecting landlords to pay for a licence? If so, this could result in a rise in rent for the tenant. - as why should the landlord pay. If it isn't broken why fix it? this is a waste of public money.		
72	27/06/2019 22:26 PM ID: 120675191	<p>This is more bias against landlords ... more administration, more work and more cost for them, and the tax payer all under the guise of health and safety. A landlord takes a lot of risk with high value properties that they've often worked hard to get, but tenants take very few risks and can leave pretty much if and when they want. For a landlord it's very difficult indeed to get rid of a bad tenant who doesn't pay the rent because he says there's a problem, then leaves accommodation filthy and mouldy because it's never been cleaned or aired. It's a lot of work to try and vet potential tenants, what could make it fairer is an equivalent registration for tenants (including a reviews system) so that a bad tenant can't just move from one landlord to the next hiding their history. AirBnB has a 2 way review system and I'd be happy with that. How about LetSafe for landlords as tenants have RentSafe I don't mind as long as both are compulsory. It infuriates me when I see pictures and hear reports in the media of poor filthy broken rented accommodation full of rubbish etc where the landlords are blamed when it's obvious to me that the tenants that have done it.</p> <p>Continuous over regulation will inevitably reduce the amount of private rental properties available as landlords invest elsewhere leaving The States needing to supply more housing at considerable cost to the tax payer and more regulation will probably lead to other unforeseen side effects.</p>		
73	28/06/2019 14:49 PM ID: 120779684	Over legislation always does more harm than good in the long term, and can have unexpected consequences.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
74	28/06/2019 14:52 PM ID: 120780700	The extra staffing you'll need to run this scheme will far outweigh the income you, ll get and as usual the rest will have to be funded by the tax payer, if the costs to the landlord keep increasing then the number of rental properties available will go down as landlords can't be bothered any more and leave money in the bank or invest it elsewhere.		
75	28/06/2019 15:21 PM ID: 120782581	Any property less than five years of age and which complied fully with the Building Act at construction completion should not be liable to a licence fee.		
76	28/06/2019 16:27 PM ID: 120784042	<p>Due to minimum wage legislation some accommodation providers are limited to what rents they are able to charge and this should be taken into consideration when licence fees are being set.</p> <p>In addition the fee levels should be set some 12-18 months in advance in order to allow businesses to prepare.</p> <p>Due to the wide range of circumstances the law is understandably not prescriptive however this means that individual inspector's interpretation can vary. As such written guidance by property category should be consulted upon and then issued at an early stage.</p> <p>As a large business and a major employer in a key sector of the Island's economy we are very willing to meet with the Minister to discuss matters further. It should be noted that we fully recognize the ambition of these regulations but are concerned that an over zealous approach may be detrimental to the future success of the sector.</p>		
77	28/06/2019 18:30 PM ID: 120800555	there is a law presumably that covers sub standard and unsafe accommodation. housing must have a list of properties, and there could be inspections of any dubious properties. the fines from these could pay for the cost of inspections. the states are unable to run businesses at a reasonable cost, they should not get involved in adding more cost to another business by imposing licences.		
78	29/06/2019 11:02 AM ID: 120828833	The JLA draft Submission should be taken seriously All known landlords should be written to with a less biased survey. Many landlords are not aware of the proposal or negative implications		
79	29/06/2019 13:31 PM ID: 120834404	I like many other private landlords I know am now seriously considering selling my rental property due to over excessive regulation by the States. My partner has recently sold his rental properties for the same reason. In all the years that we have been landlords neither of us has ever had a single complaint from a tenant! I would urge the States to think long and hard before passing this law.		
80	30/06/2019 23:42 PM ID: 120893754	This is only likely to drive up costs for tenants as landlords will generally have to pass on fees.		
81	01/07/2019 09:55 AM ID: 120911522	<p>1 Another layer of control and costs for Landlords most of which care about tenants ?</p> <p>2Costs of admin and time involved by States department unjustified when matters of serious Island contention remain unaddressed.</p> <p>3Will be a deterrent to Landlords buying thus putting pressure on States to house tenants</p> <p>4Does not take into account UK Landlord tenant act coming which will transfer costs from Tenant to Landlord</p> <p>5Only small number of bad Landlords who could be covered by a small change in letting laws . Again ,wait for New UK act brought in UK 1st June 2019 to arrive in</p>		





13. Is there anything else you would like to add, or information you want to contribute to the consultation?

	Response Percent	Response Total
<p>Jersey. 6 The result will be increased rents for tenants and fewer Landlords 7 Higher rents will in turn hit the Tenant just the people who the proposals are attempting to protect.</p>		
	answered	81
	skipped	30

Appendix 2 - Rental properties survey results – landlords plus others

Rented Dwellings Licensing Consultation

1. Rented dwelling licensing consultation






1. Are you responding as:						Response Percent	Response Total		
1	Landlord					93.24%	69		
2	Tenant					0.00%	0		
3	Managing agent					2.70%	2		
4	Letting agent					2.70%	2		
5	Social housing provider					0.00%	0		
6	Winter let provider					0.00%	0		
7	Airbnb provider					1.35%	1		
8	A professional body (please state which one below)					0.00%	0		
9	Government (please state which department / area below)					0.00%	0		
10	Other					0.00%	0		
Analysis		Mean:	1.22	Std. Deviation:	0.89	Satisfaction Rate:	2.4	answered	74
		Variance:	0.79	Std. Error:	0.1			skipped	0
Details of organisation (if applicable) (13)									
1		Property bought and rented as a source of income in retirement (self-employed so no occupational pension).							
2		Private landlord							
3		Owner of a number of flats and houses							
4		SBS Property Management Limited							
5		Family owned small port folio of residential and medical rental properties.							

1. Are you responding as:

			Response Percent	Response Total
6		Private Landlord		
7		Private		
8		na		
9		think this is another ridiculous idea!!! it's just another excuse for states of jersey to get more money out of hard working folks!!		
10		Private landlord		
11		N/a		
12		Seymour Hotels of Jersey		
13		Private		

2. Rented dwelling licensing consultation - owners

2. How large is your property portfolio?

						Response Percent	Response Total	
1	1					43.66%	31	
2	2 - 10					45.07%	32	
3	11 - 25					8.45%	6	
4	26 - 50					1.41%	1	
5	51 - 200					0.00%	0	
6	200+					1.41%	1	
Analysis	Mean:	1.73	Std. Deviation:	0.86	Satisfaction Rate:	14.65	answered	71
	Variance:	0.73	Std. Error:	0.1			skipped	3

3. Why type of property do you rent out (tick all that apply)

						Response Percent	Response Total	
1	Flat					72.86%	51	
2	House (detached, terraced, semi-detached etc)					45.71%	32	
3	Lodging house					5.71%	4	
4	House of multiple occupation (as defined by the Fire Service)					10.00%	7	
5	Other					4.29%	3	
Analysis	Mean:	2.43	Std. Deviation:	1.46	Satisfaction Rate:	26.07	answered	70
	Variance:	2.12	Std. Error:	0.17			skipped	4

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

						Response Percent	Response Total	
1	Fire service					58.62%	17	
2	Population office					48.28%	14	
3	UK licensing scheme					3.45%	1	
4	Other (please specify):					17.24%	5	
Analysis	Mean:	2.34	Std. Deviation:	1.27	Satisfaction Rate:	35.63	answered	29
	Variance:	1.6	Std. Error:	0.24			skipped	45

Other (please specify): (5)

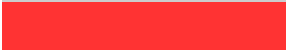


1	20/06/2019 11:30 AM ID: 120043283	No
2	24/06/2019 14:30 PM ID: 120320532	No
3	25/06/2019 12:26 PM ID: 120429293	nil

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

			Response Percent	Response Total
4	25/06/2019 15:55 PM ID: 120470945	No		
5	28/06/2019 16:27 PM ID: 120784042	Tourism Law & Lodging House Law		

3. Rented dwelling licensing consultation - owners

5. Would an online application and renewal process help you apply for a licence?

						Response Percent	Response Total	
1	Yes					62.86%	44	
2	No					20.00%	14	
3	I'm not sure					17.14%	12	
Analysis	Mean:	1.54	Std. Deviation:	0.77	Satisfaction Rate:	27.14	answered	70
	Variance:	0.59	Std. Error:	0.09			skipped	4




Comments: (12)

1	31/05/2019 08:48 AM ID: 118074956	It should not be the only means of application. Hard copy written submission should be allowed.
2	31/05/2019 12:01 PM ID: 118101611	Yes if the licenses come in, however, is going to be an additional cost of time to tenants
3	03/06/2019 18:28 PM ID: 118358200	Online and easy is key to successful implementation.
4	08/06/2019 11:05 AM ID: 118953152	Only properties that fail to meet minimum standards or the equivalent in States rental properties should be licensed.
5	24/06/2019 11:38 AM ID: 120303763	I use a managing agent
6	24/06/2019 14:30 PM ID: 120320532	None

5. Would an online application and renewal process help you apply for a licence?

			Response Percent	Response Total
7	25/06/2019 15:55 PM ID: 120470945	no!!		
8	25/06/2019 16:50 PM ID: 120479723	If a licensing scheme is deemed necessary for all rented properties the on-line administration would be needed.		
9	26/06/2019 13:25 PM ID: 120564478	I have absolutely no interest in being licensed. It sounds as if as usual this is a forgone conclusion.		
10	28/06/2019 15:21 PM ID: 120782581	The one property is our first experience as a Landlord and was built new and rented out for the first time in January 2018		
11	28/06/2019 18:30 PM ID: 120800555	this will increase the cost to landlords, as you will charge for a licence, then find that you need more staff to administer this, so licence goes up. rent goes up. what you need to do is listen to the tenants that complain, and jump on it.		
12	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

6. Would you want a company to be able to apply for a licence on your behalf?

						Response Percent	Response Total	
1	Yes					31.43%	22	
2	No					41.43%	29	
3	I'm not sure					27.14%	19	
Analysis	Mean:	1.96	Std. Deviation:	0.76	Satisfaction Rate:	47.86	answered	70
	Variance:	0.58	Std. Error:	0.09			skipped	4




Comments: (10)

1	31/05/2019 08:48 AM ID: 118074956	Not unless the property owner (if a private individual) or the UBO (if owned by a company) is clearly identifiable in respect of any application. Any application made by a company on behalf of an owner must provide transparency regarding ownership and responsibility should regulatory action be required.
2	31/05/2019 12:01 PM ID: 118101611	This will only increase costs further for tenants
3	03/06/2019 18:28 PM ID: 118358200	Personally no, but can imagine it may be useful for some

6. Would you want a company to be able to apply for a licence on your behalf?

			Response Percent	Response Total
4	11/06/2019 23:27 PM ID: 119266284	On the understanding that on cannot outsource responsibility.		
5	12/06/2019 07:57 AM ID: 119275514	I would rather apply for myself to ensure that all licences are in date and monitored		
6	24/06/2019 14:30 PM ID: 120320532	None		
7	24/06/2019 20:48 PM ID: 120365563	An estate agent manages my rental property and I suppose it would be good to have the possibility for that company to apply on my behalf.		
8	25/06/2019 15:55 PM ID: 120470945	Definitely not!		
9	25/06/2019 16:50 PM ID: 120479723	Definitely not as this would only add to the costs		
10	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

						Response Percent	Response Total	
1	Yes					60.87%	42	
2	No					24.64%	17	
3	I'm not sure					14.49%	10	
Analysis	Mean:	1.54	Std. Deviation:	0.73	Satisfaction Rate:	26.81	answered	69
	Variance:	0.54	Std. Error:	0.09			skipped	5
Comments: (20)								
1	31/05/2019 08:48 AM ID: 118074956	If rent-safe provides accreditation, why not just make accreditation compulsory and obviate the need for an additional layer of regulation as is being proposed. Why should properties already accredited under the rent safe scheme need to register under the proposed scheme as well?						

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

			Response Percent	Response Total
2	31/05/2019 12:01 PM ID: 118101611	I can't understand why lodging houses are exempt. They are exactly the type of accommodation that this scheme should be monitoring. In the other sectors, this cost is only going to be passed onto the tenant through increased rents.		
3	03/06/2019 10:04 AM ID: 118285963	Rent safe only inspects a proportion of properties.		
4	11/06/2019 12:25 PM ID: 119196827	I am a Rent Safe accrediting Landlord		
5	12/06/2019 07:57 AM ID: 119275514	Not all landlords are registered with rent safe and those that do should have a preferable rate as it shows they are wanting their properties to be of a good standard		
6	12/06/2019 09:49 AM ID: 119286521	I have answered yes but I think the licensing should be 100% FREE as we are already spending a lot of money keeping our dwellings up to standard and already paying for fire license and electrical surveys ,... If you are trying to 'Catch' all rogue landlords as it was presented yesterday by [REDACTED], you won't achieve that by charging the decent landlords. Charging us is seen and felt as another taxing ploy. You need private landlords in the market and taxing them over and over again and making the regulations tighter will only push them to sell and the market will lose valuable rented dwellings (not every tenant wishes to own, some are very happy like that: I have a lot of tenants who have been there for over 15 years and they never intended to buy in the first place)		
7	12/06/2019 16:49 PM ID: 119345343	As it is the States who wish this introduction I would not be willing to pay at all.		
8	18/06/2019 11:37 AM ID: 119815753	There should be no fees at all		
9	22/06/2019 17:55 PM ID: 120223398	Do Rent Safe properties get inspected on a yearly basis to make sure that they still comply? Do the owners of Rent Safe properties have to pay an annual fee to remain 'accredited'? If there is a fee, does that fee plus the proposed reduced annual licence fee equal the proposed annual licence fee for a property that has not applied to be Rent Safe?		
10	24/06/2019 11:38 AM ID: 120303763	Yes		
11	24/06/2019 14:30 PM ID: 120320532	None		
12	24/06/2019 20:48 PM ID: 120365563	Don't understand what Rent Safe is and if that applies to my property.		
13	25/06/2019 12:26 PM ID: 120429293	I don't accept that only rent safe properties should be discounted. My property is at the top end of market as in its condition any problems are immediately fixed. I for example do not have an electrician check my own house regularly so cannot		



7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

			Response Percent	Response Total
		understand why thy this is a requirement for a rental property as you do not state what you can by regularly (every 5 years or 10 or 6 months ??:)		
14	26/06/2019 13:25 PM ID: 120564478	There should be no fees. You have quite obvious decided this disgraceful intrusion is going to happen.		
15	26/06/2019 22:35 PM ID: 120621691	Rent safe is not the perfect solution it is purported to be which means some properties will lose out because of the rent save failings.		
16	27/06/2019 10:52 AM ID: 120644492	This whole process is over regulation in a market that is driven by the high standards tenants already demand. There may be sub standard properties in Jersey and they must be removed from the market. There are plenty of avenues aggrieved tenants can access should they wish to highlight poor living accommodation. I recently rented my one bedroom flat to two lovely people who had been living in a property for three years because they were paying very cheap rent at £630pcm with parking. With an unrealistic rent increase requested by the landlord, who gave them limited privacy and restricted the use of hot water, they decided to move. This property was self contained and attached to the back of a his private home. Very often this is where the issues lie not with genuine landlords who are providing good accommodation for long term tenants. They had a choice, they are intelligent people with good jobs, they are thrilled with their new home. Make the rent safe scheme a necessary requirement before implementing higher costs with yet another regulation. The schemes are in place already, the condition report and the rent safe scheme. Why is there need for more?		
17	27/06/2019 11:54 AM ID: 120664321	I've been renting to the same person for years and haven't had to use Rentsafe. I don't see why I should be penalised.		
18	27/06/2019 22:24 PM ID: 120724449	All of this over regulation and increased expense will simple make landlords give up and sell. There will be little property left to rent and rental prices will go up further. Lot's more states jobs will be required to regulate this. Buy the time you have paid them and their pensions you will just lose money.		
19	28/06/2019 18:30 PM ID: 120800555	any increase in fees equals increase in rent.		
20	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

			Response Percent	Response Total
1	Yes		44.93%	31

8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

						Response Percent	Response Total	
2	No					37.68%	26	
3	I'm not sure					17.39%	12	
Analysis	Mean:	1.72	Std. Deviation:	0.74	Satisfaction Rate:	36.23	answered	69
	Variance:	0.55	Std. Error:	0.09			skipped	5




Comments: (17)

1	31/05/2019 08:48 AM ID: 118074956	I don't see the rationale for this. It would just encourage landlords of lower quality or substandard accommodation to apply early to keep themselves off the radar, for a year at least.
2	31/05/2019 12:01 PM ID: 118101611	What's the point of automatically granting them, should be inspected if that is going to be the rules
3	31/05/2019 13:05 PM ID: 118110705	This appears to be a revenue raising exercise and does not protect the tenants as outlined from the outset. All properties should be subject to an inspection prior to being registered and the department needs to ensure it has appropriate staffing to handle the influx of initial registrations that will be required. It is unacceptable to bring in a licence arrangement if you cannot meet the immediate demands. The fire service fell foul of this when they brought in their licencing and it impacted landlords massively.
4	07/06/2019 20:27 PM ID: 118803441	No, as they mightn't meet basic standards or rent safe guidelines.
5	11/06/2019 23:27 PM ID: 119266284	In order to get the scheme established yes. There should however be inspections held in a reasonable period.
6	12/06/2019 09:49 AM ID: 119286521	Rent safe does a great job already, would you want them inspected again?
7	12/06/2019 16:49 PM ID: 119345343	The question doesn't make any sense, If the property is sub-standard the landlord wouldn't need to be inspected if an application is made this year? where's the sense in that.
8	22/06/2019 17:55 PM ID: 120223398	There are not enough people available to inspect all the rental properties in Jersey, you are going to have to employ a lot of extra staff. What happens to all the sitting tenants who are living in perfectly acceptable accommodation if no one is allowed to rent a property before an inspection has been carried out? Also, how many times will an inspector have to visit a property if in the first instance there are minor improvements required?
9	24/06/2019 13:33 PM ID: 120321408	I think every rental property should be inspected and then granted a licence if appropriate.


8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

			Response Percent	Response Total
10	24/06/2019 14:30 PM ID: 120320532	None		
11	24/06/2019 20:48 PM ID: 120365563	It doesn't mean just because you apply early your property is clean and safe!		
12	25/06/2019 12:26 PM ID: 120429293	I am more than happy for an inspection. A £200 pa charge however is outrageous and cannot be justified. Perhaps an initial charge of £100 to register and then a £10 annual fee could be justified where the properties are deemed way above minimum.		
13	26/06/2019 13:25 PM ID: 120564478	There you go again already decided.		
14	26/06/2019 22:35 PM ID: 120621691	This proposal is flawed and is being assumed as a one size fits all solution.		
15	27/06/2019 10:52 AM ID: 120644492	This question implies that despite asking for landlords and managing agents view and comments there is absolutely no hope of changing the structure or timing of this regulation. It is targeted at private landlords and the condition report, which is legally required, has been a great start at ensuring any tenants are happy with the property as they move in and landlords are happy when they move out. The deposit is kept offshore and can only be accessed when each party is happy. I would have thought with the condition report it would be advantageous to approach the UK company that holds the deposits to see how many disputes are managed and on which side the fault lies before implementing further costly regulation.		
16	28/06/2019 18:30 PM ID: 120800555	that's a contradiction of purpose.		
17	29/06/2019 11:02 AM ID: 120828833	Licensing should not be introduced		

9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
1	An annual inspection of every property		7.35%	5
2	On a risk basis		27.94%	19
3	Through tenant complaints only		48.53%	33

9. How should Environmental Health manage property inspections?

							Response Percent	Response Total
4	Other (please specify):						16.18%	11
Analysis	Mean:	2.74	Std. Deviation:	0.82	Satisfaction Rate:	57.84	answered	68
	Variance:	0.67	Std. Error:	0.1			skipped	6

Other (please specify): (11)

1	10/06/2019 17:33 PM ID: 119122398	And tenants complaints.
2	11/06/2019 12:25 PM ID: 119196827	An application inspection and then an inspection every 3 years. As a property can only go really badly in 3 years if already substandard. If up to grade at the beginning to be granted a licence then it should be practical to warrant an annual inspection
3	11/06/2019 23:27 PM ID: 119266284	Risk based taking account of tenant complaints and the time between inspections. No property should go uninspected for a lengthy period. The regime should be able to come up with standard times as examples present themselves. Suspect landlords should be subject to very regular inspections.
4	12/06/2019 11:28 AM ID: 119301738	
5	17/06/2019 16:38 PM ID: 119743901	Also through recognised agents who manage properties on our behalf
6	17/06/2019 17:08 PM ID: 119747257	
7	20/06/2019 19:01 PM ID: 120094573	An initial inspection followed by an inspection every 3 years
8	22/06/2019 17:55 PM ID: 120223398	Through complaints by both tenants and other people, eg neighbours
9	24/06/2019 20:48 PM ID: 120365563	Maybe a graded system on the age and condition of individual properties.
10	24/06/2019 20:53 PM ID: 120370970	By enforcing completion of Condition Reports and keep a log of those. If a tenant is not happy with a condition of accommodation this will be easy to target.
11	25/06/2019 11:40 AM ID: 120419395	If a tenant complains then the landlord must have the same rights to complain about a tenant

Comments: (22)

1	31/05/2019 08:48 AM ID: 118074956	If a licencing scheme was introduced, My view is that it is unlikely that Environmental Health will have the resources to provide a reactive service to complaints let alone a proactive service of annual or even risk-based inspections.
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9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
		If they were to increase resources to provide a proactive service it would require additional staff and therefore additional cost. Regulation will be funded by the licensees. landlord costs would rise, rents would rise to cove these costs.		
2	31/05/2019 12:01 PM ID: 118101611	No licenses required but inspections should a tenant complain		
3	31/05/2019 18:42 PM ID: 118149686	I		
4	03/06/2019 09:01 AM ID: 118276469	The majority of landlords are conscientious. To inspect every property would require a large and disproportionate number of States employee time at the expenses of the taxpayer. The innocent should not have to pay for the sins of the guilty.		
5	03/06/2019 18:28 PM ID: 118358200	Using data available from various SOJ departments to identify high risk of low quality, and using mechanisms such as opportunities to ask tenants through other channels they are already interacting with (eg income support) to give feedback would make sense. I wouldn't have an issue with my property being inspected but it is high quality and wouldn't be the best use of resources. My tenants would say the same I'm sure, so making it easy for tenants to give feedback by an online form etc (maybe linked to current GOJ feedback form) would help give an idea of random/sampled checks rather than just the obvious suspects.		
6	11/06/2019 23:27 PM ID: 119266284	The suggested sanctions appear toothless and worth the risk to the unscrupulous. The [REDACTED] comments are quite frankly laughable.		
7	12/06/2019 07:57 AM ID: 119275514	I don't think all buildings need to be inspected on an annual basis, I think risk basis or through complaints		
8	12/06/2019 09:49 AM ID: 119286521	Maybe the first time on application then through complaints by tenants or neighbours		
9	12/06/2019 11:28 AM ID: 119301738	I do not agree with the scheme and the cost of the bureaucracy to implement		
10	12/06/2019 16:49 PM ID: 119345343	An annual inspection of every property annually would be a very costly exercise. If that cost is charged each year, you can be sure rents will go up accordingly.		
11	18/06/2019 11:37 AM ID: 119815753	If any of my tenants made a complaint, I'd be more than happy for an inspection to take place. Surely you know who the bad landlords are because of the complaints that you've received. The expression 'a sledgehammer to crack a walnut' springs to mind.		
12	24/06/2019 11:38 AM ID: 120303763	All Landlords should have to use an independent accredited managing agent who can manage and monitor the properties. If they unable to get the landlord to address any problems/complaints then they should be able to call in the Environmental Health to inspect and issue an order to correct at a charge to the landlord. Any agent who did not perform would loose their accreditation.		

9. How should Environmental Health manage property inspections?

			Response Percent	Response Total
13	24/06/2019 14:30 PM ID: 120320532	None		
14	24/06/2019 20:48 PM ID: 120365563	My rented property isn't four years old yet and well maintained and regularly visited by my agent so I don't necessarily think one system applies to all properties. A tiered system relating to certain factors seems more appropriate.		
15	25/06/2019 11:40 AM ID: 120419395	An annual inspection is just creating more jobs for an already overpopulated island		
16	25/06/2019 12:26 PM ID: 120429293	If this scheme is to identify those properties/landlords theatre below par as it purports to be then it is extremely inequitable and discriminatory to penalise the majority		
17	25/06/2019 15:55 PM ID: 120470945	Not every property has a problem!!!		
18	26/06/2019 13:25 PM ID: 120564478	It would be quite nice if you had actually thought this through. I have spent a huge amount of money on my property. It was my home for nearly 30 years, I couldn't afford then to make it as comfortable as it is now. My tenant is very happy, think of them if you want someone in your house you invite them in. You do not want officials poking around in what is your private space.		
19	26/06/2019 22:35 PM ID: 120621691	This is a difficult question and is an example of how this proposal is placing all landlords in the same bucket of having poor quality properties, etc.		
20	27/06/2019 10:52 AM ID: 120644492	If through tenants complaints, why is there any need to over regulate the rental market? Tenants can complain through many channels along with social media. I personally find that after years of good relations with my tenants that there has become an unhealthy distrust until they settle in and realise we are available for any unforeseen repairs and leave them to enjoy their new home.		
21	28/06/2019 16:27 PM ID: 120784042	Fees should be proportionate to risk		
22	29/06/2019 11:02 AM ID: 120828833	Is the current legislation ineffective.?		

4. Rented dwelling licensing consultation - tenants

10. What sort of accommodation do you currently live in?

			Response Percent	Response Total
1	Flat		0.00%	0

10. What sort of accommodation do you currently live in?

		Response Percent	Response Total
2	House (detached, terraced, semi-detached etc)	0.00%	0
3	Lodging house	0.00%	0
4	House of multiple occupation (as defined by the Fire Service)	0.00%	0
5	Other	0.00%	0
		answered	0
		skipped	74

11. Have you lived in what you consider to be poor housing?

		Response Percent	Response Total
1	Yes	0.00%	0
2	No	0.00%	0
		answered	0
		skipped	74

5. Rented dwelling licensing consultation

12. You can read licensing proposal here:

	Comment	Response Total
Are there elements that you particularly support	100.0% (39)	39
Are there elements that you particularly oppose	100.0% (48)	48

12. You can read licensing proposal here:

	Comment	Response Total
Are there elements that you think are missing	100.0% (27)	27
Should there be exemptions for certain rental properties (please explain)	100.0% (33)	33
	answered	53
	skipped	21

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	57
1	31/05/2019 08:48 AM ID: 118074956		Added regulation will mean added cost to those being regulated. You only have to look at the Information Commissioner's proposal for fee increases for Data Protection registration to see this in action. Added cost to the landlord will be passed on to tenants. The higher the regulatory bar is raised - reactive vs proactive - whether risk based or mandatory inspections, the greater the cost passed on to the landlord and comensurately it will further inflate rents in an already stressed environment, where investors, especially in new properties, seek to receive a market return on their investment.
2	31/05/2019 09:33 AM ID: 118081050		With the numerous UK TV programs that show rogue landlords and rogue tenants still operating in a more regulated environment than Jersey I really don't see what this will achieve other than increased costs that will be passed on to tenants. That is not in anyone's interest. Please just encourage tenants to be more vocal about unacceptable conditions.
3	31/05/2019 16:38 PM ID: 118138879		As a landlord I take the maintenance and condition of my property very seriously. The trouble is a few landlords don't and this gives everyone a bad name. I put up my rent this year for the first time in 3 years. I only did this as the service charges went up for the 2nd time in 3 years.
4	31/05/2019 18:42 PM ID: 118149686		I let accommodation for approximately 18 years. I received no complaints from any tenants. I never once refused or delayed payment of any returnable deposit. I believe this is purely about generating 'business' or perhaps, justifying employment of future, additional civil servants. Unless standards have seriously declined in the last 20 years, the accommodation in Jersey is generally not as bad as the public are led to believe. The few unsafe and sub standard premises are usually the ones that 'make the headlines'. Until recently, I visited several hundred rented premises & I'd estimate under half a percent required 'urgent' work undertaken to allow continued habitation. A large number of premises are damaged by tenants not airing the premises & drying laundry indoors which naturally culminates in unsightly & unhealthy living conditions.

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		I do not let any premises, therefore, have no vested interest but do feel that more & more red tape is being stacked against the landlord whom, incidentally, generates money for our Island.		
5	01/06/2019 23:32 PM ID: 118221883	The rental accommodation market is an open market. If you don't like somewhere you don't have to live there. It is your choice where to live. No one makes you live in a rented accommodation. Therefore market conditions prevail and this legislation is totally unnecessary for which the costs will only be passed onto the tenant. Totally unnecessary. I take pride as a landlord with all my properties. This feels like a financial punishment for doing nothing wrong.		
6	03/06/2019 09:01 AM ID: 118276469	I distrust the intentions of the Housing Minister. He appears to favour the interests of tenants and has no regard for landlords. Housing policy should not become an extension of class warfare. There is a real risk of mission creep toward rent controls and one-sided security of tenure legislation.		
7	03/06/2019 10:04 AM ID: 118285963	Fees should be circa 15% of monthly rental value as per lease at time of inspection/application. Proposed fees are excessive for bedsits and generous to larger dwellings.		
8	03/06/2019 18:28 PM ID: 118358200	The link to licensing proposals didn't work so I haven't read in detail.		
9	04/06/2019 16:56 PM ID: 118457879	The introduction of fees for Landlords will inevitably increase rentals for tenants and affect the supply of decent letting properties. The introduction of the minimum standards has already caused costs in respect of newly signed off properties which have to have an electrical safety inspection.		
10	07/06/2019 16:08 PM ID: 118776769	The rental property market is well regulated already. My deposit scheme involves property inspections and a condition report linked to a lease agreement. Because of the numbers accommodated, Lodging houses are already annually inspected and are fire certified. This proposed licence scheme will lead to fewer rental properties being made available, deter investment into rent property, pushing up rents and reducing rental stock. It would be much better to band Bad Landlords from renting properties out , until they had made improvements to bring their properties up to an acceptable level. There should also be a register of Bad Tenants. Leaving the good tenants and landlords free for state interference. This proposed licensing punishes all the good and decent local landlords. If this license schedule is made in to Law, I and a number of private landlords will be selling our properties and make alternative investments. Please acknowledge my comments, Kind regards [REDACTED]		
11	08/06/2019 11:05 AM ID: 118953152	This proposed new law depreciates the many high value and top private rental sector properties that are a credit to Jersey. They are not the problem. Instead a law should be enabled to regulate the poor conditions sometimes suffered by tenants in low value rental properties with commercial multi unit landlords. This proposed law is too broad a brush and whilst we all share the wish that standards are met, penalizing private owners of high quality rental properties with big brother regulation because of the publicity surrounding poor conditions in mainly St Helier, is not the way forward.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
12	10/06/2019 17:32 PM ID: 119121799	Having lived in (unsafe) flats as a student in London, ensuring safe good standard rental accommodation is essential. This is particularly important for Jersey and the well-being of the many children who live in flats. How can we address the welfare of children while disregarding their living conditions? No half decent landlord would object to the scheme proposed. The only problem is that this has not happened earlier. At last a truly positive initiative from our "new" government.		
13	10/06/2019 17:33 PM ID: 119122398	Everyone should be as safe as they can be in their home....especially children,and the vulnerable.more resources to department...it will be ahead of many jurisdictions,will alleviate many social and health problems...it will be the most positive achievement in this Gove term with far reaching effects...don't let a few vociferous rogue landlords who don't reflect our views damage the safety of people for one pound a week.		
14	10/06/2019 20:31 PM ID: 119140200	There is no definition to what social housing is. i would suggest that there some units of accommodation that are paid for by income support in the private sector in this case they should be exempt if you have housing trust which are classed as social housing then they all need to be charged. how is social housing identified and what happens when it changes part way through the year.		
15	11/06/2019 12:25 PM ID: 119196827	Worries by the cost as the cost just seem to be escalating. le fire certs, electrician testing, pat testing, ect ect		
16	11/06/2019 23:27 PM ID: 119266284	The sanctions are light. The registration and renewal of a lease should incur a landlord cost which must be illegal to pass on to the tenant.		
17	12/06/2019 07:57 AM ID: 119275514	I believe that the licencing is a good thing as it will sift out the bad landlords and help us agents in the long run. We do not want to be renting out bad accommodation or having to have confrontations with landlords to ask them to make changes. It will also make me sleep better at night knowing that the tenants I have housed are in a good standard of accommodation.		
18	12/06/2019 09:10 AM ID: 119281068	The introduction of such a scheme in the format described by [REDACTED] (11/06/19) is total over kill. I do not know of any other jurisdiction that has introduced a scheme that requires every rental property to be inspected annually. Very expensive for tenant and landlord. I do believe that there is a need for a process that allows for tenants with problems to complain to a responsible body that takes action.		
19	12/06/2019 09:49 AM ID: 119286521	Please see previous comment. I am not opposed to being on a landlords list (I am already on Parish rates' list) but I am very strongly opposed to the fee and don't think it should be down to either myself nor my tenant to pay for it. They have always been happy tenants and don't need to be charged more. I really hope you listen to our comments and do something about the bad landlords and leave the good ones aside. You have helped the tenants already a great deal by imposing the leases and schedules of conditions (which I was already doing), the MyDeposits scheme (which wasn't needed for 90% of landlords/tenants), the rent safe scheme including the 5 year electrical inspection (which should be a suggestion, not an obligation), and others I can't think of just now... FOCUS ON		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		THE BAD GUYS AND MAYBE HAVE AN ANONYMOUS REPORTING PHONE LINE FOR POSTIES, TENANTS, VISITORS TO REPORT THE UNSAFE PLACES		
20	12/06/2019 11:28 AM ID: 119301738	Scrap this ridiculous over regulation		
21	12/06/2019 16:49 PM ID: 119345343	<p>I am part owner of a modest house which was divided into 2 flats in 1975. It was bought for my parents to retire to having lived in rented accommodation all their married life as a home with an income. They've both gone now and my family let the 2 flats.</p> <p>I would like to know why their doesn't appear to be any legislation covering bad tenants?</p> <p>Having seen fairly awful pictures of homes with damp walls on the JEP. I question how they got like that? It appears you always blame the landlord. When in fact airing your home will, for the most part prevent damp and mould. Added to which who would take on a property in such a condition? Surly it's the occupant who contributes the state of the home they live in</p>		
22	12/06/2019 17:06 PM ID: 119349345	I think some landlords are put off from applying for Rent Safe as they don't want to have their personal details in the public eye. There needs to be more public awareness. Many landlords are still unaware of the Law and more legislation will result in properties being sold instead of rented.		
23	17/06/2019 16:38 PM ID: 119743901	If the aim is to reduce/minimise or get rid of poor properties then this is an expensive and far reaching over reaction.		
24	17/06/2019 17:08 PM ID: 119747257	<p>While I applaud the States' efforts to clamp down on Rogue Landlords, this seems to be an extra tax on every landlord - good or otherwise.</p> <p>I live in UK and rent out an old family property in [REDACTED]. I already pay 20% tax on the rental income - despite the fact that I only come to Jersey once every two years or so - and my visits tend to be very brief. Despite my absence from the island, I keep in regular contact with the tenants, and spend a considerable amount to maintain the property through trusted local tradesmen. For example we recently had an electrical inspection and had some re-wiring done, and a new fuse-board fitted.</p> <p>I don't see why I should be paying more tax on top of what I'm already paying. After all, if I don't use any of the Jersey Public Services, what exactly am I paying the taxes for?</p> <p>Even if I were in the island - every landlord pays tax on their rental income - again, what is this money for if the States are asking for additional money to cover the cost of inspecting rental properties. You are essentially taxing the same income twice - which seems grossly unfair.</p>		
25	18/06/2019 11:37 AM ID: 119815753	I've been a landlord for well over 30 years now and I've never had any tenant complain - either to me or the States - about the standard of the accommodation that I provide. Most of my tenants have been with me for at least 10 to 15 years - some well over 20 years. Is this indicative of a bad landlord? The extra bureaucracy and expense won't make me a better landlord. Why do you need to charge? You already know who the bad landlords are - they are the ones that have catalogue of complaints against them from their tenants. Do you really think that by		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		registering me, and making me pay, will help you identify the bad guys? - of course not - you already know who they are. I suspect that this whole exercise is a veil for another stealth tax.		
26	18/06/2019 22:38 PM ID: 119900268	I feel that this is an extra tax on landlords that will ultimate push up rental prices for tenants		
27	19/06/2019 16:32 PM ID: 119978090	Earlier this year I purchased a block flats and am involved in the process achieving of fire Certification amongst other upgrades. I am finding it very difficult to achieve improvements in a timely manner as the local trades are all working flat out, for instance I have been waiting 4 weeks for an emergency lighting price [REDACTED]. I fear this proposed law is not giving enough lead time for landlords to react, given this environment. I for one will struggle to achieve Fire certification in time, least of all because the Fire Officers are also overstretch. I feel an implementation date of January 2021 to be more appropriate and more likely to provide a measured result. I have only just found out that I have missed the consultation event last week! I would also comment that as my properties are at the budget end of the market, the application costs will have to be passed on to the tenant in one form or another		
28	20/06/2019 09:48 AM ID: 120027294	This is an overly complex scheme that is unnecessary and will discourage landlords from renting properties, therefore reducing the number of properties available on the market. It will also increase rental prices, as costs will be passed on. The Rent Safe Scheme is already in place and working, why is it necessary to add an additional layer of bureaucracy and associated costs. This impacts all landlords and tenants as opposed to focusing on those few that need inspecting and monitoring.		
29	20/06/2019 11:30 AM ID: 120043283	I can't see how any of this will protect the tenant or guarantee any standards This is just more red tape & expense. The cost will be passed on to the tenant, the standards will not change. If any tenant is unhappy they can complain (which is the case anyway today) This is another waste of time		
30	20/06/2019 14:34 PM ID: 120067731	Please keep it very simple - the more paperwork, the less likely we will continue renting out the property! I understand the reason for these proposals but fear that this will lead to regulatory creep and therefore less properties on the market.		
31	20/06/2019 19:01 PM ID: 120094573	Yes, agents in Jersey are not insisting on rental Properties complying with existing legal standards. We moved to Jersey in 2016 [REDACTED]. We rented a high value property through one of the major estate agents and it did not have smoke detectors, carbon monoxide detectors and the Electrics were potentially lethal. We know because we ended up buying the property and had to put everything right. I find it disgraceful that the agent rented the property without ensuring these basic things were in place. My cleaner rents a property which is unacceptably damp and the landlord is not providing space heating. For these reasons I think you need a licensing system.		
32	22/06/2019 17:55 PM ID: 120223398	Your statement that these regulations will prevent 'no fault' evictions is wrong, especially in the long term. You state that all properties are going to have to be registered, so at the end of the tenancy of a property that is registered, the Landlord will be equally able to decide not to extend the tenancy to an existing tenant and as the property is registered, he will be able to rent the property to someone else. Are you actually proposing that the Landlord has to explain why		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>there has been a change in tenant?</p> <p>Jersey is already an attractive place to live and work, why else would we have an increase in our population of over 1,000 year after year. The registration of rental properties is not going to change that attractiveness and we don't need to attract even more people, we haven't got enough places for people to live in as it is!</p> <p>I am dismayed at the price some people charge for renting out a property. It is almost impossible for families to afford their rent, particularly those who are 'single parents'; a growing sector, I am afraid to say. All the fees that you are going to charge are just going to be passed on to the tenants, making it even more expensive for them to rent.</p> <p>I am afraid to say that this all feels like a sledgehammer to crack a nut. The amount of bureaucracy you are recommending is making me believe that it would just be easier to sell my properties to local families and therefore remove them from the rental sector completely.</p>		
33	24/06/2019 11:38 AM ID: 120303763	I am nervous of a regular fee as this would push up the rental costs to tenants. If costs can not be passed on then a number of properties would probably come of the market as alternative form of investment would be found with less hassle/red tape. Maybe this is what the States of Jersey want to avoid so many individuals to monitor.		
34	24/06/2019 13:22 PM ID: 120315229	Increasing legislation against landlords is leading to many good properties, managed by considerate landlords, being withdrawn from the rental market.		
35	24/06/2019 13:33 PM ID: 120321408	By licensing properties to rent it would weed out the bad ones. If you have nothing to hide you will be happy to have your property inspected.		
36	24/06/2019 14:30 PM ID: 120320532	Increasing legislation against landlords is leading to many good properties being withdrawn from the rental market		
37	24/06/2019 20:53 PM ID: 120370970	Adding complexity will frustrate landlords. My Deposits is a great service, enforce Condition Reports, this will identify "cowboy landlords" and make them work for the licence. I think anyone to does everything by the book should be rewarded, not punished.		
38	25/06/2019 11:40 AM ID: 120419395	This proposal is far too much in favour of the tenant and must also give landlords equivalent rights. The proposed fees are far too high. I would have to pay £200 each year, which will just be added to the rent thus increasing housing costs, for what? An annual inspection which is likely to take how long? These prices seem to me to be competing with lawyers as to who is the most expensive.		
39	25/06/2019 12:26 PM ID: 120429293	Go Back to the drawing board and come up with a fair scheme that identifies the few bad landlords and substandard properties without ostracising the entire market and lets face it voters		
40	25/06/2019 13:18 PM ID: 120438426	This is simply a continuation of the States gradual interfering in everyones lives with the resulting increased number of Civil Servants (presumably mostly from the UK ion at all possible). Why can minimum standards not be set and investigated (by a local with appropriate training) when a tenant complains.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		Also, please would you advise where the register of tenants will be held so that prospective landlords can research, and register, nightmare tenants?		
41	25/06/2019 15:55 PM ID: 120470945	<p>Why should hard working people be charged to rent out there properties!!</p> <p>I think this is disgusting and so typical of states of jersey coming up with all these same ideas of having licenses on everything targeted all at people who own there own properties.</p>		
42	25/06/2019 16:50 PM ID: 120479723	<p>My wife and I are landlords of one rental property. We maintain the property whenever an issue is raised by the tenant, and in some cases without issue, as it is to our advantage to keep the property well painted and free of defects. Indeed a portion of the rent is held back every month for maintenance.</p> <p>This licensing proposal, as regards our property, will only add to our costs, which may have to be passed on to the tenant. In our case it is not needed and I am sure this applies to the vast majority of private landlords with single properties. I would suggest an exemption is made for us.</p>		
43	26/06/2019 13:25 PM ID: 120564478	This is an interfering, nanny state nightmare. Just another stealth tax.		
44	26/06/2019 22:35 PM ID: 120621691	<p>This is simply going to increase rents for tenants. Whilst there are some poor quality rental properties this is often matched by the price.</p> <p>For decent accommodation this benefits nobody, however at 250 cost on a £1000 a month property it will put the rent up by 2%.</p> <p>The rent safe scheme is flawed as again the requirement for electrical and gas checks will push up rent costs. Most domestic properties never have electrical checks, and the problems caused in recent cares are often through tenants using multiple extension leads, foreign adaptors etc which the landlord had no control over.</p> <p>There is a large problem with managing agents who do little to serve tenants or landlords but no longer have any regulation.</p> <p>The mydeposits scheme has caused many problems. My experience showed they did not know Jersey legislation, failed to accept Jersey labour prices in quotations and did not accept breaches of contract (smoking in property plus painting walls without permission both clearly detailed in the contract). The only other recourse they offer is based on the UK system not available in Jersey.</p> <p>Finally the time now required for a tenant to obtain their deposit is restrictive. In the case of a long term tenant I have viewed it better to defer their last months rent in order that they can afford to move to a larger property then wait for the mydeposits repayment.</p>		
45	27/06/2019 09:08 AM ID: 120639501	We appear to be using a sledgehammer to crack a nut. You know which rental properties and which landlords are the dodgy ones. The ones that exploit their tenants. You should focus on them. The landlords who maintain their properties properly should be given extended licences so that they don't have to fork out more money for a new licence annually.		
46	27/06/2019 10:52 AM ID: 120644492	The proposal has been drafted, is ready to go and there is no chance of changing or altering what has been decided. Of course, housing must be safe for people, I don't doubt that and we, as landlords, conscientiously maintain our properties to a good to high standard, keep our rents below market value to encourage longer tenancy, service all appliances as legally required, follow health and safety		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>regulations, repair and decorate when tenants leave. Our older property has limitations which have to be accepted. Despite what the media wishes to portray there are decent people doing a decent job and this charge is an unfair regulation for the many to weed out the few. I particularly object to the photographs used both in the JEP and the consumer council leaflet which shows a photograph of a beautiful kitchen made to look like a dump! What is this trying to imply? There has been a campaign to discredit landlords in Jersey over the last few years which has not been fair or useful to the relationship between landlord or tenant and which is why many landlords choose to use management companies which take a months rent for the service. Everyone seems to want their chunk which has pushed rents higher. Better to look at the photos of property's to rent on Jersey Insight or the Facebook sights which is a far fairer example of the quality available in Jersey today where standards have been racing upwards for many years and for which this regulation is an unnecessary expense for all except the new manager drafted in from the UK to manage the process.</p> <p>We have had no complaints from any tenant, on the contrary they are pleased with the service we provide.</p> <p>This charge will be the catalyst that causes long term landlords of more modest properties at lower rents, with a small portfolio to sell. Perhaps that is what the States wish to happen but where the people will live is another matter to be considered.</p>		
47	27/06/2019 16:48 PM ID: 120701275	I feel that this proposal is a drain on the government and an unnecessary waste of public money. Are you expecting landlords to pay for a licence? If so, this could result in a rise in rent for the tenant. - as why should the landlord pay. If it isn't broken why fix it? this is a waste of public money.		
48	27/06/2019 22:26 PM ID: 120675191	<p>This is more bias against landlords ... more administration, more work and more cost for them, and the tax payer all under the guise of health and safety. A landlord takes a lot of risk with high value properties that they've often worked hard to get, but tenants take very few risks and can leave pretty much if and when they want. For a landlord it's very difficult indeed to get rid of a bad tenant who doesn't pay the rent because he says there's a problem, then leaves accommodation filthy and mouldy because it's never been cleaned or aired. It's a lot of work to try and vet potential tenants, what could make it fairer is an equivalent registration for tenants (including a reviews system) so that a bad tenant can't just move from one landlord to the next hiding their history. AirBnB has a 2 way review system and I'd be happy with that. How about LetSafe for landlords as tenants have RentSafe I don't mind as long as both are compulsory. It infuriates me when I see pictures and hear reports in the media of poor filthy broken rented accommodation full of rubbish etc where the landlords are blamed when it's obvious to me that the tenants that have done it.</p> <p>Continuous over regulation will inevitably reduce the amount of private rental properties available as landlords invest elsewhere leaving The States needing to supply more housing at considerable cost to the tax payer and more regulation will probably lead to other unforeseen side effects.</p>		
49	28/06/2019 14:49 PM ID: 120779684	Over legislation always does more harm than good in the long term, and can have unexpected consequences.		
50	28/06/2019 14:52 PM ID: 120780700	The extra staffing you'll need to run this scheme will far outweigh the income you'll get and as usual the rest will have to be funded by the tax payer, if the costs to the landlord keep increasing then the number of rental properties available will go down as landlords can't be bothered any more and leave money in the bank or invest it elsewhere.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
51	28/06/2019 15:21 PM ID: 120782581	Any property less than five years of age and which complied fully with the Building Act at construction completion should not be liable to a licence fee.		
52	28/06/2019 16:27 PM ID: 120784042	<p>Due to minimum wage legislation some accommodation providers are limited to what rents they are able to charge and this should be taken into consideration when licence fees are being set.</p> <p>In addition the fee levels should be set some 12-18 months in advance in order to allow businesses to prepare.</p> <p>Due to the wide range of circumstances the law is understandably not prescriptive however this means that individual inspector's interpretation can vary. As such written guidance by property category should be consulted upon and then issued at an early stage.</p> <p>As a large business and a major employer in a key sector of the Island's economy we are very willing to meet with the Minister to discuss matters further. It should be noted that we fully recognize the ambition of these regulations but are concerned that an over zealous approach may be detrimental to the future success of the sector.</p>		
53	28/06/2019 18:30 PM ID: 120800555	there is a law presumably that covers sub standard and unsafe accommodation. housing must have a list of properties, and there could be inspections of any dubious properties. the fines from these could pay for the cost of inspections. the states are unable to run businesses at a reasonable cost, they should not get involved in adding more cost to another business by imposing licences.		
54	29/06/2019 11:02 AM ID: 120828833	The JLA draft Submission should be taken seriously All known landlords should be written to with a less biased survey. Many landlords are not aware of the proposal or negative implications		
55	29/06/2019 13:31 PM ID: 120834404	I like many other private landlords I know am now seriously considering selling my rental property due to over excessive regulation by the States. My partner has recently sold his rental properties for the same reason. In all the years that we have been landlords neither of us has ever had a single complaint from a tenant! I would urge the States to think long and hard before passing this law.		
56	30/06/2019 23:42 PM ID: 120893754	This is only likely to drive up costs for tenants as landlords will generally have to pass on fees.		
57	01/07/2019 09:55 AM ID: 120911522	<p>1 Another layer of control and costs for Landlords most of which care about tenants ?</p> <p>2Costs of admin and time involved by States department unjustified when matters of serious Island contention remain unaddressed.</p> <p>3Will be a deterrent to Landlords buying thus putting pressure on States to house tenants</p> <p>4Does not take into account UK Landlord tenant act coming which will transfer costs from Tenant to Landlord</p> <p>5Only small number of bad Landlords who could be covered by a small change in letting laws . Again ,wait for New UK act brought in UK 1st June 2019 to arrive in Jersey.</p> <p>6 The result will be increased rents for tenants and fewer Landlords</p> <p>7 Higher rents will in turn hit the Tenant just the people who the proposals are attempting to protect.</p>		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

	Response Percent	Response Total
	answered	57
	skipped	17



Appendix 3 - Rental properties survey results – others




Rented Dwellings Licensing Consultation

1. Rented dwelling licensing consultation

1. Are you responding as:							Response Percent	Response Total	
1	Landlord						0.00%	0	
2	Tenant						0.00%	0	
3	Managing agent						0.00%	0	
4	Letting agent						0.00%	0	
5	Social housing provider						0.00%	0	
6	Winter let provider						0.00%	0	
7	Airbnb provider						0.00%	0	
8	A professional body (please state which one below)						0.00%	0	
9	Government (please state which department / area below)						0.00%	0	
10	Other							100.00%	10
Analysis	Mean:	10	Std. Deviation:	0	Satisfaction Rate:	100	answered	10	
	Variance:	0	Std. Error:	0			skipped	0	
Details of organisation (if applicable) (3)									
1	We sold our rental property in March after 14 years (two tenancies)								
2	Charity - Citizens Advice Jersey								
3	Commissioner for Children and Young People Jersey								

2. Rented dwelling licensing consultation - owners

2. How large is your property portfolio?						Response Percent	Response Total	
1	1					60.00%	3	
2	2 - 10					40.00%	2	
3	11 - 25					0.00%	0	
4	26 - 50					0.00%	0	
5	51 - 200					0.00%	0	
6	200+					0.00%	0	
Analysis	Mean:	1.4	Std. Deviation:	0.49	Satisfaction Rate:	8	answered	5
	Variance:	0.24	Std. Error:	0.22			skipped	5

3. Why type of property do you rent out (tick all that apply)						Response Percent	Response Total	
1	Flat					50.00%	3	
2	House (detached, terraced, semi-detached etc)					33.33%	2	
3	Lodging house					0.00%	0	
4	House of multiple occupation (as defined by the Fire Service)					0.00%	0	
5	Other					50.00%	3	
Analysis	Mean:	3.67	Std. Deviation:	2.32	Satisfaction Rate:	58.33	answered	6
	Variance:	5.37	Std. Error:	0.95			skipped	4

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?



				Response Percent	Response Total			
1	Fire service			0.00%	0			
2	Population office			0.00%	0			
3	UK licensing scheme			0.00%	0			
4	Other (please specify):			100.00%	1			
Analysis	Mean:	4	Std. Deviation:	0	Satisfaction Rate:	100	answered	1
	Variance:	0	Std. Error:	0			skipped	9
Other (please specify): (1)								
1	31/05/2019 14:37 PM ID: 118123070							

3. Rented dwelling licensing consultation - owners




5. Would an online application and renewal process help you apply for a licence?

				Response Percent	Response Total			
1	Yes			42.86%	3			
2	No			57.14%	4			
3	I'm not sure			0.00%	0			
Analysis	Mean:	1.57	Std. Deviation:	0.49	Satisfaction Rate:	28.57	answered	7
	Variance:	0.24	Std. Error:	0.19			skipped	3
Comments: (1)								
1	30/05/2019 18:49 PM ID: 118049141	There should not be any such requirement, it being entirely my decision who and even whether I rent to anyone. This is further unwarranted State interference in people's private property rights.						




6. Would you want a company to be able to apply for a licence on your behalf?

						Response Percent	Response Total		
1	Yes					28.57%	2		
2	No					71.43%	5		
3	I'm not sure					0.00%	0		
Analysis	Mean:	1.71	Std. Deviation:	0.45	Satisfaction Rate:	35.71	answered	7	
	Variance:	0.2	Std. Error:	0.17			skipped	3	
Comments: (1)									
1	30/05/2019 18:49 PM ID: 118049141	See my response at 5 above. There is sufficient overbearing legislation in this area already without the need for further intrusive interference.							

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

						Response Percent	Response Total		
1	Yes					33.33%	2		
2	No					33.33%	2		
3	I'm not sure					33.33%	2		
Analysis	Mean:	2	Std. Deviation:	0.82	Satisfaction Rate:	50	answered	6	
	Variance:	0.67	Std. Error:	0.33			skipped	4	
Comments: (2)									
1	30/05/2019 18:49 PM ID: 118049141	Fees? For what? The States proposes further intrusive bureaucracy and invites property owners to pay for the privilege.							
2	31/05/2019 14:37 PM ID: 118123070	Because they have already taken pro-active steps to comply with the legislation ahead of time.							




8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)

						Response Percent	Response Total	
1	Yes					33.33%	2	
2	No					33.33%	2	
3	I'm not sure					33.33%	2	
Analysis	Mean:	2	Std. Deviation:	0.82	Satisfaction Rate:	50	answered	6
	Variance:	0.67	Std. Error:	0.33			skipped	4

Comments: (3)

1	30/05/2019 18:49 PM ID: 118049141	See my previous responses. The question pre-supposes there will be a licensing scheme, it appears you have already made up your mind and this is a consultation exercise in name only (not uncommon with the States of Jersey of course).
2	31/05/2019 14:37 PM ID: 118123070	Provided an inspection is carried out within the following 12 months, dependant on the risk profile of the accommodation.
3	26/06/2019 13:31 PM ID: 120565901	Otherwise I shall simply remove my property from the rental market.

9. How should Environmental Health manage property inspections?

						Response Percent	Response Total	
1	An annual inspection of every property					0.00%	0	
2	On a risk basis					28.57%	2	
3	Through tenant complaints only					57.14%	4	
4	Other (please specify):					14.29%	1	
Analysis	Mean:	2.86	Std. Deviation:	0.64	Satisfaction Rate:	61.9	answered	7
	Variance:	0.41	Std. Error:	0.24			skipped	3

Other (please specify): (1)

1	31/05/2019 08:34 AM ID: 118073104	Inspection within set time of registration, then risk based basis.
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9. How should Environmental Health manage property inspections?				
			Response Percent	Response Total
Comments: (2)				
1	30/05/2019 18:49 PM ID: 118049141	It is reasonable to inspect where the laws and regulations already in place are breached or are suspected to have been breached. A reasonable report from a tenant is a sufficient trigger for such an inspection but not otherwise, or the States will have the power to enter private property without just cause or because an officer just feels like it.		
2	26/06/2019 13:31 PM ID: 120565901	Quite simply if a tenant complains then yes it should be followed up, however many owners will simply take their properties off the rental market if there is too much interference and cost involved.		

4. Rented dwelling licensing consultation - tenants

10. What sort of accommodation do you currently live in?				
			Response Percent	Response Total
1	Flat		0.00%	0
2	House (detached, terraced, semi-detached etc)		0.00%	0
3	Lodging house		0.00%	0
4	House of multiple occupation (as defined by the Fire Service)		0.00%	0
5	Other		0.00%	0
			answered	0
			skipped	10

11. Have you lived in what you consider to be poor housing?				
			Response Percent	Response Total
1	Yes		0.00%	0

11. Have you lived in what you consider to be poor housing?				
			Response Percent	Response Total
2	No		0.00%	0
			answered	0
			skipped	10

5. Rented dwelling licensing consultation

12. You can read licensing proposal here:			
		Comment	Response Total
Are there elements that you particularly support		100.0% (3)	3
Are there elements that you particularly oppose		100.0% (4)	4
Are there elements that you think are missing		100.0% (3)	3
Should there be exemptions for certain rental properties (please explain)		100.0% (3)	3
		answered	4
		skipped	6

13. Is there anything else you would like to add, or information you want to contribute to the consultation?				
			Response Percent	Response Total
1	Open-Ended Question		100.00%	6
1	30/05/2019 18:49 PM ID: 118049141	My prior comments refer, it is no business of the States of Jersey how, whether, when or who to a private property owner decides to let a property. The already overbearing array of Laws and Regulations are more than sufficient without a further tier of bureaucracy being added to them.		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
2	31/05/2019 08:34 AM ID: 118073104	We sold our "quirky" rental property this year at the end of the lease after following the course of the new law and regulations, facing the issues of ongoing maintenance to a listed property, and the associated high costs. Charging a relatively low rent does not excuse the lack of double glazing, an inadequate heating system, poor insulation, etc - we will buy a modern property if we enter the market again as landlords.		
3	31/05/2019 12:32 PM ID: 118106147	I feel property rented in private estates, should have any restrictions which are in the deeds ie parking and where to park and number of cars allowed, should be made clear to whoever rents a house or flat. And not left to residents to complain giving them stress just because the owner wants to make money at others expense.		
4	24/06/2019 13:34 PM ID: 120319876	<p>Housing is more than just a shelter. UNICEF state 'A home includes a safe and sufficient water supply, safe and accessible sanitation, protection from hazards, free from excessive noise and overcrowding. Health care, education and child care services must be available and accessible within the community.' We know that a decent standard of housing is essential for wellbeing.</p> <p>The right to adequate housing is guaranteed by international human rights law.</p> <p>Article 27 of the United Nations Convention on the Rights of the Child (UNCRC) says that children and young people should be able to live in a way that helps them reach their full physical, mental, spiritual, moral and social potential. 'A child's development cannot be divorced from his or her conditions of living.' For this to happen, children should have access to adequate food and housing. Good nourishment and nutrition are essential for children and young people to reach their full potential, while safe and well-maintained housing is necessary to ensuring their development. The UNCRC states that children have the right to an adequate standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>The Universal Declaration on Human Rights 1948 (UDHR) says that everyone should enjoy a standard of living adequate for the health and wellbeing of themselves and their family, including housing.</p> <p>However, the right to adequate housing does not require the Government to provide housing for all. Government housing law and policy should help realise the right to adequate housing for everyone. This can be through the provision of a range of housing options and also through setting minimum standards for non government provided housing to ensure that the housing is adequate. For example the Government may decide that disadvantaged members of the community should be given priority consideration for housing. For many in Jersey the right to adequate housing is a problem because of the lack of affordable housing, homelessness, insecurity of tenure, poor housing conditions, overcrowding, and a discriminatory housing market which prejudices those living in poverty and those from disadvantaged social groups.</p> <p>In relation to children and housing I would advise that consideration be given to the UNCRC focusing not just on Article 27, but on a range of articles 5-9,18,20,21 and 30 which all contribute to the development of children's social, moral, mental and spiritual development. The UNCRC is indivisible and therefore the provision of adequate housing must go alongside other rights for example access to healthcare, education, income support and childcare. If children are living in isolated areas the Government may need to consider how they will access their other rights for example the right to an education, to relax and play, and to meet with friends and to</p>		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>join groups.</p> <p>The Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 introduces measures to ensure minimum standards of health and safety to be met by rented dwellings and this is welcomed however, there are wider issues to be considered for those children living and growing up on the island and the Government should consider these to ensure the rights of all children in Jersey are promoted and protected.</p>		
5	25/06/2019 15:18 PM ID: 120463917	<p>Introducing blanket legislation is a very blunt tool, is not cost effective and untargeted. The best policing is achieved via intelligence gathering and feedback from the public. The new legislation is counter productive to increasing the quantity of property. Resources should be set on encouraging more private sector owners to release property to the market. More availability equals lower rents and better standards.</p> <p>Finally the very few bad landlords are unlikely to be cooperative and thus unnecessary time will be wasted trying to identify and bring these into line instead of dedicating it to encouraging improvement and a more stock in the majority.</p>		
6	26/06/2019 13:31 PM ID: 120565901	<p>Yes as a pensioner who will soon be moving into a care home with my husband, I am faced with the choice of either spending a few thousand pounds on my property to enter the rental market to fund my care or sell the property. I was intending on renting it out at a below market value in exchange for the tenants completing the necessary work which is mainly cosmetic, i.e. painting & decorating, otherwise I shall be using all my savings which I will need to pay the LTC cap for both of us leaving me the choice of getting a loan to pay it (which will have to be paid back on my death), so whatever happened to people not having to sell their homes is not a reality if you don't have a lot of savings, unless their children want to buy their inheritance.</p>		
			answered	6
			skipped	4

Appendix 4 - Rental properties survey results – tenant responses

Rented Dwellings Licensing Consultation

1. Rented dwelling licensing consultation

1. Are you responding as:						Response Percent	Response Total
1	Landlord					0.00%	0
2	Tenant					100.00%	25
3	Managing agent					0.00%	0
4	Letting agent					0.00%	0
5	Social housing provider					0.00%	0
6	Winter let provider					0.00%	0
7	Airbnb provider					0.00%	0
8	A professional body (please state which one below)					0.00%	0
9	Government (please state which department / area below)					0.00%	0
10	Other					0.00%	0
Analysis		Mean:	2	Std. Deviation:	0	Satisfaction Rate:	11.11
		Variance:	0	Std. Error:	0		
						answered	25
						skipped	0

2. Rented dwelling licensing consultation - owners

2. How large is your property portfolio?						Response Percent	Response Total
1	1					0.00%	0

2. How large is your property portfolio?

		Response Percent	Response Total
2	2 - 10	0.00%	0
3	11 - 25	0.00%	0
4	26 - 50	0.00%	0
5	51 - 200	0.00%	0
6	200+	0.00%	0
		answered	0
		skipped	25

3. Why type of property do you rent out (tick all that apply)

		Response Percent	Response Total
1	Flat	0.00%	0
2	House (detached, terraced, semi-detached etc)	0.00%	0
3	Lodging house	0.00%	0
4	House of multiple occupation (as defined by the Fire Service)	0.00%	0
5	Other	0.00%	0
		answered	0
		skipped	25

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

		Response Percent	Response Total
1	Fire service	0.00%	0

4. Have you experience of licensing in other parts of your rental portfolio (tick all that apply)?

		Response Percent	Response Total
2	Population office	0.00%	0
3	UK licensing scheme	0.00%	0
4	Other (please specify):	0.00%	0
		answered	0
		skipped	25
Other (please specify): (0)			
No answers found.			

3. Rented dwelling licensing consultation - owners

5. Would an online application and renewal process help you apply for a licence?

		Response Percent	Response Total
1	Yes	0.00%	0
2	No	0.00%	0
3	I'm not sure	0.00%	0
		answered	0
		skipped	25

6. Would you want a company to be able to apply for a licence on your behalf?

		Response Percent	Response Total
1	Yes	0.00%	0
2	No	0.00%	0
3	I'm not sure	0.00%	0

6. Would you want a company to be able to apply for a licence on your behalf?

		Response Percent	Response Total
		answered	0
		skipped	25

7. Properties accredited with Rent Safe already meet minimum standards. For that reason, do you agree that Rent Safe properties should be charged reduced fees? (You can read about the proposed fee structure here)

		Response Percent	Response Total
1	Yes	0.00%	0
2	No	0.00%	0
3	I'm not sure	0.00%	0
		answered	0
		skipped	25

8. Do you agree that properties that apply for a licence before 31 January 2020 should be automatically granted a licence without inspection (read the proposal for pre-31 Jan and the proposal for post-31 Jan)



		Response Percent	Response Total
1	Yes	0.00%	0
2	No	0.00%	0
3	I'm not sure	0.00%	0
		answered	0
		skipped	25

9. How should Environmental Health manage property inspections?



			Response Percent	Response Total
1	An annual inspection of every property		0.00%	0
2	On a risk basis		0.00%	0
3	Through tenant complaints only		0.00%	0
4	Other (please specify):		0.00%	0
			answered	0
			skipped	25
Other (please specify): (0)				
No answers found.				

4. Rented dwelling licensing consultation - tenants

10. What sort of accommodation do you currently live in?

						Response Percent	Response Total	
1	Flat					52.00%	13	
2	House (detached, terraced, semi-detached etc)					48.00%	12	
3	Lodging house					0.00%	0	
4	House of multiple occupation (as defined by the Fire Service)					0.00%	0	
5	Other					0.00%	0	
Analysis	Mean:	1.48	Std. Deviation:	0.5	Satisfaction Rate:	12	answered	25
	Variance:	0.25	Std. Error:	0.1			skipped	0

11. Have you lived in what you consider to be poor housing?

						Response Percent	Response Total	
1	Yes					40.00%	10	
2	No					60.00%	15	
Analysis	Mean:	1.6	Std. Deviation:	0.49	Satisfaction Rate:	60	answered	25
	Variance:	0.24	Std. Error:	0.1			skipped	0

Please add any comments which explain your answer (18)

1	31/05/2019 11:59 AM ID: 118102228	Water quality poor Electrical issues Heating problems
2	31/05/2019 12:22 PM ID: 118103568	I have been lucky enough to choose what type of accommodation I live in as I am able to pay half of the rent alongside my partner. However, the "decent" housing that I currently live in has it's problems as well. We have to have 2 dehumidifiers running 24/7 to deal with the mold problem we have in our bathroom, office and bedroom. As our building is a listed building it has single glazed windows which means it becomes so cold in the winter. I don't want to think about the poor people who can't choose where they live and have to live in accommodation that's worse than ours. It can't be good for their mental or physical health.
3	31/05/2019 15:58 PM ID: 118133780	Windows not air tight, poor ventilation in bathroom causing mould, no bins, unsafe/blown out electrical sockets
4	31/05/2019 19:43 PM ID: 118160960	I live in a good home and have an excellent landlord now, but have previously had an awful landlord.
5	31/05/2019 23:00 PM ID: 118172375	Mould and damp , sons clothes in his wardrobe all damp and mouldy too and took good couple of months to come and sort a leak in the roof which was had water coming through
6	03/06/2019 09:18 AM ID: 118276895	<p>Although the landlord was good at allowing simple repairs to be done anything bigger was more of a problem. For years we had water coming into the living room through the roof if the wind blew in the wrong direction. This continued for years even though the landlord had 'sent people to fix it'. There was black mould in every room in the house (not a trickle vent or ventilation brick in site); the bathroom was so damp, (despite an air vent in that room) that I couldn't even keep a face cloth in there as everything got ruined with mould. The seal in the double glazing in the bathroom had gone and this had luminous green mould in it that glowed in the dark. The bathroom probably had the most colourful range of mould in the whole house.</p> <p>The electric immersion heater/water cylinder was outside next to the oil tank with no fire retardant material between them. A few weeks before we left we noticed the plug to the immersion heater had turned brown. When we unplugged it, the socket itself had melted. I am claiming a miracle that there was not an electrical fire - you can imagine what that would have been like as it would have happened right next to the oil tank.</p> <p>I am sure they were not even the worst landlords in Jersey</p>

11. Have you lived in what you consider to be poor housing?

			Response Percent	Response Total
7	12/06/2019 23:26 PM ID: 119379525	Within 4 days of moving into the property we discovered the outer casing of the cooker was live. The electricity constantly tripped after 18 months it was finally discovered that water was running down the electrical terminals of the boiler. For the first 18 months in the property the roof leaked and the windows did not close. We have had 3 prolonged periods of no running water. There were no smoke alarms in the property until March 2019.		
8	12/06/2019 23:55 PM ID: 119380556	I live in a relatively new build apartment.		
9	14/06/2019 03:25 AM ID: 119490372	Though currently living in a flat, seeking a detached house. Poor housing consisted of lacking thermal insulation, failing to be wind and/or water proof, lacking sound insulation (from neighbours' and outside noise). Quality available in Jersey is woeful for the prices demanded by proprietors.		
10	14/06/2019 10:45 AM ID: 119512510	I moved to Jersey around 15 years ago. for many years I had rented unqualified properties and while some of them were nice (and expensive, £850 pcm for a small bedsit) there were a few that were poorly maintained. One had no sink in the bathroom and the only option was to wash in the kitchen sink. Others were full of mould. Others didn't have adequate heating. Unfortunately at the time I wasn't aware of environmental health and just assumed i'd made a bad decision and had to either put up with it or move on, which in most cases I inevitably did. The unqualified rental market is a minefield that is littered with poor properties and uninterested (except when the rent is late) landlords. For there to be a set of minimum standards that will give basic amenities and a basic level of cleanliness to properties is a huge positive step forward for people coming to live on the island. Well done!		
11	20/06/2019 08:18 AM ID: 120018427	While the property is beginning to show its age and is in need of modernising in the next 5 years, it is still a nice property for myself and my children.		
12	20/06/2019 10:23 AM ID: 120033281	If it wasn't the standard I require I would not rent it!		
13	22/06/2019 21:02 PM ID: 120229828	Overall I am very happy with the flat I am living in, and the landlord/landlady (owner) is a kind person. Nevertheless I have two issues with my flat: 1) the nitrate levels in my tap-water exceed the legal limits. I had the water tested at my own expense a few times, and informed the owner of the situation, and they see no reason to remedy the issue. I am since then using bottled water for cooking. This feels like camping in my home. It puts me of cooking. How do you rinse Pasta when you need one hand to hold the sieve and two hands to decant water out of a 5 liter bottle. I also can't afford to throw away bought water, tipping it down the drains. So I sometimes don't wash my vege, eat fewer vege, and more ready meals :(not good. 2) the flat seems to be suffering from some raising damp. Not so much that there would be visible mold on the walls. Though enough to support House Dust Mites (HDM), who eat of skin flakes that have been pre-digestd by mold. I've been living in this flat for 15 years, and whilst I was allergy-free when I moved in, I have since developed a HDM allergy. The owner has provided me with a dehumidifier. (I already had one running in the kitchen). Since I run the second dehumidifier in the		

11. Have you lived in what you consider to be poor housing?

			Response Percent	Response Total
		bedroom, my allergy symptoms have reduced, and my electricity bill has significantly increased.		
14	24/06/2019 14:21 PM ID: 120326983	<p>The property I currently live in is quite reasonable. I should point out that I am a landlord myself, having property in the UK. My previous career has involved me in the private rented sector with ██████████ Council and working in partnership with ██████████ Landlords Association.</p> <p>As an Enforcement Officer I have seen both sides of problems relating to tenants, landlords and their properties.</p> <p>I have to say that a registration system and inspection of privately rented properties on the Island is long overdue. I have seen so many properties here that I would consider to be in serious disrepair, if not unfit for human habitation! I have heard Jerseys landlords saying that it will cause some landlords to leave the business if the scheme is adopted. It is my belief that the Private Sector would be far better off without them. I am constantly amazed with how everything is in the landlords favour. This needs to be addressed to ensure the private rented sector becomes a safe and regulated sector, providing decent standards at fair rates.</p>		
15	24/06/2019 19:14 PM ID: 120363328	Whilst I have lived in less than perfect accommodation with damp etc it has ultimately been a choice over price.		
16	25/06/2019 14:20 PM ID: 120453163	Prior to the flat where I now live, several other living areas were really quite shabby		
17	26/06/2019 22:49 PM ID: 120623282	I've lived in places that require work but the rent has reflected that or the landlord assisted with the work knowing it also benefited the property		
18	27/06/2019 10:17 AM ID: 120648899	Some places I have rented have needed work or had old windows, tired décor, etc however I wouldn't call them poor housing.		

5. Rented dwelling licensing consultation

12. You can read licensing proposal here:

	Comment	Response Total
Are there elements that you particularly support	100.0% (16)	16
Are there elements that you particularly oppose	100.0% (15)	15
Are there elements that you think are missing	100.0% (14)	14

12. You can read licensing proposal here:

	Comment	Response Total
Should there be exemptions for certain rental properties (please explain)	100.0% (15)	15
	answered	19
	skipped	6

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	16
1	31/05/2019 08:29 AM ID: 118073431		For too many years Jersey has failed to regulate both the private rental sector and the social housing rental sector. This resulted in unacceptable living conditions for hundreds of families and the health outcomes have never been fully investigated or indeed considered. This is an appalling indictment on Jersey's Government who have consistently failed to address the crisis in housing amongst the most vulnerable in our society. Landlords have escaped investigation and potential prosecution despite the potential health impacts on the lives of children and adults who have been exposed to the real health risks caused by poor quality housing. This law is needed, robust enforcement must be supported and successful prosecutions met with significant penalties. There is no excuse in the 21st Century for anyone to be housed in a property that does not, at the very least meet 'Decent Housing Standards'. Rent must be set in line with the condition of the property. A 2* property for example should not be rented out at the same average rent for a 5* property and these rents should also be capped. The setting of 90% of Market Rate is totally misleading and unaffordable for the vast majority of those living in both private rental dwellings and social housing. There is no such thing as 'Affordable Housing' for many in Jersey. It is an illusion and a description that should be removed from the public service language. Governments should be judged on how they look after the most vulnerable in our society and there is no other sector where the evidence is overwhelming at our governments total apathy and lack of care. For decades than the Housing Rental Sector has never even figured on the governments list of priorities . Jersey should be ashamed at its appalling lack of care for its residents who over decades have been forced to live in substandard accommodation. Good Quality Housing is a fundamental right and any failure to provide risks impacts on our health service just as those exposed to poor housing suffer the impacts. This legislation is at least 30 years late in coming and we must not wait any longer.
2	31/05/2019 12:22 PM ID: 118103568		I think there should be a dedicated team set up, otherwise this will be too much for the Minister to take on. A dedicated "Licensed Rental Team" should be set up to inspect each property and report back to the Minister for the Minister to then sign off. The application process should allow inspectors to take photos to prove that the accommodation is suitable. Also, it must clearly state whether the license should be displayed in the rented property or not as this could infringe on the tenants want to personalize their home. Individuals must also be given assurance

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		that if they report a rented dwelling as unlicensed there will be no backlash on their part such as being placed on a landlords "blacklist".		
3	31/05/2019 12:24 PM ID: 118105556	I have experience of Landlord and Tenant sector in Wales. When a landlord/agent/management register with Rentsmart Wales there is compulsory training to undergo prior to approval of registration so that the Landlord etc understands their legal obligations. Jersey should consider adopting siimilar provisions for its licensing regime.		
4	03/06/2019 09:18 AM ID: 118276895	There is not a lot of detail about the mechanics of how the scheme would run. However, I believe it is important that the issuing of a licence is for individual properties and not for a landlord. As some landlords have a large portfolios of dwellings, they shouldn't be allowed to 'hide' poorer quality dwellings in amongst those of a better standard. Tenants are in a very powerless position in Jersey - properties are very expensive to rent and can be difficult to find. I believe therefore that in any scheme the responsibility needs to be on the government to declare a property 'habitable' rather than on a tenant to complain that the property is 'uninhabitable'.		
5	12/06/2019 13:27 PM ID: 119319962	I think this will push rental prices up.		
6	12/06/2019 23:26 PM ID: 119379525	The proposed regulations should mirror UK law with annual boiler testing, electrical safety testing, water testing. Tenants should not have to pay full rent for any period during which the landlord does not maintain the property. Persistent non maintenance should constitute a breach of contract by the landlord releasing the tenant from the contract.		
7	12/06/2019 23:55 PM ID: 119380556	Yes. Again, you should really apply to this registered dwellings only or at in the first instance. We know that it is these dwellings which often have the poorest quality standards maintained. implement that as a proof of concept. Don't waste time, and taxpayers money implementing this to properties which are newly built and obviously therefore built to high standards and maintained to already high standards.		
8	13/06/2019 20:59 PM ID: 119476567	Agree that landlords need to be charged. Proper regulation costs money and landlords should pay as they make a fortune.		
9	14/06/2019 03:25 AM ID: 119490372	I hope that this is a starting step, to improve the quality of rental stock within the island; there's much more to do beyond such basics. This licensing scheme would also seem useful by which to gather statistical data on the island's private rental dwellings. This being something that was mentioned several times, by States members, during their debate on soaring rental prices and the general housing crisis of late.		
10	20/06/2019 08:18 AM ID: 120018427	I believe in the long term this is the right thing to do, to ensure that all rented accommodation is of basic standards as the welfare of all islanders is important and this should all ensure that all buildings are maintained.		
11	22/06/2019 21:02 PM ID: 120229828	Who has to prove that a property is fit for human habitation? I would recommend that the onus should be with the owner / landlord / letting-agent that the accommodation is fit for purpose. Not with the tenant to challenge it		

13. Is there anything else you would like to add, or information you want to contribute to the consultation?

			Response Percent	Response Total
		<p>if the believe that aspects of the accommodation are falling short of legal requirements.</p> <p>-----</p> <p>Who is does "the Minister" refer to? I would hardly believe that our housing minister will walk around looking at properties. There are too many properties to look at for one person do do that job.</p> <p>Some issues cannot be ascertained by a site visit - nitrates in water, e.g. that requires a laboratory analysis. The team of inspectors will require a broad training / background to identify the various issues that could occur.</p>		
12	24/06/2019 14:21 PM ID: 120326983	Please see my previous note regarding being an Enforcement Officer in the private rented sector.		
13	24/06/2019 19:14 PM ID: 120363328	The existing tenancy deposit scheme is flawed. My deposits have a fundamental lack of understanding of Jersey from what others have told me. I previously had my deposits refunded in full, but now have to pay an administration fee out of it. The delay in receiving the deposit refund has impacted on being able to secure another property.		
14	25/06/2019 14:20 PM ID: 120453163	Having reached page 5 of the licensing proposal, pages 6-8 were blacked out. Therefore, cannot comment.		
15	26/06/2019 22:49 PM ID: 120623282	<p>This will cause rents to rise as naturally landlords will pass on the cost. The rent safe scheme will also cause costs to tenants through the checks that are required. I do not know anybody that owns their own property that has an electrical or had check up each year.</p> <p>The requirements for energy saving whilst appreciated are often impossible in older properties or should only done about when heating etc require replacement. Again forcing rents to rise.</p>		
16	27/06/2019 10:17 AM ID: 120648899	<p>In most properties I have rented the services have been fine or in the case of a water leak remedied quickly. Charging a fee and requiring regular checks makes rental more expensive as these costs will be passed on to the tenant. However I have rented two properties where it was my responsibility to arrange and pay for a boiler service with any additional cost paid for by the landlord.</p> <p>I am not convinced this is going to do anything to the lower end of the market, including those which operate on a cash only basis. Sometimes these suit the tenant as they are not encumbered with a contract, others are from unscrupulous landlords but who may not be worried about housing qualifications, etc.</p>		
			answered	16
			skipped	9

Appendix 5 – Frequency analysis of comments from survey data (appendix 1)

Subject	Comment	Frequency of reference
Fees	Fees will be passed on to tenants	6
Fees	Social Housing providers should pay	3
Fees	Landlords should have to pay only once rather than an annual renewal	2
Fees	The licencing scheme shouldn't require application charges and fees	11
Fees	There should be discounts for some areas of housing provision	1
Fees	Landlords should pay nothing if their property is on Rent Safe (from 3 stars)	2
Fees	The destination of any fees is not known	2
Fees	The fees are not justified	2
Fees	Stealth tax	9
Fees	There should be exemptions for charities	1
Fees	Landlords already pay 20% income tax and should therefore pay nothing else	2
Housing stock	The number of properties available to tenants will reduce	3
Incorrect presumptions	Government already know where rental properties are	3
Incorrect presumptions	Revenge evictions don't occur	3
Incorrect presumptions	There are only a small number of poor quality landlords on the Island	1
Licensing Scheme	How often will properties require to be inspected?	2
Licensing Scheme	A whistle blower line should be created to report bad landlords	2
Licensing Scheme	There are insufficient staff numbers to administer the scheme	7
Licensing Scheme	What happens if a property transfers part way through the year?	1
Licensing Scheme	This is an intrusion into tenants lives	2
Other	Recent legislation has already increased the cost to landlords for upgrades	6
Other	Why are lodging houses exempt?	2
Supportive	Not against licencing in principal	27
Supportive	More punitive fines should be available to deter bad landlords	3

Appendix 6 - Minister for Children and Housing

Minister for Children and Housing



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Deputy John Young
Minister for the Environment
19-21
Broad Street
St. Helier
JE2 3RR

08 July 2019

Dear John,

Consultation response: introduction of rented dwellings license scheme

I am writing in support of the proposal to introduce a license scheme for rented dwellings in Jersey. A license scheme will provide an effective way of raising standards and promoting professionalism in the rented sector. This will, in turn, help to improve the lives of tenants; create a level playing-field for responsible landlords; and enhance the role of the rented sector as a desirable housing option.

The proposal to introduce a license scheme for rented dwellings is an important element of the Government's broader strategy for Jersey's housing market. As part of its Statement of Common Strategic Policy 2018-2022, the Government has made a commitment to improve the quality of rented dwellings and strengthen the rights of tenants. The introduction of a license scheme, along with other proposed measures that are included in the Government Plan, will contribute to the delivery of that commitment.

A license scheme for rented dwellings will help raise standards by:

- Providing an effective tool to tackle poor quality rented dwellings and property mismanagement.
- Supporting engagement with responsible landlords, including the provision of advice and guidance.
- Helping to improve practices among landlords, including landlords who are well-meaning but may not be fully aware of their rights and responsibilities.
- Removing disreputable landlords, who provide poor quality homes and mismanage property, from the market.
- Enabling greater enforcement capability.
- Improving data collection and knowledge about Jersey's rented sector.

- Providing opportunities for greater joint working between agencies to tackle issues such as crime and anti-social behaviour, homelessness and other social issues.

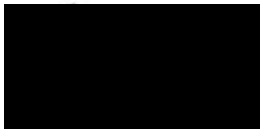
A license scheme will, as a consequence, help to make the rented sector a desirable housing option for people to live in through improved housing conditions and security of tenure – thus meeting Jersey’s housing needs. It will also help to reduce the commercial inequality between good landlords and those who cannot, or choose not to, operate lawfully. For the wider community, a license scheme has the potential to improve the standard and safety of neighborhoods.

In particular, the introduction of a license scheme for rented dwellings will contribute towards the prevention of homelessness and vulnerable housing situations. As the consultation document identifies, a license scheme provides protection for tenants from poor housing conditions, unreasonable tenancy conditions and practices such as unlawful evictions. A license scheme for rented dwellings has the potential, therefore, to help tackle a lack of security of tenure, which is one of the reasons why households may experience, or be put at risk of, homelessness.

A license scheme for rented dwellings, by itself, will not be a catch all solution to challenges in Jersey’s rented sector. However, as part of a proportionate set of policy interventions – such as the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and the Rent Safe Landlord Accreditation Scheme – a license scheme has the potential to ensure minimum property standards, and a robust, targeted system of regulation and enforcement against a minority of landlords who operate unlawfully.

I believe that the license scheme, as proposed, provides a simple and easy-to-use approach, with limited entry hurdles, to regulating housing standards. For landlords who meet the license requirements, the scheme should not be onerous or overly costly, especially if the annual fee is linked to membership of the Rent Safe landlord accreditation scheme. However, for those landlords who do not meet the license requirements, the scheme provides a means to tackle those who fail to provide good standard, safe homes to their tenants.

Yours sincerely



Senator Sam Mézec
Minister for Children and Housing
E s.mezec@gov.je

Appendix 7 – Medical Officer of Health

As Jersey's Medical Officer of Health I wish to express my strong support for this latest step in creating a new level playing field in monitoring and improving housing standards across the island.

This move is aligned to the Government of Jersey's Common Strategic Policy 2018-2022 , especially so to three of its five specific commitments:

- We will put children first
- We will improve islanders' wellbeing and mental and physical health
- We will reduce income inequality and improve the standard of living

To explain further:

There are strong links between standards of housing and people's health, mental as well as physical, especially that of children and of older people.

Regarding children, I strongly recommend reading the Shelter Trust report, "Chance of a lifetime: the impact of bad housing on children's lives" (there is a link to this in the rented dwelling licensing consultation document). The report summarises evidence on the many different ways in which poor housing is a key determinant of children's health, during their childhood and into the future. Its summary includes the following:

“A child’s healthy growth and development are dependent on many factors, including the immediate environment in which they live. Children’s life chances (the factors that affect their current and future well-being) are affected by the standard of their housing. This ‘housing effect’ is especially pronounced in relation to health. Children living in poor or overcrowded conditions are more likely to have respiratory problems, to be at risk of infections, and have mental health problems. Housing that is in poor condition or overcrowded also threatens children’s safety.”

‘Growing up in bad housing also has a long-term impact on children’s life chances because of the effect it has on a child’s learning and education.’

“It is vital that the Government takes action to address the problem of bad housing for families to ensure that all children have the opportunity to flourish in a safe, secure and healthy environment.”

A final point: The creation of a licensing system for all rented properties, given the potential to encourage levelling up of any remaining poor housing, can enable improved wellbeing on a sustainable basis. This will also be consistent with the legal duty as set out in Article 9(9) of the Public Finances Law for the Council of Ministers to "in preparing the government plan, take into account the sustainable well-being (including the economic, social, environmental and cultural well-being) of the inhabitants of Jersey over successive generations".

Appendix 8 - States of Jersey Police

Subject: Feedback from the States of Jersey Police [Official - Police]

The States of Jersey Police has currently reviewed its strategic and operational priorities using a national process called MoRILE (Management of Risk in Law Enforcement). The process allows for trend data to be considered alongside subjective assessment in order to better understand demand including the identification of intelligence gaps. Amongst that assessment, and largely in the recognition of the need to better understand the landscape in Jersey, Modern Day Slavery & People Trafficking (MS & PT) has featured as a priority in that process.

The ability to access appropriate services & accommodation is fundamental towards safeguarding those who may fall victim to MS & PT. Jersey has an increasingly diverse community and developing exposure to subjects such as a diverse labour force, visiting sex workers and an awareness of domestic servitude. The benefit of such topics being considered is that the island has a real opportunity to better understand the needs of its community and to ensure appropriate responses and services are afforded to those who might need them the most. Partnership work has already started to develop this area of work with the initial aim being to understand the scale and volume of those who may be exposed to MS & PT. One element of such work revolves around appropriate standards of living including access to accommodation, education and healthcare.

The proposed “Rented Dwelling Licensing Scheme” aspires to set a standard that landlords will need to apply and ensure the wellbeing of their tenants. The point is well made that this is not financially driven and the scheme does not seek to regulate the cost of accommodation. The focus is one of setting a standard to ensure a healthy quality of life and one that seeks to avoid exposure to early chronic illnesses and support the elderly through the availability of appropriate living conditions.

Powers to inspect properties will enable those charged with assessing such standards to have the appropriate legislated backing of the law which could include joint visits together with law enforcement. Intelligence gathering and safeguarding opportunities will naturally avail themselves and provide for methods of intervention to better understand and provide support for those found to be housed in substandard accommodation. That could very well include those who may fall victim to MS & PT.

The States of Jersey Police very much support the proposed scheme and view this development as a positive step towards better protecting those considered to be vulnerable within our communities.


Force Intelligence Bureau

Appendix 9 - Jersey Consumer Council



Consultation feedback for proposed Licensing of Private Rental Properties in Jersey (Landlords' Licensing Scheme)

Firstly, the Jersey Consumer Council wishes to thank the department for Growth, Housing and the Environment for engaging with the Council in a helpful, meaningful and sincere way by representatives giving a presentation to the JCC and joining in with an open and honest conversation afterwards. Members left the meeting on 28 May with a good understanding of what was being proposed and with some positive and constructive feedback.

It is also worth mentioning that although this proposed scheme is not strictly a consumer scheme, rents take up a huge proportion of an individual's monthly spend and therefore, by definition, have an impact on the spending capabilities of everyday islanders.

Turning to the proposed scheme, members were unanimous in their agreement that the proposed scheme should be welcomed, with some expressing their surprise that such a scheme was not already in place in the Island and was therefore 'long overdue'.

That said, some members did express some concerns, namely:

- * That the department should consider a single pricing policy for all applicants to keep the scheme simple, easily understood and easier to administer. A possible rebate for those who meet certain criteria was suggested.
- * The star system was thought to be a waste of time in this particular instance and would possibly lead to unnecessary administration work. It was felt that accommodation either meets the minimum standards or not, although it was accepted that there needs to be incentives to raise the levels from merely acceptable.
- * A whistle-blower line should be set up to allow individuals – either tenants or neighbours, or friends of the tenants, to report a landlord without fear of retribution.
- * The levels of fines should be reviewed. They should be material with the first offence and significant at the second. A % of the annual rent, or value of the entire property portfolio was suggested, which would align with the levels currently listed for a breach of data protection rules.
- * A possible public register of offending landlords should be made available, both to deter offenders but, more importantly, allow prospective tenants to check for themselves before moving into a property or committing themselves to a lease.

In summary, the Jersey Consumer Council is supportive of the scheme, congratulates those behind it and would like to see it introduced as soon as possible.

Chairman

Appendix 10 - Andium Homes



[REDACTED]
[REDACTED]
Environmental Health
Growth, Housing and Environment
Maison Le Pape
The Parade
St Helier
JE2 3PU

27th June 2019

Dear [REDACTED]

Licencing of Private Rental Properties – Consultation Response

Thank you for the opportunity for Andium Homes to respond to the consultation on the Minister of the Environment's proposals for licencing Private Rental Properties.

Andium Homes supports these proposals primarily because identifying all of Jersey's rental stock is a vital first step in ensuring that all tenants and occupants enjoy a decent standard of accommodation and access to at least the essential services from their landlords which will ensure that their homes are safe and well maintained.

Andium Homes is always supportive of initiatives which improve housing standards, or which offer greater protection for tenants. Accordingly, Andium Homes was very keen to join the Rent Safe Scheme when it was first launched, and as you know several discussions were held with Environmental Health in that regard. It was unfortunate that our initial enthusiasm to join was dampened somewhat when it appeared from a 2017 Scrutiny Hearing that a significant charge would be levied for registering with the Rent Safe Scheme. The half a million pounds or so in fees indicated in 2017 would have impacted very significantly on tenants either directly through increased charges or by a reduction in services such as maintenance. Our Board was understandably concerned that joining the scheme under those circumstances would have been counterproductive.

We are grateful that it has now been made absolutely clear that Rent Safe will remain free to join both now and, in the future, and as such Andium Homes will join the scheme very shortly.

We note the proposal that Social Landlords will need to be licensed alongside all other landlords. This level playing field is important and we hope that to maximise confidence in the scheme and deliver protection for tenants, the Minister will avoid any calls for exempting certain parties from licencing.

There are some issues to highlight in terms of the draft licensing conditions which we feel need not reflect a one size fits all approach; there being a significant difference in the level of protection required for tenants of large scale landlords who can demonstrate that they already have robust maintenance regimes in place, and smaller or non-professional landlords where those levels of service and planned maintenance may not be in place or so evident. For example, Andium Homes has adopted the English Decent Homes Standard which all our homes will meet by the end of this year. Smoke and CO detection alarms that we fit in our homes are all mains, rather than battery powered. We undertake statutory 5 yearly electrical inspections on all our homes which will include those alarms, have an extensive planned maintenance programme, and a 24-hour reactive maintenance service which can be accessed by all tenants.

The proposal to require landlords to provide copies of property licences to all tenants within the prescribed periods indicated in the consultation is not in our view, necessary. It would certainly create an additional cost and resource burden for landlords with little additional benefit for tenants. We suggest an approach where landlords should be required to hold a licence for each property let and produce these to the tenant on demand, free of charge, within say 14 days of a request being made.

Andium Homes allocates its homes to tenants presented to them as being in housing need by the Affordable Housing Gateway. We do this using a dynamic and transparent Web hosted 'Choice Based Lettings' process which has seen us reduce reletting times and applicants housed more quickly than ever before. We do not generally ask tenants to provide references and any requirement to do so would be unnecessary from our perspective. Such a requirement could pose significant problems for some prospective tenants, leading to delays in people being offered a home. Our hope is that demanding references from prospective tenants will become no more than a recommendation in the final version of the Regulations.

I trust that you will find these comments to be helpful, if you would like to discuss further, please do not hesitate to contact us.

Yours sincerely



Chief Executive

Appendix 11 – Jersey Homes Trust

THE JERSEY HOMES TRUST

Rented Dwellings Licencing Scheme

Response to Consultation.

The scheme is intended to improve standards in the Private Rented Sector. The Jersey Homes Trust is supportive of measures to improve the lot of residential tenants.

The key reasons for the licencing scheme include:

Locating rented properties.

The Environmental Health Department and the public have full knowledge concerning the location of social rented properties.

Homelessness prevention.

Social housing providers do not engage in "revenge" and "no fault evictions" (sic). They exist to address and eliminate homelessness.

Promoting good management and standards

Social housing providers are model landlords. Tenancies are all professionally managed and property conditions range from good to excellent.

Inspection of rented property

Social housing landlords already carry out regular and necessary inspection.

Compliance with safety standards

Social housing landlords already comply with statutory standards and also with good practice.

Conclusion:

The inclusion of social landlords in the scheme is unnecessary. If social landlords are not to be exempt, there should be recognition that they are model landlords and should not be subjected to unnecessary regulation in order to reduce avoidable bureaucracy at a time when the States is pledged to reduce red tape.

The proposed fee structure:

Those involved with a perfectly legal and indeed vital public service will be heavily taxed for the privilege (as well as being subject to unnecessary bureaucracy, as above mentioned). The proposed fees appear to be excessive and intended to provoke enrolment in the Rent Safe scheme. We note that social landlords will be exempt from the fees subject to enrolment in Rent Safe. Without doubt this will ensure 100% enrolment. The result of this will be that the Jersey Homes Trust will be subject to unnecessary inspection of its properties, a duplication of effort and an imposition on tenants.

Private landlords who are not exempt will still face very high and insupportable fees even when participating in Rent Safe.

Conclusion:

The proposed fee structure should be re-visited.

Enrolment in Rent Safe should not result in inspection of Jersey Homes Trust homes.

Proposed Licence Conditions:

Documentation

Generally, the proposed documentation required to be supplied to tenants is excessive and fussy.

The requirement for an emergency out of hours telephone number is unreasonable. Our tenants receive full information on out of hours emergency advice and procedure.

Timescales for repair works are unpredictable before works have been identified. JHT is an excellent landlord with an excellent repairs record.

The existing JHT tenants' handbook is very comprehensive and sufficient for the needs of tenants. JHT tenants are also kept well informed by the regular JHT Newsletter.

References

The proposed regulation is unwelcome, unworkable for a social landlord, and an unwarranted intrusion into management matters that are of no concern of the regulating body. This proposal must be withdrawn.

Property Inspections

Just below the "Property Inspections" provisions in Appendix B, it is stated that "The Licence Holder must ensure that the tenant's right to quiet enjoyment of the property is respected". The proposals to put in place regular entry and intrusive inspection of the whole of the tenant's home, whether necessary or not, fly in the face of this.

The annual inspections that we already carry out are respectful and proportionate. Health and Safety requirements (such as checking smoke detectors) are all met. Good landlords know their tenants and are conscious of the necessity or otherwise to conduct inspection that may be intrusive and also the regularity required. The proposals would eliminate the ability and desirability of landlords to exercise discretion.

The consultation document states, "Those that are rented in compliance with existing legislation will see little change". Our tenants have no desire for unnecessary inspection of their homes. The proposed inspection proposals are heavy handed, insensitive and of detriment to the rights of tenants.

Conclusion:

The proposed Licence Conditions are too prescriptive, especially for social landlords. It was claimed in the public meeting that they are "light touch". They are anything but.

Finally:

The Jersey Homes Trust exists in order to provide and properly manage decent and affordable housing for those in need as a charitable activity. We are supportive of efforts to improve standards in the private rented sector and recognise that a licensing system is a positive step.

However we are, frankly, perplexed that there are those within the Environment Department who consider that the Trust should be subjected to unnecessary bureaucracy, regulation and inspection of its properties, a duplication of effort, a waste of resources and an imposition on its tenants.

Appendix 12 - Chartered Institute of Environmental Health (CIEH) including:-



Government of Jersey: Rented Dwellings Licensing Scheme

CIEH submission

June 2019

About the Chartered Institute of Environmental Health (CIEH):

CIEH is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

For more information visit www.cieh.org and follow CIEH on Twitter @The_CIEH.

Any enquiries about this response should be directed to:

[REDACTED]
Policy Manager
Chartered Institute of Environmental Health
Chadwick Court, 15 Hatfields, London SE1 8DJ
Phone: [REDACTED]
Email: [REDACTED]

Consultation questions

Are there elements that you particularly support?

We welcome the proposal that the scheme is linked to compliance with all legislation related to the safe use of a property, including tenancy agreements, inventories and tenant deposits. Bringing together all legislation related to housing is likely to leave few loopholes and ensure that those landlords registered with the scheme are likely to be meeting all their responsibilities. The ability to revoke or refuse registration to landlords whose properties or actions do not meet minimum legal standards is vital if the scheme is to have the confidence of all stakeholders.

Combining the proposed scheme with an accreditation scheme for landlords and making this information easily available to existing and prospective tenants, could help to drive up standards in the private rented sector further.

Are there elements that you particularly oppose?

No.

Are there elements that you think are missing?

From our research, it was very clear that property inspections have been an essential component of successful property licensing schemes. In smaller selective licensing schemes in England, all licenced properties were inspected at some point during the lifetime of the scheme (usually 5 years). In larger, borough-wide schemes a combination of intelligence sources and random checks were carried out to identify non-compliance.

We would recommend that intelligence sources for compliance checks in Government of Jersey's licensing scheme should include tip-offs from members of the public, information sharing with other departments in the council and other public bodies. A further random sample of checks and inspections should be done on non-accredited properties. Many tenants do not feel able to complain about their property condition for a variety of reasons. It is therefore important to design a route or project to identify these types of households and target these for inspection.

Should there be exemptions for certain rental properties (please explain)

No comment. We do not hold enough information on the local needs of the area to make detailed comment on this point.

Is there anything else you would like to add, or information you want to contribute to the consultation?

Context

The Chartered Institute of Environmental Health published a joint report with the Chartered Institute of Housing earlier this year, which assessed the effectiveness of selective licensing scheme in England. Whilst these schemes differ from the Rented Dwellings Licensing Scheme being proposed on the Island of Jersey, we believe there are some similarities and therefore we highlight our findings from the report in response to this consultation. Our full report can be accessed on our website: [A licence to rent, Jan 2019](#).

20 out of an estimated 44 local authorities in England with selective licensing schemes participated in our selective licensing research. In total, we heard about 27 schemes currently in operation and 10 schemes that have ended. 3 of these schemes were borough-wide, which meant that they spanned all rented properties within a borough.

Whilst not the only tool available to local authorities, selective licensing schemes are effective at improving housing conditions and local outcomes and evaluations data supports this

- Most schemes we studied inspect every property in the licensing area and therefore uncover poor conditions without the tenant needing to complain to the council.
- It is this approach that leads to very high numbers of serious hazards and defects being identified and addressed in licensed areas. In schemes that have ended, we found that between 69-84% of properties in licensed areas needed works to be done to bring the properties up to a decent standard.
- This is a majority of properties in these areas, suggesting that the schemes tend to be well-targeted, and also largely fair to landlords in those areas, by bringing all properties up to a decent standard and rooting out poor conditions.
- Every scheme had a strategy and a dedicated workstream to identifying unlicensed properties and landlords hiding under the radar.

We saw clear examples of property conditions being improved:

- In Bristol's Stapleton Road scheme, which has now finished, 856 properties required improvements – 69% of the licensable total, and 572 notices have been issued. In the Eastville and St George West wards – where licensing was introduced in July 2016 – 646 (43%) of properties have required works so far, with 408 notices served.
- In Rotherham, 1,897 full housing inspections have been carried out to date. 36% had a category 1 hazard and only 9% of inspections have been found to be free from category 1 or high scoring category 2 hazards.
- In Blackburn with Darwen, 70% of properties inspected required works to be done in the Infirmary scheme (2009-2014) and 84% of properties inspected required works to be done in the Central Darwen scheme (2009-2014).
- In Manchester, although a full Housing Health and Safety Rating System (HHSRS) inspection has only been carried out in one in ten properties so far, 137 (61%) category 1 or 2 hazards have been found and 70 notices have been served.

- Liverpool City Council have identified 2,800 category 1 and 2 hazards in licensed properties and a further 138 hazards in unlicensed properties, since April 2017.
- In addition to finding HHSRS hazards, other housing safety laws were also not complied with. In Doncaster, 44 properties out of 641 did not have working smoke detectors, whilst Newham found that only 64% of landlords provide valid gas safety certificates.

Landlords tend to become more willing to do the required works on their properties once selective licensing schemes had been set up in their areas

- Although the exact mechanisms are unclear, some councils we spoke to have told us that the attitudes of landlords had changed since the schemes had been in place. This observation is backed up by the large numbers of works being done to remedy hazards and defects, without formal action being taken by the local authority. This is a faster and cheaper route to resolve issues.
- We therefore consider that the success of selective licensing schemes cannot be measured in prosecutions data alone and needs to take into account the number of properties or management practices improved.

Changes are needed to improve the way that these schemes work in practice

- Local authorities cannot set effective licence conditions, which address property standards rather than the management of a property. This seems to contradict the ambitions and aspirations attached to selective licensing schemes.
- There are areas where more guidance from central Government could help local authorities design better schemes from the beginning.
- The setting up of new schemes tends to incur very high upfront costs, a high level of bureaucracy and prescriptive advertising standards. These factors all impact on the local authorities' decisions on whether a scheme is a viable option in their area. Removing some of the barriers to setting up new schemes could lead to schemes being more widely used, where there may be benefits to tenants and the local area.

Other findings

- Selective licensing schemes lead to a more proactive approach to housing inspections and sometimes to a better understanding of the local housing market for the local authority.
- Some schemes appear to have encouraged greater joint working, with many areas reporting joint inspections with the police and the sharing of various data sources to identify unlicensed landlords.
- Some councils are also able to provide clear evidence of reductions in anti-social behaviour but the main outcomes to be demonstrated are to do with improving housing conditions.

- Licensing fees vary from scheme to scheme and do not always reflect the true cost of scheme administration. In some cases, the cost of running the scheme has to be met via existing staff resources, drawn from the general housing enforcement fund.

Appendix 13 – Jersey Landlords Association (marked draft preliminary submission)

From: [REDACTED] Jersey Landlords Association ["JLA"]
Date: 11 June 2019 JLA Website: www.JLA.Je (including how to join online)
Subject: Registration, Licensing & Annual Inspection of all Privately Rented Dwellings in Jersey

The following is the JLA's DRAFT preliminary submission to this Government consultation.

- 1 The proposal, that every unit of privately rented dwelling accommodation in Jersey should be registered, licenced and inspected annually by Environmental Health officers, is a huge and costly exercise in red-tape. It is contrary to Government policy, namely that red tape in Jersey should be reduced, so far as may be practical.
- 2 The registration, licensing and annual inspection of between 6,000 and 10,000 privately rented units of accommodation, presently housing between 15,000 and 25,000 island residents will generate work for 20 or more extra civil servants. [Calculation: 700 inspections per annum per full-time inspector x 14 full time (or 28 part-time) inspectors =10,000 inspections pa.]
- 3 There has been no cost/benefit analysis for this proposed new law. Yet, this is at a time when the Government is supposedly trying to reduce its overheads and the number of unnecessary public servants. More civil servants will mean the imposition of more community taxes to pay their salaries and pensions; Or, in the alternative, yet another annual charge, levied on landlords to cover the new salary expenditure. Suggesting that this extra work will have no manpower implications is simply illogical. In any event, the Director has already proposed that this charge will be up to £200 per annum in respect of each unit of accommodation.
- 4 An average annual fee of, say, £150 for, say, 8,000 units of rented accommodation would prospectively cost Landlords (and their tenants £800,000 pa. That works out at £57,000 pa each, for 14 new full-time civil servants. One might reasonably wonder whether that money would not be better spent on maintaining the rented accommodation rather than employing many new civil servants to register and inspect that accommodation.
- 5 Landlords will pass on any such charge to their tenants, thus putting up rents, when declared Government Policy is to try to reduce rents.
- 6 Landlords of privately rented accommodation are already beginning to leave the rented dwelling industry because of all the other recently imposed but superfluous laws. So what is the justification of implementing such a humungous registration scheme other than, perhaps, assessing housing statistics and then ensuring that all private landlords are, in fact, paying their due income tax? Those who are not paying their taxes are already breaking the law (as are Landlords who provide sub-standard accommodation). So, they will either continue breaking the law by not registering for this new law or they will simply leave the domestic rental industry and thus, either way, continue paying less tax than they should. In any event, the net result would be the loss to the community of much needed rental dwelling accommodation.
- 7 Therefore, this is another example of the Government imposing legislation which is actually contrary to declared Government policy (namely to provide, urgently, sufficient rental accommodation to accommodate the whole community and thus keep domestic rents under reasonable control by means of the market process of Supply matching Demand).
- 8 There are a relatively few imperfect Landlords in Jersey, just as there are a relatively few imperfect tenants. In the case of delinquents on either side, it is only those delinquents who should be punished – not everyone in the Industry. It is wholly inequitable to punish everyone (innocent and guilty alike) as is now, once again, being proposed with this prospective new law.
- 9 Landlords would probably be materially less concerned if the recently passed Environmental Health Law [**Public Health & Safety (Rented Dwellings) Law 2018**] (which sets "minimum basic standards" for privately rented dwelling accommodation) were to be adapted and extended to all dwelling accommodation, as may be deemed appropriate. This compromise would, however, be on the strict condition that the Law was, then, only "policed", thereafter, upon receipt of a formal written complaint to the relevant authority. The complaint would then also be shared with the allegedly offending Landlord; ie if there is no formal such complaint - no random inspections would ever take place.
- 10 It is noteworthy that the very tenants who frequently need the most protection (namely lodgers in other people's houses and tenants who cannot afford to rent accommodation with private kitchen and toilet amenities) are not to be protected under this proposed new law. This follows the same lack of protection for them, under the Environmental Health Law that was passed towards the end of 2018.
- 11 This almost identical defect also applied to the Deposit Protection Law, which came into effect in November 2015. In practice, that protection scheme, as implemented, has not only proved inefficient but has been enormously costly for the tenants, whose deposits are protected in a manner which had no regard whatever for the risk-free and virtually cost-free alternative, recommended by the JLA in "consultations", prior to implementation. It is poor value for money and has removed millions of pounds from the Jersey economy. Whilst an appropriate form of deposit protection is commendable, the actual scheme adopted was wholly unnecessary and costly and remains wholly inappropriate to this day.

- 12 The present proposal for the new Registration and Inspections Law (as it now stands) will undoubtedly deter new landlords from entering the letting industry and will encourage existing private landlords to sell their presently rented dwelling property to prospective home owners and reinvest their money in something else, preferably where there is less red-tape, or no red-tape at all.
- 13 The bottom line is that this new Registration and Inspection proposal is wholly counter-productive to the Island's desperate need for more rented accommodation, at lower rents. An even worse consequence will be that, for every landlord who now leaves the industry, the States will have to provide Andium Homes with sufficient funding to build one or more replacement properties for the rental market. The need for rental accommodation is more likely to grow, year by year, than to recede. This trend is due to the aging nature of our population, which (in the absence of mandatory euthanasia when we have passed our sell-by date) is likely to continue for some years to come.
- 14 The legislators should perhaps remind themselves that the Privately Rented Dwelling Sector is the Island's second-most prolific taxpaying sector, surpassed only by the Financial Services Industry. How can it be realistic to put this high level of Island revenue in jeopardy?
- 15 From about 1915 onwards, the world in general (and Britain in particular) saw how the Private Rental Sector diminished dramatically (ie from over 90% of all dwellings, down to less than 10%) after controls of various types were imposed on Landlords, during the first half of the 20th century. Since the easing of those controls in the 1980's, the recovery is still only back up to about 23% of all dwellings; whilst the Government Sector now provides a similar (25%) volume and about half of British homes are now owned, on a mortgage, taken out by the householders. These statistics and historical facts are all readily available, publicly, in the UK House of Commons Library.
- 16 In any amendment to the 2018 Environmental Health Law, there should also be some similarly protective provisions for Landlords. These should require tenants to keep their rented dwellings in a clean and tidy state and to leave them, on departure, as they found it on arrival. Delinquent tenants should be obligated to pay any costs resulting from their failure to fulfil that obligation and should also be rendered liable to prompt eviction if unable or unwilling to comply. This fresh rationalised scenario between Landlords and their Tenants would then become more of a "two-way" street rather than the present one-way street and be more likely to result in reduced rents, once Landlords no longer have to pay the remedial costs of damage caused by delinquent tenants.
- 17 When the new Environmental Health & Safety regulations, for privately rented dwellings, were introduced at the end of 2018, the director of Environment Health ██████████ assured everyone that the law would only be implemented with a "light touch". In practice, the opposite is now proving to be the case. A seriously "Heavy" Touch (including repeated threats of imminent prosecution) appears to have been adopted. Once again, however, with this latest new proposal, ██████████ is assuring everyone that it will be implemented with a "light" touch. Whatever that phrase is intended to mean, Jersey Landlords are already having some difficulty in finding this light touch or in accepting the departmental assurances that it actually exists.
- 18 JLA suggests that everyone should read the fearsome proposals for themselves, in order to understand why domestic landlords will vote with their feet and leave the industry.
- 19 No statistics provided of numbers of owners or of dwelling units involved; nor of the number of relevant and justified complaints received and handled by Environmental Health during last 5 years; and with what results? All essential to demonstrate the need for this proposal.
- 20 Proposes micro-management of an industry that has generally managed itself very well for centuries.
- 21 Stick to policing by complaint and deal only with delinquent landlords instead of punishing everyone.
- 22 Based on the scale of these proposals, they need months of consultation. Allowing only 4 weeks is ludicrous. Just reading and assimilating the paperwork will take that long. If this legislation were to be approved, the JLA would anticipate a material increase in rents to cover the costs incurred by the legislation and a further increase in rents as supply diminishes as Landlords rapidly abandon the industry. Government would then seek to control rent increases by arbitrary means, resulting in further private landlords selling up. In such circumstances, the JLA would be highly likely to recommend its members to liquidate their domestic realty assets as soon as may be practical and reinvest the proceeds in something which is less controlled by government.
- 23 According to its own website, the RentSafe scheme has accredited only 530 units of accommodation to date (after 3 years operation – not over 1,700 as claimed. Only 98 are not government owned or government-controlled. This is out of about 10,000. It has been a total failure exactly as JLA predicted 3 years ago.

SUBMISSION ENDS

Appendix 14 Individual landlords (redacted and unedited)

14.01

I am responsible for running a small property portfolio for my wife and her sister. The properties are a mixture of residential and medical surgeries.

Yesterday I attended the meeting at the Town Hall regarding rented accommodation, the presentation was from [REDACTED], I was most disappointed and surprised that there were no politicians present.

There was a very good representation of landlords and agents, I believe the majority showing a deep concern for their tenants. All the people I spoke to were very saddened at the bureaucracy and the cost burden that may be imposed on the housing sector.

On several occasions, when challenged, [REDACTED] assured us that that all the proposals were politically driven and if we had comments to make them to either yourself or Senator Mezac.

The properties that I look after have been in the family since just after the second World War. Many of our tenants have been with us for more than 20 years and I believe the longest tenant has been with us for 32 years. There is a strong mutual respect for our tenants, we charge a very reasonable rent and respond quickly to any problems which occur from time to time. Our turnover of tenants is very small and I am pleased to say I have a "waiting list" of interested potential tenants. I am in contact with our tenants on a regular basis and all the feedback that I receive is very positive. With the growing population, it is no surprise that the housing market is under pressure and to introduce the scheme as described, will only increase that pressure.

I accept that there are a small minority of landlords that are unreasonable in their behaviour, but to penalise all other landlords is most unjust and unnecessary. Equally this will probably impact on the tenants, is this just another example of an indirect tax?

I believe that poor landlords should be exposed, and I think that the environmental department already have the powers to deal with complaints, so why impose an unnecessary scheme on all of us?

Please reconsider this scheme before you take it to The States for approval, I can assure you that if agreed in its current format it will be very counterproductive. If introduced it will be an expensive burden on the sector for many years.

As a Jersey man I am most concerned at the direction that our beautiful Island is heading in!!

If you wish to discuss my feelings any further please do not hesitate to contact me. I am happy to come and meet you if you have a small amount of time to spare.

14.02

I would like to object to the above proposals. My wife and I own two properties which are let out to tenants. We consider ourselves to be responsible landlords and have established good relationships with our tenants over the years. We consider the proposals akin to using a sledgehammer to crack a nut.

In recent years the level of regulation surrounding letting property has increased significantly and comes at a cost, if not to the landlords, then to the tenants. We entirely agree that action should be

taken against landlords that are irresponsible or fail to fulfill their obligations and that the government should have appropriate powers to act in such cases but these proposals impose an unnecessary burden on Landlords and are an example of red tape that should be reconsidered. Let's look at ways of targeting the landlords that do not follow the rules rather than forcing additional costs and bureaucracy on all landlords and in this instance, the government.

Thank you for your consideration of my comments.

14.03

I write on behalf of my wife and myself to raise our opposition to the proposals envisaged with regard to rental properties.

We think that the proposals which will obviously reduce the rental return of landlords are unreasonable having regard to the following points which are made in general terms:

1. The cost of building and maintaining a property has risen steadily to a very high level which cannot be reduced by expecting a tenant to make a contribution. Only a short time ago my wife made improvements to a property and was forced to spend £1500.00 on obtaining Electrical and Alarm Service Reports following recent legislation requiring them.
2. Rental increases cannot be regarded as automatic even though they are provided for in the lease. I was advised by a reputable and experienced estate agent not to increase the rental to the full amount provided by the cost of living index and to reduce it to keep the goodwill of the tenant.
3. At one time a landlord could expect a reasonable rental percentagewise in relation to the value of his property. He cannot now do that and his only profit is the capital appreciation in the value of the property but that doesn't pay the bills.
4. Matters could reach a stage when property owners will not let properties because of the inadequate net rent return. I understand that this is already happening.
5. There is talk of the introduction of rent control which will prevent people from buying to let.
6. The relationship between landlord and tenant can easily become a difficult one – all the more so when a landlord is faced with legislation requiring expense on his part.
7. I would go as far as saying that if I had available capital I would not spend it on buy to let property. I believe that there are other investment possibilities which are good and do not give the worry of property ownership involving letting.
8. I could give other examples of things which in my view weigh heavily against a landlord and the proposed new legislation is yet another one which landlords and the public of Jersey do not need.

14.04

I have read with interest the documentation relating to the above-mentioned consultation on the gov.je website, the coverage in the media and have attended a recent roadshow.

I am a Jersey landlord responsible for a material number of rented properties around the Island. I have only recently come to this position having inherited properties from my father.

I am broadly supportive of all of the recent legislation dealing with the regulation of rented property in Jersey and since my father's passing, I have willingly spent a great deal of time and money checking and upgrading the properties I inherited to ensure that these are compliant with relevant legislation (particularly in relation to fire certification).

I am however dismayed to learn about the latest plans for regulation set out in the draft Scheme and strongly oppose these.

I have little issue in Jersey housing stock being brought up to an acceptable standard (where this is needed), but cannot see how the Scheme will make a material difference to this aim, since:

- (a) knowing where rental properties are located is already within the powers of the States;
and
- (b) legislation already exists to combat sub-standard rental properties.

Furthermore and most importantly, charging landlords (most of whom are compliant or are trying very hard to become compliant) for such a licencing system is unfair and has all the characteristics of a stealth tax on landlords.

I set out my reasons for these conclusions in more detail below:

General

1. I and other landlords I know all want tenants to be happy in our properties. It is in my interests that my tenants stay in as safe and welcoming an environment as possible, as this means that they will stay where they are for as long as possible meaning fewer costly voids.
2. Lack of Clarity over Rationale for Scheme - It is unclear from the published documentation relating to the Scheme what the rationale for the Scheme is. Whilst I have no doubt that there are rented properties in Jersey which fall below the required standard set out in law and regulation, such law and regulation already provide robust mechanisms (either through the criminal courts (e.g. the Public Health and Safety (Rented Dwellings) Law 2018, which covers areas such as: disrepair; overcrowding; amenity standards; fire precautions; filthy and verminous premises; and persons responsible) or by giving tenants the right to take landlords to the civil courts (e.g. Residential Tenancy (Jersey) Law 2011) to deal with such sub-standard properties or lettings.
3. Main Scheme Points Already Covered in Other Legislation - If tenants already have the right to complain to Environmental Health or take court action, it is unclear why further costly (for landlords, tenants and the States) legislation is needed. **The Minister should explain clearly what substance this Scheme will add to the legislation that is already in force and protecting tenants in this area.**
4. Lack of Supporting Evidence for Scheme Aims - There is no supporting evidence in the Scheme documentation as to whether the Scheme is justified in terms of how many environmental health complaints there are in any one year. How many complaints have been received in the last 5 years?
5. There is no evidence that a cost/benefit analysis has been undertaken in relation to the proportionality of the Scheme and its costs to the Jersey rented sector vis-à-vis the number of complaints received. This analysis must be undertaken and made publicly available before the Scheme is brought into force. **The Minister should explain clearly what the number and severity of environmental health complaints is and provide details of any cost/benefit analysis that has been undertaken in relation to the proportionality of the Scheme. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**
6. Information relating Rented Property Already Available - Apparently one of the main aims of the Scheme is to identify the whereabouts of all rented property in the Island through the licensing system. Again this task should already be possible through information already held and collected by various government departments. Such information is already given to the Population Office on change of tenants, to the Parishes through rates registers and through the Rent Safe scheme (for those who have signed up to this).

I note in particular the 14 June 2018 Government Press Release 'Public sector restructuring plans finalised' in which it was stated that *"the focus remains on collaborative working, eliminating silos and improving services, effectiveness and value for money."* It is a waste of Government time and taxpayers' and landlords'

money to set up an entirely new system to obtain information that the Government already holds. **The Minister should explain clearly why the information he is seeking cannot be obtained from other sources. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**

7. Data Protection Concern - If data protection legislation is a concern in terms of obtaining this information from other Government departments, then it would be a better use of Government/States time to include an exception in such legislation to allow the sharing of such information. **The Minister should explain clearly why this data protection exception option has not been properly assessed. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**
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Licence Fees

9. Fees Generally - There is no justification in any of the Scheme documentation for charging landlords for the licencing of properties and no justification for the level of fees proposed or for why the fees will be charged on an ongoing, yearly basis.
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13. Level of Fees Unjustified - The level of the initial application fees and ongoing fees proposed are entirely arbitrary and unsupported by any evidence or workings out. **The Minister should publish a full explanation (with workings out) as to how the level of the fees that are proposed to be charged have been arrived at and importantly the rationale for charging ongoing fees. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**
14. Lack of Assurances about Rising Fees - Furthermore the level of fees is likely to rise substantially in coming years, as I have found to my detriment with Fire Certification fees. These fees are going to have a **more than 400% increase** in the next couple of years. There are no assurances that the licencing fees will not rise substantially in coming years. Presumably this is because there is a high likelihood that these fees will rise substantially too. This is essentially like writing a blank cheque to the Environment Department. **If the Scheme is approved in its current form, the Minister should provide assurances that the licence fees will not rise by any more than the cost of living in any one year.**
15. Scheme Will Result in Higher Rents - If blanket fees are charged in the way proposed then the majority of landlords will simply pass these on to tenants in the form of increased rents. The higher fees charged to landlords with 3-star or 4-star properties or non-Rent Safe accredited properties will be passed on to those tenants who are living in less compliant accommodation. This is against the current government's stated aim of making Jersey housing more affordable across all sectors.

The other (albeit unlikely) option is that landlords will absorb these fees themselves – but this will mean less money being available for doing works to bring properties up to standard, this is particularly so given the high cost of undertaking any kind of building work in Jersey.

16. Unfairness of Licence Fees – If the purpose of the Scheme is to “*address health and safety deficiencies within the private rental sector*” then why charge a licence fee to those landlords who are compliant at all? Surely it should be the non-compliant landlords who need to pay.

In fact, this mechanism to penalise non-compliant landlords already exists in the form of fines for breaches of existing legislation. The results of this proposed legislation will be that compliant landlords will be punished by paying substantial amounts of licence fees for the breaches committed by a small number of non-compliant landlords, where there is already a system for punishing those non-compliant landlords in place. If the licence fees will go towards funding more inspections then why are no new environmental health officers not being employed? **The Minister must explain why licence fees should be paid at all by landlords who are complying with their legal obligations (to at least 3-star Rent Safe Standard).**

17. Exemption of Social Housing Providers – It is unclear why social housing providers are exempt from paying licence fees under the Scheme. Surely if fees are to be paid then these should be apportioned fairly across the private and social housing sectors, so that there is a level playing field. It is unfair and disproportionate that the private sector should be singled out and punished with high licence fees when the social housing sector should have the same responsibilities as the private sector. This is especially important given that one hears so much anecdotal evidence of poor housing stock in the social housing sector too. The exemption of the social housing sector is unfair and disproportionate. **If the Scheme is to continue as planned then the Minister should confirm that social housing sector will not be exempt.**

I also have tenants who are on benefits, but prefer the private rental sector because the properties are of a better quality and rents are very similar between the sectors, contrary to what was said at one of the roadshows.

18. Proposal – If the Scheme continues in its current form, all units that are compliant with legislation (i.e. Rent Safe 3 star) should be free from any licence fees, so that those landlords who are compliant with legislation are not punished for the misdemeanours of the few who are not complying.
19. Conclusion – It was admitted at one of the roadshows that it is a political decision to charge for the licensing Scheme. This is a stealth tax on Jersey landlords. **The Minister (and Assistant Minister) should admit this publicly so that they can be judged on this decision at the next election.**

Inspections

20. What are appropriate levels for inspections? – If the Scheme is to go ahead with the fee structure in its current form (which I strongly object to for the reasons set out in this letter) then, on one hand, I would expect yearly inspections as a means of obtaining value for the substantial sums being paid to the Environment Department. This will also assist in identifying potential areas of concern at my properties.
21. Intrusion into tenants life – This said, such inspections would, I suspect from conversations with tenants, represent an unwelcome intrusion in tenants' private lives and also an additional workload for environmental health officers (which I suspect will be unwelcome given the lack of plans to hire more staff).
22. No Inspections - If no mandatory inspections are planned at all, then the Scheme would be even more open to criticism as a stealth tax on one small section of society – a way of collecting tax without providing any service to the persons from whom those taxes come.
23. Tenants Can Already Request Inspections – Article 6 of the Public Health and Safety (Rented Dwellings) Law 2018 already provides wide ranging powers to environmental health officers giving them a right to enter and inspect properties and to provide rectification notices. This can be at their own or following a tenant complaint. **The Scheme should be replaced by a Public Awareness campaign drawing tenants' attention to their right to make a complaint about sub-standard accommodation to the environmental health officers.**

Miscellaneous Concerns

24. Henry VIII Clause – The draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201- (the “**Regulations**”) are poorly drafted. Article 2 of the Regulations refers to a “scheme”, but provides few further details of the Scheme. The way that Article 2 is drafted also means that the Scheme can essentially contain any details that the Minister decides should be in the Scheme. This means that the Scheme could be drafted and then subsequently changed as the years go on without any Public, States, Scrutiny or Government oversight.

Such clauses are anathema to the functioning of a democratic society and go “right to the heart of the key constitutional question of the limits of executive power”. Lord Judge spoke strongly against such clauses when he was Lord Chief Justice of England and Wales:

“You can be sure that when these Henry VIII clauses are introduced they will always be said to be necessary. William Pitt warned us how to treat such a plea with disdain. “Necessity is the justification for every infringement of human liberty: it is the argument of tyrants, the creed of slaves”

The Minister must provide a redrafted version of the Regulations without such sweeping powers or at the very least provide full details of the scheme limited to the matters set out in the consultation documentation and provide that such details cannot be altered without a further vote of the States.

25. 28 Days Appeal – Article 4(1) of the Regulations provides a 28 day period in which to appeal against a decision of the Environment Department not to grant a licence thereunder. The Collective Investment Funds (Jersey) Law 1988 provides a 30 day appeal period in which to appeal a decision of the Jersey Financial Services Commission under that law. It is unjust to provide a longer appeal period to international, sophisticated and often legally advised fund management companies than unsophisticated Jersey-based landlords who are often individuals. **The Minister must change the appeal period in the Regulations to at least 60 days.**

Conclusion

In short, the proposed Scheme and legislation is half-baked, poorly thought out and not in keeping with government policy because:

- (a) knowing where rental properties are located is already within the powers of the States;
- (b) legislation already exists to combat sub-standard rental properties; and
- (c) the Scheme bears all the hallmarks of a stealth tax on a small section of society that has been singled out for punishment regardless of whether it is in compliance with the law or not, which tax will almost certainly be passed on to the tenants it has been designed (poorly) to protect.

I strongly object to the Scheme as set out in its current form.

The Minister must make himself available to defend and debate the Scheme at a public meeting.

14.05

I am an independent landlord with a number of units of mixed accommodation.

Having attended the meeting at the Town Hall on Tuesday 11th June at 17:30

After listening to what was being said at that meeting it has become apparent that this is only going to increase the rents further and is not going to achieve the aims of identifying all of the rented units.

My understanding in summary is the Rented Premises Licence proposal is to achieve the following

1. Identify all the rented accommodation in the Island of Jersey
2. To provide accommodation to a minimum standard
3. To provide a register of available accommodation to enable tenants to be able to check the standard of accommodation.
4. To recoup the cost of administrating such a scheme

Taking each of the above in order

1. Identify all the rented accommodation in the Island of Jersey

It become apparent that the States of Jersey has no idea of the amount of rental accommodation in the island. There is currently a rent safe scheme in operation but the up take has been minimal it was stated that from the morning meeting till the evening meeting there had been an additional 7,000 units placed on to this scheme during the day, I believe prior to this the number was less than 200. The rent safe scheme has obviously not worked and this may have been a better starting point to encourage Landlords to sign up to this scheme.

Government of Jersey must be able to identify a high percentage of the accommodation currently being occupied so the starting point has to be the following,

1. Income support (rent being paid by income support).
 - a. This information must be available from Social Security this would give you the following
 - i. How many families or individuals are on income support with rents being supported or being paid in full ?
 - ii. last known address of the above
 - iii. Type of accommodation
 1. Studio Flat
 2. 1 bed flat
 3. 2 bed flat
 4. House accommodation
 - b. Tax returns as the new forms request the units to be identified and, this will show the number of people with additional income from rented properties including lodgers within private houses.

It would be my suggestion that this would achieve in excess of 75% of the units of accommodation in Jersey.

While it would be likely that the Mydeposit scheme would be another point of information this will only be effective from when the scheme was first introduced, but this would not identify any units of accommodation that has been rented prior to Mydeposit scheme becoming law.

Another source of information as to where the units of accommodation are would be the farming community and the Housing Trusts which there are many.

2 To provide accommodation to a minimum standard

During the meeting it referred to the minimum standards while the standards have been identified from a tenants point of view, there has been no consideration as to how the landlords can achieve these standard, there are many properties in the island that have been rented out in excess of 10 years to the same tenant, and both parties are happy with these arrangements which will not meet the minimum standard and the rents reflect this.

There is no joined up government to assist landlords to be able to achieve the standard identified in old buildings, and many of them are listed. Many of the older buildings are listed buildings and the owners are prevented from making such improvements to meet these standards.

Many of the units of accommodation are converted houses which have been converted over the last 20 years and have been in the same ownership for the duration.

The new requirements favour the tenants and there is no consideration to the landlord who is trying to provide affordable accommodation.

Most landlords use rental properties as an investment to provide an income often for later life, many landlords provide something back to the community by offering accommodation to those in a less fortunate position than themselves.

In a block of flats built in the 60's or 70's may now not conform to the requirements of minimum standards; this becomes difficult if each unit of accommodation is owned by a different person.

The tenant has to take some responsibility to their lifestyle as to how they look after the unit of accommodation, and often not ventilating the accommodation sufficiently.

Many of the very old Jersey properties were not built to the modern standards and it is very difficult to resolve item such as damp, in addition the island suffers from an inherent damp problem.

In a purpose built block of flats there could a mix of both owner occupier and investors in the same building, the investors are not able to make improvement to the fabric of the building to improve the thermal installation as this is often governed by the articles of the housing trust / Association and needs agreement and funding which is not always available from the owner /occupiers as many of them owner /occupiers are on a limited income.

3 To provide a register of available accommodation to enable tenants to be able to check the standard of accommodation

The rent safe scheme was as far as I can see was a voluntary registration scheme to encourage landlords to provide better standard accommodation and also to encourage tenants to use this facility to identify better quality accommodation.

There are a number of issues with this scheme and possibly why the uptake has not been as expected. Firstly, many of the landlord's do not want the whole island to know what accommodation they own and this could be for a number of reasons, from privacy to other calculating the wealth of individuals or families.

With the self-assessment, there are no checks and balances as to the information being provided is correct, this could be in both understating and overstating the standards achieved. I would suggest that there are many landlords that would not want to be identified for the above reasons but if as we are constantly being reminded by the Government of Jersey there are many ways of cross checking without the use of a public register to identify property owners.

There are a number of landlords and I would suggest most of them offer a reasonable standard of accommodation, there is no consideration as to the standard of accommodation when the tenants move in, often the tenant's lifestyle has caused the accommodation to deteriorate and then complain about the conditions they are living in.

With the new requirements introduced in 2018 and the requirements to have a periodic electrical inspection before and new lease is entered into, this is another cost to the landlord, which will have an effect on the rents.

I am aware of the varying standards that already exist with the periodic electrical inspection again there is no consistency as it is down to interpretation of the requirements and the starting point should be enforcing the standardisation of these requirements. before progressing to introduce additional legislation and adding additional cost to the landlord.

4 To recoup the cost of administrating such a scheme

The cost of administrating the scheme has been quoted as £420K per year. It was stated on a number of occasions during the meeting that the number of rented units is unknown, and that they have estimated the number of rented units of accommodation and divided it by the cost of administering the scheme, if the number of rented units is not possible to identify which is what was said then how can it be possible to work out the cost to each unit of accommodation.

It was also stated that the housing trust would be exempt from the fees so it would appear that the cost has to be paid for by the private landlords only. I feel this is totally out of order, before progressing with the legislation it should be a requirement to identify all of the accommodation through the varying suggestions already identified above, the requirement is that each unit of accommodation is charged a fee then this should be set across the whole of the rental market including the housing trust which there are many of.

Tenants in housing trust properties many have paid jobs and the States make no contribution to there living cost , while there are many families who are forced to find private accommodation with private landlord's who will except income support payments but these units of accommodation are not exempt from the suggested fees under the present proposal where the housing trust are exempt.

The cost has been identified as a unit and the cost of the unit of accommodation will be at a set cost, there has been no consideration as to the income or rent of each unit, there are units of accommodation where the tenant has been in situ for some time and it as low as £500 per month and on the other end of the scale there are properties that are being rented at £3,000 + per month this is a significant difference in the percentage of cost over the income received.

The question was raised about what happens when a unit of accommodation is transferred between 2 owners, in the event, an annual charge has been paid there is no clear definition as to how the unit will be accredited, if the unit is licenced from the year 2020 and part way through the year the unit of accommodation changes hands to owner B it has been said that the owner B will need to register the unit before it can be re let as it now belongs to a different owner, but the unit has already been licenced and paid for before it has been sold for that year. What the scheme has not taken in to consideration is how this would work. A unit of accommodation cannot be charged twice in the year just because it has changed owners as the owners are not the licensed holder it is the unit of accommodation that is licensed.

Conclusion and Summery

The intention to introduce the new law in 2019 with enforcement from the end of the year is unrealistic as there is no accurate information as to the number of units of accommodation. There have not been enough investigations in identifying the number of units available in the rental market.

The majority of landlords are using the Mydeposit scheme and if there are landlords who do not conform with these requirements then the time and effort should be spent identifying these landlord's and dealing with them in an appropriate manner.

If the scheme is to be introduced it should be effective to all units of accommodation irrespective of if it is a housing trust, accommodation for social housing or farming units.

Should there be any exemptions it should be available to all sectors of the market, if housing trusts and those landlords who have tenants on income support should be exempt then it should be for any unit of accommodation.

The cost of the scheme should be paid for by the tenant as they are the sectors that benefit from these regulations if it was successfully debated and implemented and this would give a better indication to the number of units that are currently rented.

The Government of Jersey need to identify the number of rented units of accommodation before introducing any such scheme and the running cost are effective and divided by all rental sector of the market including the housing trust and farming community.

The scheme is not necessary as there are other ways to identify the landlord's that do not provide suitable accommodation.

In the majority of cases the rents are going to have to increase to cover the cost of the new requirements if introduced. Over the last 2 years there have been a number of new regulations introduced which has increase the rent already, with additional regulations the cost of such a system will filter through to the tenants and increasing the rents.

The intention of introducing a licencing scheme to identify the number of units of accommodation and to provide units of sufficient standard is totally unsuitable and consideration should be given to

the effectiveness of such a regulation to identify the number of units of accommodation in the island when there are other avenues that could be explored.

14.06

We would comment as requested on the consultation for the above proposed law;

- It is clearly just another tax on private landlords to support the finances of the department. This is proven by my understanding that the department has stated that the law will have no manpower implications.
- There is no need for any licensing if the law is clear and reports of infringements are followed up with investigations and fines as necessary.
- The need for protection is far more necessary for lodging houses which are being made exempt for some inexplicable reason.
- This 'tax' will have to be passed on to tenants, thus the States will be directly responsible for the rising cost of housing.
- There is no evidence that this 'Law' will provide better protection to tenants.
- Why should landlords not be able to evict tenants at the end of their leases as their contracts dictate? This is contract law and the States have no right to interfere. This is not equitable as the Tenants are allowed to leave with the required notice being given. If I decided to occupy my own rental unit at the end of a lease then I should be able to without hinderance.

We have read the comments made by [REDACTED] on behalf of the JLA and are in full agreement with them.

14.07

I am a good landlord, who rents out 13 units of property.
When each tenant leaves, I redecorate the flat from head to toe, so that the new tenant has a nicely decorated flat to live in., and check that all appliances are in working order.
I attend to each and every complaint immediately and address any problems right away.
I charge a reasonable rent

I pay one fifth of my profit to the government in Income Tax.

I object most strongly in paying a further £200 a year for inspections. If there is to be an inspection, it should be taken out of the fifth of my income which I already pay you.

I think you should address the complaints given to you about rogue landlords and deal with the people involved - not penalise the rest of us!

14.08

I have filled in the somewhat loaded survey about the registration (tax) on landlords and would like to add the following.

My partner and I each own a property. They were our homes, he has had the same tenants for twelve years. A family of four. They have had no issues and are showing no signs of ever wanting to leave.

My property is let to a single person who moved in after I had it completely refurbished three years ago. I have never put the rent up and any maintenance problems are dealt with as quickly as I possibly can.

We do not need this interference and our tenants do not want the intrusion. It is after all their home rented or not. I would not welcome an uninvited official poking about in my home making sure things are up to scratch. It is just plain wrong.

If you are getting complaints about sub-standard dwellings sort those landlords out.

Lastly, although I could go on for pages yet. My partner and I have both said that if this ill thought out scheme goes ahead we will both sell our properties. I can't imagine we will be the only ones.

14.09

I have read with interest the documentation relating to the above-mentioned consultation on the gov.je website, the coverage in the media and have attended a recent roadshow.

I am a Jersey landlord responsible for a material number of rented properties around the Island. I have only recently come to this position having inherited properties from my father.

I am broadly supportive of all of the recent legislation dealing with the regulation of rented property in Jersey and since my father's passing, I have willingly spent a great deal of time and money checking and upgrading the properties I inherited to ensure that these are compliant with relevant legislation (particularly in relation to fire certification).

I am however dismayed to learn about the latest plans for regulation set out in the draft Scheme and strongly oppose these.

I have little issue in Jersey housing stock being brought up to an acceptable standard (where this is needed), but cannot see how the Scheme will make a material difference to this aim, since:

(a) knowing where rental properties are located is already within the powers of the States;
and

(b) legislation already exists to combat sub-standard rental properties.

Furthermore and most importantly, charging landlords (most of whom are compliant or are trying very hard to become compliant) for such a licencing system is unfair and has all the characteristics of a stealth tax on landlords.

I set out my reasons for these conclusions in more detail below:

General

1. I and other landlords I know all want tenants to be happy in our properties. It is in my interests that my tenants stay in as safe and welcoming an environment as possible, as this means that they will stay where they are for as long as possible meaning fewer costly voids.
2. Lack of Clarity over Rationale for Scheme - It is unclear from the published documentation relating to the Scheme what the rationale for the Scheme is. Whilst I have no doubt that there are rented properties in Jersey which fall below the required standard set out in law and regulation, such law and regulation already provide robust mechanisms (either through the criminal courts (e.g. the Public Health and Safety (Rented Dwellings) Law 2018, which covers areas such as: disrepair; overcrowding; amenity standards; fire precautions; filthy and verminous premises; and persons responsible) or by giving tenants the right to take landlords to the civil courts (e.g. Residential Tenancy (Jersey) Law 2011) to deal with such sub-standard properties or lettings.
3. Main Scheme Points Already Covered in Other Legislation - If tenants already have the right to complain to Environmental Health or take court action, it is unclear why further costly (for landlords, tenants and the States) legislation is needed. **The Minister should explain clearly what substance this Scheme will add to the legislation that is already in force and protecting tenants in this area.**
4. Lack of Supporting Evidence for Scheme Aims - There is no supporting evidence in the Scheme documentation as to whether the Scheme is justified in terms of how many environmental health complaints there are in any one year. How many complaints have been received in the last 5 years?
5. There is no evidence that a cost/benefit analysis has been undertaken in relation to the proportionality of the Scheme and its costs to the Jersey rented sector vis-à-vis the number of complaints received. This analysis must be undertaken and made publicly available before the Scheme is brought into force. **The Minister should explain clearly what the number and severity of environmental health complaints is and provide details of any cost/benefit analysis that has been undertaken in relation to the proportionality of the Scheme. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**
6. Information relating Rented Property Already Available - Apparently one of the main aims of the Scheme is to identify the whereabouts of all rented property in the Island through the licensing system. Again this task should already be possible through information already held and collected by various government departments. Such information is already given to the Population Office on change of tenants, to the Parishes through rates registers and through the Rent Safe scheme (for those who have signed up to this).

I note in particular the 14 June 2018 Government Press Release 'Public sector restructuring plans finalised' in which it was stated that "*the focus remains on*

collaborative working, eliminating silos and improving services, effectiveness and value for money.” It is a waste of Government time and taxpayers’ and landlords’ money to set up an entirely new system to obtain information that the Government already holds. **The Minister should explain clearly why the information he is seeking cannot be obtained from other sources. If this information is not made available during the consultation process, I will make a Freedom of Information request in this respect.**

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In fact, this mechanism to penalise non-compliant landlords already exists in the form of fines for breaches of existing legislation. The results of this proposed legislation will be that compliant landlords will be punished by paying substantial amounts of licence fees for the breaches committed by a small number of non-compliant landlords, where there is already a system for punishing those non-compliant landlords in place. If the licence fees will go towards funding more inspections then why are no new environmental health officers not being employed? **The Minister must explain why licence fees should be paid at all by landlords who are complying with their legal obligations (to at least 3-star Rent Safe Standard).**

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I also have tenants who are on benefits, but prefer the private rental sector because the properties are of a better quality and rents are very similar between the sectors, contrary to what was said at one of the roadshows.

18. Proposal – If the Scheme continues in its current form, all units that are compliant with legislation (i.e. Rent Safe 3 star) should be free from any licence fees, so that those landlords who are compliant with legislation are not punished for the misdemeanours of the few who are not complying.
19. Conclusion – It was admitted at one of the roadshows that it is a political decision to charge for the licensing Scheme. This is a stealth tax on Jersey landlords. **The Minister (and Assistant Minister) should admit this publicly so that they can be judged on this decision at the next election.**

Inspections

20. What are appropriate levels for inspections? – If the Scheme is to go ahead with the fee structure in its current form (which I strongly object to for the reasons set out in this letter) then, on one hand, I would expect yearly inspections as a means of obtaining value for the substantial sums being paid to the Environment Department. This will also assist in identifying potential areas of concern at my properties.
21. Intrusion into tenants life – This said, such inspections would, I suspect from conversations with tenants, represent an unwelcome intrusion in tenants' private lives and also an additional workload for environmental health officers (which I suspect will be unwelcome given the lack of plans to hire more staff).
22. No Inspections - If no mandatory inspections are planned at all, then the Scheme would be even more open to criticism as a stealth tax on one small section of society – a way of collecting tax without providing any service to the persons from whom those taxes come.
23. Tenants Can Already Request Inspections – Article 6 of the Public Health and Safety (Rented Dwellings) Law 2018 already provides wide ranging powers to environmental health officers giving them a right to enter and inspect properties and to provide rectification notices. This can be at their own or following a tenant complaint. **The Scheme should be replaced by a Public Awareness campaign drawing tenants' attention to their right to make a complaint about sub-standard accommodation to the environmental health officers.**

Miscellaneous Concerns

24. Henry VIII Clause – The draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201- (the “**Regulations**”) are poorly drafted. Article 2 of the Regulations refers to a “scheme”, but provides few further details of the Scheme. The way that Article 2 is drafted also means that the Scheme can essentially contain any details that the Minister decides should be in the Scheme. This means that the Scheme could be drafted and then subsequently changed as the years go on without any Public, States, Scrutiny or Government oversight.

Such clauses are anathema to the functioning of a democratic society and go “*right to the heart of the key constitutional question of the limits of executive power*”.ⁱ Lord Judge spoke strongly against such clauses when he was Lord Chief Justice of England and Wales:

“You can be sure that when these Henry VIII clauses are introduced they will always be said to be necessary. William Pitt warned us how to treat such a plea with disdain. “Necessity is the justification for every infringement of human liberty: it is the argument of tyrants, the creed of slaves””

The Minister must provide a redrafted version of the Regulations without such sweeping powers or at the very least provide full details of the scheme limited to the matters set out in the consultation documentation and provide that such details cannot be altered without a further vote of the States.

25. 28 Days Appeal – Article 4(1) of the Regulations provides a 28 day period in which to appeal against a decision of the Environment Department not to grant a licence thereunder. The Collective Investment Funds (Jersey) Law 1988 provides a 30 day appeal period in which to appeal a decision of the Jersey Financial Services Commission under that law. It is unjust to provide a longer appeal period to international, sophisticated and often legally advised fund management companies than unsophisticated Jersey-based landlords who are often individuals. **The Minister must change the appeal period in the Regulations to at least 60 days.**

Conclusion

In short, the proposed Scheme and legislation is half-baked, poorly thought out and not in keeping with government policy because:

- (a) knowing where rental properties are located is already within the powers of the States;
- (b) legislation already exists to combat sub-standard rental properties; and
- (c) the Scheme bears all the hallmarks of a stealth tax on a small section of society that has been singled out for punishment regardless of whether it is in compliance with the law or not, which tax will almost certainly be passed on to the tenants it has been designed (poorly) to protect.

I strongly object to the Scheme as set out in its current form.

The Minister must make himself available to defend and debate the Scheme at a public meeting.

14.10

I am writing in connection with the new proposals for the introduction of a register for all leasehold properties and their landlords which, if approved, will result in an annual Licence Fee of £200.00 albeit discounted if the property is Rent Safe Accredited.

It would appear this new Law is directed at the small minority of Landlords who quite clearly abuse the private rental sector, have no regard for Public Health and Safety and provide substandard living accommodation. Of course, all of this will have an impact on good respectable landlords that treat others as they would expect to be treated. I am sorry to disappoint but what you are suggesting is likely to drive up the cost of accommodation and moreover penalise tenants by having to pay higher rents, whether this is to cover these costs, or indeed costs attached to general property improvements. At worst, the number of rental properties will dwindle simply because landlords do not have sufficient finance to fund the required remedial works.

I understand there are circa 9,500 rental properties in the island, can I therefore assume the Environment Department have sufficient resource to inspect and accredit the said units, as well as undertaking the ongoing policing of each unit; or, dare I say, will there be a need for further recruitment?

I think the proposals are well intentioned but are not deliverable; you are using a sledge hammer to crack a nut and the proposal will not benefit tenants in the overall scheme of things and certainly will not capture rogue landlords.

I would be interested to hear your views.

14.11

I read with interest your proposal to introduce a new landlord licence scheme, supposedly to improve living conditions for us on the lower tier of Jersey housing system.

I wish you would consider the biggest problem is the Islands tier system that reigns over non residents with absolute discrimination and disregard for basic human rights.

The unqualified rent sector opens all non residents open to absolute exploitation and no reasonable cap enforced.

I am also unhappy you say likely the tenants will be penalised financially for a new licence scheme!!!! oh and why will we care because one pound means nothing!!!! well be sure it does when we just pay rent and every penny we have is accounted for.

Do not be so open to admit we the tenants will be liable for a new licence fee as in doing so you admit you are aware we are exploited all round!!!!.

We are already a sub culture just used to provide slave labour on the Island and we do not wish for you to say that we will be grateful for you to introduce another scheme that wont serve anyone but Jersey, we are not!!!!.

14.12

As joint landlords of a rental property, which we consider is well maintained (and managed [REDACTED]), we are unsettled and disturbed by the proposed new licence fee, not to mention the £50 application fee which the States are proposing to introduce.

We do not believe that this will improve standards in accommodation in the private rental sector and will probably cause landlords to increase their rent to cover their additional outgoings. This is counterproductive.

To improve the level of standards surely you must first set the benchmark, and how do you propose to do that without an inspection of all the properties? We understand that no additional staff will be employed to implement this scheme, so fail to comprehend how existing staff will have the time and resources to undertake inspection of thousands of rental premises on the Island.

Would it not be more practicable for discontented tenants to report their bad landlords and leave the good landlords to continue co-operating with their tenants, maintaining high standards and good relationships.

We think this proposal to be ill-judged and although it will afford the States an increase in revenue, it will not improve the rental market.

14.13

I have a lodging house with 29 units of accommodations. 15 of which are still basic rooms with sharing facility and I have 48 happy lodgers in it with some having been there over 12 years.

In being of the less affluent people in society their average basic wage is less than £350.00 per week and they are more than happy to pay the average rent of £70.00 a week per person which include

- 1- Our massively increased Parish rate,
- 2- The insurance of the building.
- 3- The Property maintenance,
- 4- Communal cleaning,
- 5- Free water, and communal electricity
- 6- Lodging house license, TV license, electricity report license and free office management service etc..

By imposing any new draconian measures on lodging houses we will have to increase the rent dramatically or shut our premises for good.

AND THIS IS CONTRADICTIONARY TO THE HOUSING
MINISTER POLICY OF CREATING MORE
AFFORDABLE HOUSING FOR THE
JERSEY POPULATION

14.14

I write in my capacity as Honorary Treasurer of [REDACTED].

The [REDACTED] has acknowledged Charity status.

The [REDACTED] has been custodian of two properties for many years.

One property, in [REDACTED] Street, was converted into five self contained flats more than fifty years ago.

The other, an attached house adjoining the [REDACTED] property, has been held for approximately forty years.

Both properties provide reasonably priced accommodation for locally qualified residents.

The [REDACTED] works hard to maintain financial solvency year on year and now it appears that for every year the [REDACTED] will be required to pay a licence fee towards funding a scheme designed to deal with a relatively small number of bad landlords.

As a charity and a non-profit making organisation the [REDACTED] is exempt from Jersey tax but the proposed new licence fee appears to be a form of taxation.

The [REDACTED] would not be able to absorb this new annual cost, which would therefore be passed on to our tenants.

Thus, the end result will be increased rents payable by good tenants to fund a scheme designed to deal with bad landlords.

Surely this is counterproductive and fundamentally unfair.

I would be pleased to receive your comments.

Perhaps an exemption for charities acting as landlords could apply ?

14.15

I was present at the seminar given by the Environmental Health Department at the Town Hall on 11th June.

Firstly I was surprised that you were not in attendance to answer questions as [REDACTED] seemed unable to answer any at all.

I currently have several rented properties in the Island, which are very competently managed by a local agent. I would have no qualms at all in stating that each property is in the very best of condition and repairs and renewals are expedited with speed and efficiency. Many of my tenants have been in their apartments for 15-20 years and find very little cause for complaint.

In my opinion, rather than tax or enforce stringent rules on those landlords who are already doing an excellent job in providing safe, comfortable and secure accommodation the onus should be put on the tenants to take their complaints to a third party who could then investigate the issues. This would surely bring the errant landlords to the fore rather than penalise those who are already providing excellent standards.

[REDACTED] insisted that the ONLY reason for introducing this law was to find out where all the rental properties are located. I find it difficult to understand why this information cannot be obtained from the rates forms which are held by every parish. When this suggestion was put to [REDACTED] informed the attendees that such information was not readily available because of Data Protection. Surely with the policy of transparency in our Island, the Government of Jersey should have access to all this type of information.

Introducing this law would surely add a huge amount of costly 'red tape' to an already overburdened civil service and the added costs to the landlords will ultimately be passed on to the tenants.

I hope that you will reconsider your proposals.

14.16

Firstly I am disappointed that the workshops held for the above were undertaken with little notice and are now closed.?? One week is insufficient Notice on such an important and far reaching matter.

I am a Landlord of a Flat?? which has achieved 4 stars on the Rent Safe Scheme.?? I have pre-empted the need for safety testing and have had this done and bought up to spec.?? This cost amounted to ??1000 .

All the above I have been happy to do as I wish to be a responsible landlord, a fair Landlord, keep my Tenant safe and also to protect my considerable investment in the property.

I am not against a Licensing system and see it as inevitable especially as we are told that some landlords do not take the responsible position that I have.?? Whether I should pay for their shortfalls is another matter.

However there several points with your proposals that I take serious issue with:-

1)????? License fee exemption for Social Housing Providers.

Whilst I do not take applicants directly off any Social Housing needs list?? (and would not accept the position of being forced to provide for whomever is next in line)?? I do house a family with a child who if I were not providing reasonably affordable housing would be on Andiums or whoever s list.???? I purposely like families with young children as they often are more responsible and less trouble than single people or professional couples.???? My view is not reflected by all landlords of course.?? The rent of my flat is substantially less than like flats in the block and this will remain so to attract long term responsible occupants.

Andium was set up as a States owned business and should pay all its appropriate costs.?? Private landlords alone should not fund the License scheme alone as to do so is blatantly unfair.

2)????? Rebate for Rent Safe Properties

I have achieved 4 stars and cannot achieve 5 stars as to do so the entire block of 6 flats would need further insulation works. The flat is not cold being built only 20 years ago but I am penalised for being unable to move up.?? Am I expected to insulate all 6 flats to get mine up to 5 stars bearing in mind that 80% of the block is owner occupied and outside of the License Scheme? Also every pound spent on the License is a pound not spent on the flat.

3)???? Landlords Protection/ Tax position

The tenant pays nothing to the License fee.?? That's fine but the License system offers no protection to the landlords from rogue tenants.??

Nothing appears to be in the pipeline to redress the balance.?? Nor is it clear if the fee will be tax deductible as recently we have been disallowed rates as an expenditure.???? The assumption that Landlords are all mega rich cash grabbing businesses is flawed.?? Much of the Island housing is provided by small Landlords and there is little credit given to them for the service they provide which would otherwise fall to government to provide.

4)????? Effect on Rental Levels

Any one who thinks that this costs associated with this proposal will not end up with the tenant over the medium term is deluded. Rents are set by market rate and typically adjusted by RPI.?? At the outset of a new Lease the Market position is reassessed to see if RPI has matched market rate. It only takes a percentage of landlords to pass on the costs for the overall Market rate to be affected. It may happen slowly but it will happen.

Some landlords will also expect a percentage return on investment and if this is constantly squeezed by additional costs the reaction will be to raise rents. At the moment demand exceeds supply so the tenant will probably have to stump up the increase.????? Keeping the cost of the Scheme low is

therefore essential.?? Also its unclear where the income from this scheme will go as I suspect it will exceed the real operation costs by some margin. I do hope that it does not become a Stealth Tax on private landlords.

14.17

My wife and I own a flat which we purchased several years ago to boost our pension earnings. We maintain this flat and have spent considerable sums on improving the property including dry lining and replacement of the windows to modern standards to include trickle venting as it is a ground floor property.

It appears to us that this licencing scheme is creating extra costs for us and is penalising landlords like us who are responsible in an attempt to improve the worst rental properties.

I feel that this using a sledge hammer to crack a nut and is using the wrong technique. I would propose the following.

1. That legislation is put in place which defines the minimum standards that rental property must contain.
2. The legislation should also cover partial letting of properties eg toilet and cooking facilities of which the lettee has use.
3. That when social security/ population office are advised of a change of address of a person that they should be sent a questionnaire asking suitable questions such as:-
 - a. Did you own your prior residence.
 - b. If not, Was the property leased to you and/ your partner/associate solely
 - c. It not please indicate the arrangement by which you resided in that address.
 - d. Please rate your former residence on a scale of 1 to 5 taking into account privacy , heating , dampness, standard of electrical fittings, cooking and washing facilities.

Such a system would very quickly identify those properties which needed to be assessed for failing to meet the law.

Another alternative would be to interrogate the integral databases that the states are building to identify properties and their residents so that intelligence can be extracted eg a property with a high turnover or children who have no connection to the property owner.

If the fines for breaching the regulations were made punitive that would act as a great incentive to enhance the standards of property especially if it became publically known that lettees would be assessing the property on termination of the letting.

I trust that these comments are of help.

14.18

I am a private landlord, as well as managing property rental on behalf of an elderly relative.

Having looked through the proposals and associated charges for the licensing of private rental properties, I can't help thinking that the limited manpower and financial resources available to your department would be better employed working with negligent landlords who need to upgrade the properties they rent out, rather than apply another layer of bureaucracy to responsible landlords.

The costs of application and annual license fees will only be passed on to the tenants, which benefits no-one.

I hope you will re-consider this proposal.

14.19

PROPOSED LANDLORD LICENCING SCHEME

Notes in black are my comments on the proposed new landlord licensing scheme as set out in the documentation given as consultation papers by the Environment Minister.

Notes annotated in RED are made by me following the Consultation Meeting on 11 June 2019 at 9.30 -11am.

Political Perspective

- The consultation documentation states that “specific reference to a proposed licensing scheme were made by the States Assembly on two occasions. The law was voted on by the States Assembly on 2 occasions. On both occasions it was unopposed.” In response to this, I would say the devil is in the detail. Look for example at Paternity leave– voted through but now being looked at to be withdrawn/ amendments because the actual cost to small businesses is coming to light and the consultation process is being questioned. Deputy Morel.
- Deputy Guida – put forward a proposition to lay out the cost implications that any new legislation will bring about. Has this been done for this proposed legislation?
- Consultation documents state that licensing will improve standards of management – yes but the bad landlords will still exist and buck the system. The good landlords pay and there is a huge cost to landlords, agents and tenants of bringing in this legislation.
- Enough legislation/regulation in situ now to deal with the bad landlords and yet it isn't used.
- Once into law – politicians walk away. Example: rental deposits law. Needed for the protection of tenants. Yet, I have tenants who have waited months for MyDeposits to repay them. (eg left end of Feb contacted me end of May stating they hadn't been returned undisputed deposit/ other tenants whose deposits can't be found/ deposits monies sent by me and not registered for 3 weeks, until I ring to ask where the money is. Politicians don't look/want to hear how it is working once it is in. [REDACTED] MyDepositsJersey provider's contract is due to be renegotiated in 2020 and there is some talk about it being brought back to Jersey and run by the Environment Department.
- Behavioral change in Landlords to governmental interference/micro management. Bad landlords won't comply (they weren't anyway) and unfortunately, the behavioral change of good landlords as a result of governmental interference/micromanagement will ultimately have adverse implications for the tenants. Eg:– PAT testing – already landlords have stopped supplying white goods (actually dumped them) – waste of white goods and there is a cost for tenants of buying white goods. [REDACTED] – do not have to PAT test fridge/freezers, dishwashers, cookers, hobs, washer/dryers. Asked to have that put in writing in the public domain from Environment so everyone knows that those items are excluded from PAT testing. URGENT GUIDANCE FROM THE ENVIRONMENTAL MINISTER IS NEEDED ON THIS BECAUSE THIS LAW HAS BEEN BROUGHT IN WITHOUT CONSIDERATION OF THE IMPLICATIONS. Increasing lease terms so that don't have to PAT test/electrical test on each change of tenant. Increase lease terms to 5 years but what if tenant wants a shorter lease – and whilst some tenants want security of tenure and longer leases, other

tenants don't want to be tied to a property for long periods of time. I used to rent for 6 month periods if a tenant wanted it (moving out to do up their house, temporary work assignment in Jersey, seasonal work) I would not do this now.

- Reduction in housing stock. Eg: Dower cottages, landlords who don't really need to rent, won't. Bedsits not up to standard -put into planning to improve (individual bathrooms instead of communal one) and the new "flat" (studio) doesn't make the minimum size standards – combine units to address this and lose units. Plus the bigger unit becomes more expensive for tenants because they are bigger units. Tenants running costs (electricity) increase as well as their rent.
- The Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 require any owner/occupier who has 3 or more lodgers, to comply with the law. Once owner/occupiers realize they have to be licensed, will they want Environmental Health coming into their home? Gave example of an owner/occupier who has a carer/housekeeper living with him and her husband and child in return for work/rent. That house is now a "rented dwelling" and will be subject to electrical testing, gas testing, PAT testing already and will need to be inspected and licensed when this law comes in. [REDACTED] – in these circumstances it will not need to be licensed. [REDACTED] – the law as currently written defines this as a rented dwelling (that is already LAW) so the owner will need to apply to the Minister for an exemption. [REDACTED] agreed.
- WHY does environment need 3 schemes – Rent Safe Scheme and licensing and actually got the Lodging House laws as well. Unduly complicated and expensive way of doing things. [REDACTED] – the Rent Safe scheme has proved unpopular and there is a reticence to force landlords to join this. [REDACTED] – aren't you forcing landlords to join another scheme to the same end? And if the Rent Safe Scheme is unpopular why would a licensing scheme be any more popular and seen by the general populous as necessary? As [REDACTED] [REDACTED] noted there was reticence to make the Rent Safe Scheme compulsory, but how can it make any sense to decide not to take the obvious step of making an existing scheme compulsory, if that is required for it to achieve the public policy aims, but instead to unnecessarily multiply legislation by bringing in an additional compulsory regime? In an environment when the Government of Jersey is attempting to simplify and streamline, such an outcome is perverse. The overriding impression is that perhaps in order to "save face" by not having to admit that the Rent Safe voluntary approach has not worked as intended, a largely duplicatory regime is now being introduced, rather than the sensible approach of adjusting the Rent Safe Scheme if necessary or even giving consideration as to why the Rent Save Scheme has not succeed and consider its necessity at all and scrapping it.

Landlords.

Who does this proposal apply to?

Documents talk about a level playing field.

Presume that Andium will be subject to licensing as well?

[REDACTED] – absolutely Andium will be subject to all these laws /regulations. Audience member – had spoken to [REDACTED] who apparently said that laws/regulation will not apply to Andium. [REDACTED] confirmed that the laws/ regulation will apply to Andium. Audience believed they should. As such, ALL references to proposed licensing of PRIVATE rental sector should be immediately removed.

████████ pointed out that Andium currently has 4500 properties and none are on Rent Safe. Therefore they will need to pay £200 per property = £900,000 per annum in license fees.

Charities/parishes get reduced fees IF they are on Rent Safe– because they provide social housing. So private tenants/landlords pay for this. There is ONE pool of tenants in Jersey and ALL tenants need housing.

General feeling that it was totally unfair that social housing providers don't pay for the scheme and the scheme therefore became a TAX on landlords that don't provide social housing. The consultation documents talk about a "level playing field" – the government is actually skewing the playing field here. █████████ said that any landlord could become a social landlord if willing to follow the rules for social landlords and take the reduced rents. This led to an interesting discussion. █████████ asked for a show of hands from the audience of any landlord who provided any of their properties without carpets, flooring, curtains or any window dressing, and white goods (cooker, hob, fridge/ freezer, etc). NOT ONE LANDLORD raised their hand. Only Andium provides houses without these things (and possibly some housing associations) and █████████ made the point as such rents are 90% of what? 90% of a private landlord's market rent when all private landlords provide more? The extra 10% rent that the landlords goes some way to cover carpets, curtains, white goods etc...

As such, the distinction between Andium as a "social housing provider" and private landlords based on rent is wholly inaccurate. It is not comparing apples with apples. Andium provides a less "complete" product for a marginally lower cost as compared with a "complete package".

Incidentally, I understand carpets, white goods etc are bought by Andium tenants (from a government controlled restricted choice) often using loans (I believe government provided) – instantly putting those tenants (often believed to be the poorest/in most hardship persons in the Island) in debt.

No fault evictions from Landlords perspective

Consultation documents talk about the licensing scheme stopping/reducing no fault evictions

What if the landlord wants to move a family member into the house (house bought years before, with a view to letting a child have it when they grow up – that child needs housing as well)?

What if the landlord and tenant just don't get on – sadly, it happens.

What if the landlord wants to sell the house?

What if the landlord has financed the property with a loan, which cannot be refinanced at the end of its (typically 5 year) term?

Landlords may deliberately go for license withdrawal.

Revenge evictions.

Documents talk about revenge evictions.

On the whole landlords want to keep tenants in their property – that is good business (Wide spread agreement from the audience)

Only if

1. the landlord has a change of circumstance (sell property/use property themselves). There needs to be some regard that the landlord's circumstances may change, as well as the tenants and a balance between their rights that is fair to both. How can it be right that a tenant should be entitled to give a month's notice (as is generally the case) but has an indefinite right to remain in the landlord's property even if this causes difficulty for the landlord.

OR

2. the relationship isn't working out that they will want to get rid of the tenant. Non-payment, Neighborhood/nuisance issues, excessive demands. damaging the property. This is a nightmare for everyone involved (audience agreed with this). Then it is better if the tenant goes at the end of the fixed term rather than be taken to court under a provision of the lease to evict for non-performance, which blots the tenant's copy book in future.

Production of Paperwork

The consultation documents talk about providing timescales for completion of works – that is dependent on tradesmen and not always in the hands of the Landlord, particularly at the moment when the construction industry is so busy.

Eg: Reroofing work at the moment – impossible to get a roofer.

Emergency number - to tenant and environment department and any changes to be provided. Maybe a good idea in principle and if you can guarantee that the tenant only rings it when water is pouring through the ceiling or electricity has gone off. However: What of tenants that ring at 1am saying they have locked themselves out? What of the tenant that rings to say they have no electricity come straight away landlord – and there is a general JEC outage in the area (both have happened to me). So behaviour will change – landlords will write into their leases that unnecessary calls will be charged.

Providing too much to a tenant disables tenants as reasonably prudent persons in the future. Who are they going to ring in an emergency when they own a property in the future? Who are they going to ring when a pipe burst – they should know how to switch off a stop cock. Location of stop cocks in each flat of ours is shown to them and written in manuals.

References – consultations proposals state that landlords should take references and MUST provide them to Environment within 14 days of a request. Why does Environment need to see these? [REDACTED] could not answer why Environment needs to see Tenant references. Asked who wrote that into the proposed license conditions – [REDACTED] did not know who wrote it or the rationale of having that in the license conditions. [REDACTED] said, at this point and at a number of other points, that we would have to direct that request for information to the Environment Minister. Audience asked why the Environment Minister wasn't at the meeting to answer this question (and many other questions that the Environment officers were unable to answer during the meeting.) Can the Environment Minister answer the question, why do Environment need to see tenant references? The opportunity for many questions of the people attending the meeting were to be answered were not able to be answered because the Environment officers didn't know the answers and the Environment Minister wasn't available to answer them. This drew much criticism of the consultation process, and detracted materially from the stated function of the meeting as a forum for the provision of information.

Continuing of the references point - the consultation papers talk about reducing homelessness (revenge evictions) - some people can't produce references – prisoners, previous owner/occupiers, young people moving away from home for the first time. Bad for some tenants – will they find it even harder to find a place to rent in the first place, when references are mandatory.

Audience questioned Data Protection Laws regarding showing references to Environment.

Consultation papers state a Property inspection log will be needed and regular inspections and production of records to Environment – this is needless/excessive paperwork. I go in and inspect property. The results are in my head. I have now produced a checklist (in case this becomes law) – all costly of my time but more importantly deeply unsettling for tenants as I stand there with my checklists – I rent good properties, without all this paperwork. I may need to increase the number of inspections necessary – appearing regularly armed with an official checklist is highly invasive for tenants and very unsettling and worrying/stressful and an intrusion in to their personal space and lives. Ask yourselves this – how would you like me to come into your house with my clipboard and go through every room of your house, looking everywhere and making notes – I will go into your bedroom and I will look in your drawers to check they are opening and closing properly, if I provide the furniture, I will set off your fire alarms (never mind if the baby is sleeping) etc etc all as required in the proposal). When I told 1 tenant about it, they immediately said “what about the poor tenant, what if he doesn't want that” – now I have to take my clipboard in and write down everything I see/do to include, date and time of inspection, who is inspecting and who is with me, what rooms I am inspecting and what I am inspecting, state of the furniture, number and position of smoke /carbon monoxide alarms (smokes already on my fire certificate – so unnecessary). I inspect my properties but I have super tenants that pay on time, keep the properties well and will call me if there is any problem and they know it will be dealt with – currently I will not inspect them as much as a tenant who is struggling to keep their property nicely, because, it isn't needed and it is highly invasive of that tenant's privacy. Under the proposals my working methods will have to change – to the detriment of good tenants. I receive regularly positive feedback for tenants that they value the relationship with me and my manner of dealing with them, and that I am viewed as a “fair” landlord, and I do not want to be compelled to be an officious and intrusive landlord. Your proposals seem to want to rule every aspect of the landlord/tenant relationship in the name of improving the health and safety of the tenant (the landlord's health and safety don't seem to matter) – what part of seeing the tenants references has anything to do with health and safety of the tenant and yet you wish us to be totally intrusive into the tenants privacy by production of private and sensitive documents and regular intrusive inspections – that HARMS tenants health via stress.

Further all this will also lead to an increased use of agents by landlords who just can't cope with all the additional administration– increased cost to landlord – how much of that will be passed on to the tenant?

Agents

Need for compliance officers/additional staff, to complete the paperwork/ testing etc. Increase in fees passed on to landlords and ultimately tenants. Agent I used has already confirmed huge increase of paperwork with the deposit scheme having come into existence and the electrical checking.

Tenants.

Tenants will ABSOLUTELY suffer an increase in rents (and that will cause increased inflation) to cover licenses, testing (PAT, electrical, gas, fire alarms) paperwork, compliance.

Many landlords take the view that it is better to maintain rents as they are, where the tenant is happy and the relationship works well, rather than trying to “push” rents. If the rent or cost for landlords increases, the cost/benefit adjusts, and the response may well be to rectify this deterioration by increasing rents. A large proportion of my cost increases in recent years have been directly related to governmental regulation or direct extra costs (eg: fire license £80 to £400, EML drain down times /check increases, changes in fire regulations, my deposits scheme, I can go on and on)

One audience member says he never puts up his rents for sitting tenants (hasn't for 10 years), but he had just worked out that he will be paying c£1700pa for license fees alone (more for testing fees etc) – he asked where that money was to come from and said he would be forced to raise his rents. When this member stated he doesn't put up rents for sitting tenants many audience members nodded their heads – an indication that they don't either. The one certainty though is Andium raises its rents every year.

Increase in cost if tenants have to provide their own white goods/furniture. Note Andium doesn't supply any white goods, furniture, curtains/blinds, or carpets/flooring except in the kitchen and bathroom they supply vinyl.

POSSIBLE decrease in standard of accommodation – modern kitchens which have been tastefully done often have integrated dishwasher, washer/dryer, hob, cooker, fridge freezer, so you get smooth cup-boarded look (also more hygienic because food doesn't fall between cupboards/cooker/fridge/freezer etc). If white goods aren't being provided (because of PAT testing), they there are just spaces for fridge/freezer, freestanding cooker etc.. You also have the issue of fridge/freezers being moved in and out by tenants (heavy items being moved up stairs etc) with safety issues for tenants doing the lifting and also more property damage from corridors being bashed as items are manhandled AND MORE LIKELIHOOD OF DAMAGE TO THE ITEM WHILST MOVING IT. If fridge/freezers just stay in the flat (because they belong to the landlord) there is a reduction in this movement of heavy items as often the white goods out stays the tenant. Also tenants white goods don't have to be PAT tested - they also (for financial reasons) buy second hand, so you don't actually know the state of the goods coming into your property.

Also money spent on needless administration and license isn't available to be spent on refurbishments – in Andium's case to the tune of £900K per year but it affects all landlords in the same manner.

Result is that landlords will tighten up their practice by taking advantage of clauses allowing an increase in rents and /or holding tenants more to the condition requirements of their leases particularly as to condition on return of the property. Sadly this is hugely detrimental to the tenants.

Environmental department

Lack of transparency, perhaps honesty, perhaps knowledge– six months ago (Oct 2019) I attended the Environmental meeting about the introduction of the Public Health & Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards)(Jersey) Order 2018 at that meeting we were told that we had to electrically check every 5 years (audience seemed to agree that is what we were told at that point in time.) In fact, that is not true. When the law came in, it is drafted such that you must electrically check every 5 years and on every change of tenant or renewal of lease. So if you have a 1 year lease with the same or different tenant then you must electrically check every year – 5 times in

5 years NOT ONCE EVERY 5 years). If you have 6 month leases then it is 10 times in 5 years even if the tenant is the same person. Each electrical test for one of my flats cost £200.

The lack of conversation between governmental departments:

Heritage – can't change windows/doors – how does this sit with cold/ safety?

Environmental health – requires clean drinking water – yet Jersey Water doesn't supply to all houses clean drinking water.

The JEP made a great story of tenants not having clean drinking water and at first I envisaged people living in a shed, houses etc with no tap and no running water and I was appalled. What this is actually getting at is the rural properties that are not attached to Jersey Water's mains system (from memory about 3000 houses) and have their water source by borehole or well. Some of these have treatment plants, others, I presume, don't. ██████████ confirmed that it is boreholes/wells that are /can be a problem (having had a case of raw sewage having leaked into the well/borehole) and that those using this system should have their water tested and then put in a treatment plant/ mains water. ██████████ said that actually this goes beyond landlord/tenant matters and there should be a commitment from the States to have every outlying house that wants it, put on mains water for free. In tenant terms, what will actually happen is that houses not on mains water (eg the rented dower cottage) will be taken out of the rented system because the cost of a treatment plant or attachment to mains water is huge. This will decrease available rental housing in Jersey which is the LAST thing Jersey needs and will consequently increase rents.

Within Environmental teams themselves – The rent safe document talks of an “absence of central heating poor inefficient heating systems” as being a problem (yes it is) and that an “appropriate heating system safely and properly installed and maintained and controllable by the occupant” should be fitted. In conventional terms a “central heating system” would be one that operated over the whole house. ██████████ stated what is required is a heating system that is fixed to the walls rather than portable heaters. So the lack of joined up thinking is this - Environmental Health requires heating yet Environment/Jersey are opposed to gas/oil (Jersey recently signed no carbon by 2030) and Environment objects to air source heat pumps (because of outside noise they make). Air source heat pumps can heat in winter, cool in Summer (if the device is an air conditioner as well), and they can move air around (decreasing mould accumulation) and they cost much less to run for the tenant than normal electrical radiators (1/3 of cost to run) but Environment actively object to planning applications which propose them (because of outside noise) – so how are we to heat/cool the rental properties? Radiators that fix to walls and heat only (don't cool/move air) and cost far more for the tenant to run. Environment proposes the most expensive and least functional option.

Compliance checks – documents state these will be done when Environment get referrals from hospital or Landlord submitted documentation seem to indicate that their property isn't complying:

Referrals – this CAN be dealt with under current legislation – it is in place but bad landlords aren't tackled? Why not? You have the tools/laws/regulations already – why do you not use them?

Grandfathering provisions – property isn't on rent safe and on self- assessment for licensing the landlord indicates the property doesn't meet minimum standard – will really bad landlords declare that? NO

What are the charges under Rent Safe? ██████████ – it is free and WILL ALWAYS be free.

Transparency – Rent Safe is meant to be a public register so tenants can access it. Yet you can't see the register of all the dwellings (apparently 1700) that are on it. ██████████, said 2000 properties are now on rent safe. However, website isn't up to date. ██████████ said that access to the Rent Safe register of properties which was meant to be public so tenants could see which landlord/property is a member and what star rating they have, but it isn't available/possible to see it so there is no public accessibility. It doesn't work and the properties aren't shown. Is this because of Data Protection? It is NOT doing the job it was apparently designed for.

Why is Andium not registered on Rent Safe, despite Environmental Health saying in the meeting last Autumn they were applying?

Hostel – charges per bed space – are there any hostel type accommodation (other than lodging houses)? ██████████, Womens Refuge and other such organizations, will come under the regulations.

Consultation of the proposed licensing regime.

At the meeting, the audience were deeply disappointed and in some cases angry, that questions couldn't be/weren't answered by the Environment Officers who referred to comments having to go to the Environment Minister and some unanswered questions should be put to him. Having arranged the meeting the Minister should have been there if the officers were not in a position to answer the questions.

A landlady who volunteered that she was 76 years old, had been a landlady for many years and didn't use computer, asked why hard copy papers were not available of the proposed laws as she was none the wiser for what she had to or would have to comply with.

Another man, said he had had the same tenant for many, many years and the relationship was fine. He had no idea what the propose laws were or where to find information on them.

Much of ██████████ address was given over to the process of passing the law, from consultation to council of ministers etc.. NOT on the practical aspects that proposed law meant for landlords and tenants. One lady who identified herself as a new landlady, said she had contacted the Environment department for advice and had found ██████████ very helpful in advising her what to do to prepare her property (she had joined Rent Safe). In reflection this is exactly what one would hope Environment would do (and use to do), help when asked, rather than completely take over.

The consultation papers state that the Environment Minister will be taking over the running of the Lodging House licensing regime. Under the Lodging House Law this responsibility lies with the Housing Minister and has always been carried out by him. What legal basis can this just be passed to the Environment Minister when the Law names the Housing Minister as responsible. ██████████ – the Housing Minister has signed a ministerial decision to pass responsibility to the Environmental Minister. Although it is only a small point, what is the legal basis for a ministerial decision to override a Law please?

At the beginning of the meeting, ██████████ stated that the running of the licensing scheme would not attract additional personnel needs at Environmental Health. No new officers would be set on and the way that the Government of Jersey is going at the moment, departments are generally looking to have less staff and make savings. If you are going to bring in such licensing system and service it properly, the work load of Environmental Health will sky rocket, so

A Environmental Health currently must have free capacity, and those people can run the licensing scheme

B Environmental Health will not be able to properly manage the demands of the scheme, so why put it in place in the first instance

C The statement that no new staff will be required is not true.

Which is it please?

Further considerations since the meeting:

JEP 10th June. [REDACTED] Citizens Advice Bureau said that the new regulations would enable him to refer housing problems directly to Environmental Department, dramatically reducing CABs work load because a lot of CAB's work load relates to landlord/tenant matters. Of course, one would expect a lot of CABs work load to relate to landlord/tenant matters because, everyone needs to live somewhere and a large proportion of people live in rental accommodation and therefore on a pure numbers game, there will be issues. Wherever you have 2 people in a relationship (of any kind, employer/employee, husband/wife, partners, landlord and tenant etc etc) there will be issues and some of them will end up with CAB, in court etc

[REDACTED] was also very pro the introduction of the Deposit Scheme, for the same reason that it would cut down the work of CAB, which apparently dealt with a lot of deposit issues. Once the scheme came into existence, it was quickly recognized that a physical "office" in Jersey was needed so tenants/landlords could go in and see someone if there were issues. At first this office was (I think) at the cooperative bank but after a while it moved to CAB because the cooperative bank didn't want it any more. So CAB got the work they were originally doing anyway.

In Summary,

I may not be opposed to some sort of licensing scheme for rental properties in Jersey PROVIDED it is to the benefit of landlords, agent, tenants and society in generally.

The scheme needs to be simpler, cheaper and better then anything currently proposed.

The scheme needs to target the bad landlords and go after them, whilst leaving the good landlords to manage their business without interference and a compulsion to operate in a government controlled way.

15.20

I was reading the Jersey Consumer Council leaflet today and noticed the article about this consultation.

I have one rented property, it was a previous matrimonial home for me and I now live with my partner in his house. I kept the property on to earn extra income. It has been rented out for 12 years now. Although when originally rented out it was in perfect condition, it is now very tired and in need of some modernisation.

However the state of my property is very poor from a perspective of the tenant. She and her two children are very messy and untidy and have no hygiene levels at all. My tenant does not clean the property at all and she struggles to do any maintenance on the property despite my lease detailing all the aspects she as a tenant is responsible for, in great detail. Having said this she pays her rent regularly each month. Although I want to maintain the property outside by having the gutters cleaned, house painted and two back doors replaced I am reluctant to replace the kitchen or bathroom with the current tenant in the house.

I would question what point is there in me, as the landlord applying for a licence to rent my property at a decent standard, when there is no such licence for the tenant to apply for a licence promising to keep the property in a decent standard as well.

Maybe you have landlords out there who have many properties rented out and they are not at a good standard for living in, then perhaps for those tenants some form of licence or monitoring would be appropriate but I do not feel a licence for someone like me is appropriate.

14.21

Proposed New Rental Licencing / Charges Feedback for Private Sector ;

- 1) Poor “advertising” of this important seminar. Couldn’t find on gov.je either
- 2) Impossible Targets (and hence very unfair fees) ; see below

A good example is an old Victorian property split into 4 rental units, and although of no interest to any Jerseyman, despite all representations, it was still Listed !! (The Listings should be “examples” , not 100% of possible buildings as Heritage did, and then was rubber stamped by Planning..)

The major problem is a lot of these old buildings

cannot change the old draughty single glazed sash windows (as now Listed) (even madder in my case as the ones next door already had uVPC windows..)

So making the flats thermally efficient.., is impossible !!, as the single biggest heat loss is .. draughty single glazed sash windows !! , (yet “Mould and Cold” are Major reasons for this new Legislation ??)

So it would appear that any of these great discounts available to “new build flats” are impossible targets for the older buildings.., which just cannot be right, fair or Equitable...

And also financially penalises the owners of such buildings.. In this case 4 x £200 = £800 !! (as opposed to a possible 75% discount for new builds (£200 for them..)

Plus Mould is most commonly found in Bathrooms in the lower end of the rental sector, where Tenants are on Income Support / Low Wages and struggle financially. They don’t keep the electrical heaters on flat out, and don’t open Windows in Bath Rooms to Ventilate the rooms, and hence .. mould appears ... I don’t see anything about forcing Tenants to properly Ventilate Shower rooms in the proposed new Legislation ??, nor do I see anything to force Tenants to keep the Rental units Clean & Tidy ??, or not to have Noisy Late Night parties ??, nor to repair any Breakages ?? yet there is a “Support for Tenants” paragraph...

AMENDEMENT REQUESTS

- a) **Urgently push to change the Legislation / Planning Laws & Regulations , to allow ALL Flats to have uVPC Double Glazed windows...**
- b) **The proposed fee structure must make it possible for the older building to get 75% discounts on Fees, (not impossible.., as it does currently..)**
- c) **Make some Required Standards that Tenants have to keep the Flats up to standard too**
- d) **This should not be an annual fee..., but a “one off” fee.**

The current Rules (Min 3 months Notice for Tenants) make it impossible to get rid of Rogue Tenants . The Legislation / Rules are all bending over backwards to help the Tenants..

Landlords are powerless to Regularly Inspect the flats, if the Tenant refuses Access...

And how can a Landlord easily make a Tenant Repair eg a broken window (broken by them) or other Damage ? (without a very expensive Lawyer..)

Plus I am astonished that the Environment Dept in 2019, still has no real idea of the Total No of Rental units ... (Rates Returns, Tax info etc)

Which makes a mockery of any proposed new Fees for Landlords, especially as the biggest Landlord (Andium) is Exempt.. (The Environment Dept's ..guess.. / budget for Total new Fees to be raised is £400,000)

“This proposal is designed to increase confidence within the sector, reflecting the many good landlords whilst requiring poor landlords to improve their offer. **Thus creating a level playing field**”
.... Seriously ?? (see Above..)

You cannot expect an Old Victorian building, split into flats, to ever compete with the standard of a “new build”...

“The Licence Holder should require references from persons who wish to become tenants before entering into any tenancy agreement with them. (The Licence Holder must retain all references obtained for tenants of the property for the duration of this licence and provide copies to Environmental Health within 14 days on demand.)” **Impossible for “lower end” Tenants**, or young people who claim staying with Parents/ Lodging with friends etc etc This is really just a way for your Dept to check the previous accommodation was registered ...

“The Licence Holder must ensure that inspections of the property are carried out at appropriate intervals” **Not always possible**. I have had a Tenant from hell, refuse me access for an Inspection.... , and where is “appropriate” defined ??, **And where is the Legislation to ensure any Tenant damage is Reported and Repaired promptly ??**

Records must contain “a log of the number and location of each smoke detector in the property” ?? Why ?? When the Fire Dept issues Fire Certificates etc ?? **Duplication and Unnecessary** ; Why is it in the Draft Legislation ??, and Who exactly put it there ??

“confirmation that each smoke detector in the property has been tested and whether it is in working order” Covered already by Fire Regs / Certificate . This does seem to be duplicating / confusing a lot of things...

“Excess cold (because of increased heat loss)” ?? See above re Old Draughty Sash Windows, and old Buildings , and it does depend on Tenants using their fires too (see above)

“Check if any of the deficiencies and faults contribute to any one or more of the 29 hazards” Where are the 29 listed ?

“3.1 Includes threats to physical and mental health from: • House dust mites • Mould or fungal growth Both are caused by dampness and/or high humidity.” Where does the Law force Tenants to keep Bathroom windows open ??

“3.1.2 Excess Cold: This covers the threats to health when temperatures fall below the minimum satisfactory levels for relatively long periods.” The Tenant may not be able to afford to have the heating on all the time. Plus an Loft conversion that took place years ago, will have different standards to one done now (so as with old cars , there should be variations in the requirements) , and it's impossible with Old Draughty Single Glazed Windows ..

“Figures suggest that 100,000+ people are affected by Class IV harms annually” Why is this in ?? as Jsy population is only 110,000 and the figure is a completeguess..

“Preventative Measures: Bathrooms/WCs in flats not sited above living rooms/bedrooms” ?? So Redesign flats where this is the case ?? If not, why is this in ??

“Design/construction/subsequent maintenance of building should help it to be kept clean preventing build-up of dirt and dust; • Personal washing/sanitation/food preparation/cooking/storage areas should be capable of being maintained in a hygienic condition” But where does the Law force Tenants to keep reasonable standards ??

That’s enough , as re Stairs and fall etc, are you suggesting all stairs must now be replaced to comply with “new build”.

Electrical systems .. etc etc , But Duplication yet again, as already covered by Certificates ...

It seems like a perfect “wish list” for New Builds ??, not one that can cover old Victorian properties etc etc

Appendix 15 - '[A licence to rent](#)' - A joint research project between Chartered Institute of Environmental Health and Chartered Institute of Housing – published January 2019



A licence to rent

A joint research project between
Chartered Institute of Environmental Health
and Chartered Institute of Housing

January 2019

CIH & CIEH



About CIH

Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals and their organisations with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation.

This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world.

www.ci.org

About CIEH

Chartered Institute of Environmental Health (CIEH) is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. We ensure the highest standards of professional competence in our members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities, including in areas of food, public health, housing, environmental protection, and health and safety. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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Introduction

The private rented sector has been growing rapidly over recent decades. As a proportion of the overall market, it has doubled in size since 1997 and now houses 20% of all households in England.

As the sector expands, private tenants are also becoming increasingly diverse, including a higher proportion of people across all income groups and a growing number of families with children. Increasingly, it is housing many of these households for the long term.

Whilst property and housing management standards are by no means universally poor, they are highly variable, and at the bottom end of the market there is a particular issue with poor property conditions and the presence of unscrupulous, exploitative landlords. Local authorities therefore have a vital role to play in understanding their local market and in working with landlords to drive up standards in their area. Licensing is one of the tools available to them to do this.

Selective licensing schemes were introduced in the Housing Act 2004 and slightly amended in 2015. The schemes are designated areas in England, where all privately rented properties have to be licensed with the local authority. These schemes are introduced by the local authority, usually in a small area within the borough, to tackle:

- Low housing demand
- A significant and persistent problem caused by anti-social behaviour
- Poor property conditions
- High levels of migration
- High level of deprivation
- High levels of crime.

Since the introduction of selective licensing, local authorities have been using these powers in a variety of ways to tackle a variety of problems. It is these variations in the intended purpose, size, design, local private rented sector, and other characteristics of the schemes that make these schemes difficult to compare and analyse.

This research offers a largely qualitative analysis of existing schemes to assess the benefits achieved in different areas and to suggest ways in which these schemes could be improved.

Methodology

Local authorities with current selective licensing schemes were recruited on a voluntary basis to participate in this research. A simple questionnaire with open text questions was then used to collect information from participants, via a combination of written submissions and telephone interviews. Once all the responses were gathered, the data was analysed and additional questions were compiled to clarify any specific points or to shed more light on specific issues. A draft report was shared with the participants and a wider set of stakeholders for comment.





Summary

Key facts in numbers

- 20 councils participated in the research
- 27 schemes currently in operation
- A further ten schemes have now concluded
- Three borough-wide schemes
- Excluding borough-wide schemes, the typical licensing scheme size sampled was around 800 licensable properties, ranging between 200 and 6000 properties.

Findings

Selective licensing is not a 'quick win' and it may be several years before tangible outcomes are achieved. Nevertheless, many of the schemes we looked at are delivering significant benefits.

- Selective licensing schemes are successful at improving housing conditions. We found numerous examples of inspections leading to very high numbers of serious hazards and defects being identified and addressed in licensed areas. In schemes that have ended, we found that between 69-84% of properties in licensed areas needed works to be done to bring the properties up to a decent standard. The introduction of a selective licensing scheme in these areas clearly shows that property and management standards have been improved and the schemes were well targeted to focus on areas with very poor housing stock. The fact that such large numbers of properties needed works to be done also suggests that the

schemes are largely fair to landlords – a majority of properties within licensable areas are benefitting from improvements and greater compliance.

- Several councils have highlighted that landlords had become more willing to do required works on their properties once licensing schemes had been set up in their areas. Although the exact mechanisms are unclear, this observation is backed up by the large numbers of works being done to remedy hazards and defects, without formal action being taken by the local authority. We therefore consider that the success of selective licensing schemes cannot be measured in prosecutions data alone and needs to take into account the number of properties or management practices improved.
- Some councils are also able to provide clear evidence of reductions in anti-social behaviour. Resources to support and educate landlords to tackle the anti-social behaviour of their tenants has been an essential component of successful schemes.
- Whilst not a primary aim or measured outcome of many schemes, the existence of selective licensing in the areas we studied also often led to a better understanding of the local housing market and provided opportunities to better engage with local landlords.
- Some schemes appear to have encouraged greater joint working, with many areas reporting joint inspections with the police and the sharing of various data sources to identify unlicensed landlords.



In terms of how schemes are operating in practice:

- Licensing fees vary significantly from scheme to scheme and do not always reflect the true cost of scheme administration. In some cases, the cost of running the scheme has to be met via existing staff resources, drawn from the general housing enforcement fund.
- In most areas, the identification of unlicensed properties seems to be very successful, with councils using a variety of sources of intelligence to locate and inspect unlicensed properties. All areas we spoke to are putting resources in place to find unlicensed properties and some authorities reported that they identified larger numbers of rented properties than expected at the beginning of the scheme.
- Recent case law has highlighted a weakness of selective licensing schemes: the ability of local authorities to set licence conditions, which address property standards rather than the management of a property. This seems to contradict the ambitions and aspirations attached to selective licensing schemes – the mechanisms and powers of a scheme need to enable and support local authorities in targeting and improving property standards.
- Selective licensing schemes lead to a more proactive approach to housing inspections. This is because there is usually an explicit objective to inspect all properties covered by the scheme, rather than only relying on tenants to make complaints to the council. This proactive approach is essential if schemes are to deliver positive outcomes, however it is also resource intensive and most councils are managing this by adopting a risk rating approach to determine frequency and order of inspections.
- There were some significant variations between the ways in which different areas approached the refusal to grant licences and giving some landlords a shorter licence term. Whilst variations are a sign that local solutions are being developed to solve local housing problems, this is an area that could benefit from more formal guidance or best practice.
- The majority of areas take a staged approach to enforcement, with informal approaches to start with, only escalating to formal action where this is not successful. Consequently, in most areas, the number of prosecutions is relatively small, compared with the high levels of non-compliance.
- Some areas have told us that setting up a selective licensing scheme had put pressure on the enforcement side of the housing team, due to the large numbers of hazards being discovered which need formal action. Civil penalties offer an opportunity for selective licensing areas to balance budgets for enforcement work and to ensure that a tough stance is adopted to any landlords found to be non-compliant.
- Although individual schemes are often designed and tailored to suit local circumstances, we were able to identify some common features of successful schemes. These include:
 - A high level of political support from local councillors, including a willingness to commit resources to make the scheme a success
 - A clear understanding of the outcomes the scheme is intended to achieve, defined at the outset and with clear plans in place to measure progress
 - A strong focus on proactively seeking out non-compliance, both in terms of landlords failing to obtain licences and in terms of them failing to adhere to license conditions. This is often resource-intensive but is essential if the scheme is to have a meaningful impact
 - An effective approach to partnership working with other local agencies, such as the Police. This often enables schemes to have a greater impact, particularly where they were intended to address concerns about crime and anti-social behaviour



- Borough-wide schemes, by definition, tend to be much bigger and therefore a different approach to inspections is used. Whilst most borough-wide schemes have not sought to inspect every property, they have often found evidence of non-compliance on a large scale and have taken a tough enforcement approach as a deterrent. Similar to smaller schemes, significant improvements to housing standards have been achieved in these areas.
 - Although not formally a part of this research project, we have also been told about issues associated with the setting up of a new selective licensing scheme. These included high upfront costs of setting up a new scheme, a high level of bureaucracy, and prescriptive advertising standards, all impacting on the local authorities' decisions on whether a scheme is a viable option in their area.
3. Government should commission a good practice guide to address areas where significant variations exist between schemes and to provide local areas with better information to help them to set up new schemes. Whilst some variations in approach may be justified and appropriate, this guide could usefully include approaches to:
 - Fee setting and resourcing
 - Refusal of licences
 - Scheme evaluation and data gathering
 - Improved communication (and publicity of the scheme) with landlords and the wider community
 - Escalating enforcement action
 4. Central Government should consider introducing a national landlord registration scheme, which would support and complement selective licensing schemes by making it easier for local authorities to identify the majority of landlords in their area. Whilst this would not completely remove the need for data matching and other exercises to find unregistered landlords, it would help local authorities to build a much better picture of the private rented sector in their areas and reduce the resources needed to start a new scheme.

Recommendations

For Central Government:

1. Central Government should continue to support the use of selective licensing schemes, whether these are for smaller areas or borough-wide, provided that these are informed by an understanding of the local area and a clear sense of what the scheme is intended to achieve. To aid this, Government should review the process by which councils obtain approval for new schemes. Whilst it is important to ensure that licensing schemes are appropriately targeted, the current approval process is expensive and unnecessarily bureaucratic and may be deterring some authorities from establishing schemes in their areas.
2. Government should grant local authorities greater flexibility to set licence conditions for their area. In particular, ensuring that councils are able to require landlords to evidence that all legal minimum standards are met and to set some additional standards that exceed the national minimums.
5. Government should provide more support to enable councils to make better use of new enforcement powers, such as civil penalties. Although these new powers will not be used exclusively for licensing offences, they do have the potential to greatly improve approaches to enforcing housing offences found through selective licensing schemes. Government should consider providing both financial and other forms of support to enable them to do this.
6. We were not able to ascertain from our research whether there was any relationship between many local authorities' reliance on informal enforcement and the number of retaliatory evictions. This is something that should be considered as part of the separate review by the Government of the effectiveness of the Deregulation Act 2015.

For local authorities:

1. Local authorities establishing selective licensing schemes need to be clear from the outset about the outcomes that their scheme is intended to achieve and how these will be measured and monitored. A simple count of the number of prosecutions, although useful, is not on its own sufficient to demonstrate the effectiveness of the scheme and councils should always consider how progress against wider objectives will be monitored. Using non-licensed areas as a baseline measure, is one way of doing this.
2. Many schemes are accompanied by good engagement with landlords. Review and publication of the outcomes of the selective licensing scheme at appropriate intervals, may help to engage with local stakeholders, such as landlords, about the achievements of the scheme.
3. Local authorities should consider using civil penalties to rebalance their resources for enforcement, where introducing them presents an opportunity to review their overall approach. While there will always be some role for informal approaches, some councils may want to consider escalating more quickly to issuing financial penalties.





Detailed findings

Outcomes

There is a significant lag between a scheme being established and demonstrable outcomes being delivered. Many of the councils we spoke to told us that, in the first year or two, considerable resources had to be devoted to establishing the scheme, publicising it to landlords and processing the high numbers of applications that came in as a result. Consequently, most enforcement work often takes place later in the scheme's life.

Selective licensing is therefore not a 'quick win' - it takes time for schemes to deliver tangible outcomes. However, many of the local authorities we spoke to whose schemes had been established for longer were able to provide hard data on outcomes that had been achieved. Most commonly this related to improvements in property standards, although some councils were also able to provide information about other areas such as reductions in levels of anti-social behaviour (ASB) and crime levels. Some officers also felt that there had been secondary benefits, such as improved partnership working with other agencies and a better dialogue between the council and local landlords. However, these outcomes were not always entirely quantifiable.

Improvements in property standards

Our research found clear evidence that property standards have been improved. The high number of inspections carried out as part of the schemes often shed light on the high level of non-compliance and the prevalence of dangerous properties being rented out in licensable areas. We found numerous examples of councils who could clearly demonstrate that large numbers of hazards had been identified and addressed.

- In Bristol's Stapleton Road scheme, which has now finished, 856 properties required improvements – 69% of the licensable total, and 572 notices have been issued. In the Eastville and St George West wards – where licensing was introduced in July 2016 – 646 (43%) of properties have required works so far, with 408 notices served.
- In Rotherham, 1,897 full housing inspections have been carried out to date, 36% had a category 1 hazard and only 9% of inspections have been found to be free from category 1 or high scoring category 2 hazards.
- In Blackburn with Darwen, 70% of properties inspected required works to be done in the Infirmary scheme (2009-2014) and 84% of properties inspected required works to be done in the Central Darwen scheme (2009-2014).
- In Manchester, although a full Housing Health and Safety Rating System (HHSRS) inspection has only been carried out in one in ten properties so far, 137 (61%) category 1 or 2 hazards have been found and 70 notices have been served.
- Liverpool City Council have identified 2,800 category 1 and 2 hazards in licensed properties and a further 138 hazards in unlicensed properties, since April 2017.
- In addition to finding HHSRS hazards, other housing safety laws were also not complied with. In Doncaster, 44 properties out of 641 did not have working smoke detectors, whilst Newham found that only 64% of landlords provide valid gas safety certificates.



Information about the local housing market

Several councils told us that the process of preparing for and running a selective licensing scheme in their area had provided them with a much richer and more detailed picture of the local private rented sector.

Furthermore, the high frequency of hazards and instances of disrepair being found at properties was highlighted by the large numbers of inspections being carried out when the schemes were set up. In many cases, local authorities suspected, but were not fully aware of the extent of poor property conditions in the area.

"The scheme has provided us with a level of information and intelligence that we never had before"

West Lindsey District Council

"In the year before the scheme, we completed six inspections arising from complaints about houses in North Ormesby. We found 2 category 1 hazards and 21 category 2 hazards. Whilst the scheme is still ongoing, 137 category 1 hazards and 1181 category 2 hazards were identified [so far]."

Middlesbrough Council

"The data gathered is the richest source of data the Authority has ever held on tenure-type across the designated areas. The growth in the rented sector since 2011 in Rotherham is way beyond national trends. The data gathered from this exercise has been used to update and inform Council Tax & Housing Benefit data sets and helped highlight discrepancies within that data."

**Rotherham Metropolitan
Borough Council**



Anti-social behaviour (ASB) and crime

Some areas could demonstrate reductions in ASB and crime. In these areas, councils have generally provided support to enable landlords to deal effectively with instances of ASB, alongside the introduction of the licensing scheme.

- In Blackpool, schemes are strongly focused on reducing ASB and the council employs a specialist officer for each licensing area. The officer works with landlords to help them to address issues in their properties and to reinforce the view that actively managing their properties and dealing with complaints of ASB is a key part of being a landlord. Whilst one of the council's schemes (in South Beach) has now come to an end, they have retained this service as it was so popular. The council were able to demonstrate reduced levels of ASB in all of their licensing areas, most notably in South Beach where it fell by as much as 52%.
- In Rotherham the council has written to more than 200 licence holders regarding specific cases of ASB involving their tenants. They have encouraged and supported these landlords to adopt an incremental approach to enforcement and in the vast majority of cases this has led to cases being closed with no further incidents. In seven cases, the council has had to support landlords to take formal action against tenants resulting in eviction.
- In Doncaster, 101 Fixed Penalty Notices have been issued for ASB during first 18 months of the selective licensing scheme. One area where the scheme operates has seen reductions of 35% in noise complaints, 44% in nuisance complaints and a 20% fall in reports of unkept properties. Fly tipping has also reduced.
- In Bristol's Stapleton Road scheme, 481 referrals were made to various agencies to tackle ASB issues.

However, the outcomes do not always have linear pattern at the start of the scheme. Middlesbrough told us that after they put better processes and more resources in place to deal with ASB, at the start of their scheme, they "started to see an increase in anti-social behaviour, which was due to community confidence in reporting issues to the selective licensing team. During the second year we started to see a decrease in the lower level interventions, but an increase in the higher level as more landlords worked with the team to deal with problematic tenants in line with anti-social behaviour plans."

Other benefits

Some local authorities also identified further benefits of their schemes. These were not necessarily directly related to the problems schemes were initially set up to address and were not always entirely quantifiable, but were nevertheless considered to be positive outcomes. These included:

- **Better joint working and information sharing** – some councils are putting a strong focus on working jointly with other agencies to make improvements within the boundaries of their licensing schemes. They reported that the presence of a licensing scheme provided a focus for this work and enabled a more joined up approach. For example, in Blackpool, systematic street-by-street inspections are used to identify unlicensed landlords and those found without a licence are prosecuted. These are multi-agency inspections, carried out with partners such as the police, fire service and planning. Similarly, in Gateshead, the council is running training courses for landlords in conjunction with the police, using police data on the location and frequency of incidents to prioritise inspections and, where necessary, carrying out joint inspections.



- **Better communication/engagement with landlords** – we also found a number of good examples of work with landlords, such as providing training about their responsibilities with regards to property management and maintenance, as well as how to deal with ASB and training days delivered with the police covering issues such as modern day slavery. London Borough of Brent also set up a quarterly newsletter to all landlords, which has an emphasis on education and providing an improved service.
- **Subletting** - In Harrow, a particular problem with subletting has been revealed by the selective licensing scheme. A total of 82 cases were dealt with, including some examples of extreme overcrowding. Similarly, in Tower Hamlets the council found properties, which had been rented to agents in return for an offer of guaranteed rent and then subdivided and let it out as a housing in multiple occupation (HMO). This was, however, not a common outcome and most likely reflects the particular local housing market in these areas.
- **Tenant turnover** – Rotherham recorded falls in tenant turnover that aligned with the increasing number of inspections undertaken as part of the scheme. For example, the average occupier turnover rate across the borough has fallen by 3% over the period, whereas in the areas with selective licensing rates have fallen by 4% to 6%. This could be due to improved property conditions and better property management practices.
- **Empty homes** - In many areas of low demand, homes were brought back into use. For example, Gateshead can show a reduction in empty properties. In Stoke on Trent, the scheme provides interest free loans to owners of empty homes and offered accredited landlords match-funded grants in 2016/17 to bring their empty homes back into use. In total £20,000 worth of grants have been awarded to four landlords who have spent an additional £74,956 on their properties in the selective licensing areas.

Setting up new schemes

In the course of this research we have also heard from several local authorities about the process of setting up a new scheme and the difficulties faced by authorities right at the beginning of their journey to designate a licensed area. There are specific requirements of local authorities looking to introduce a new licensing scheme, which they must follow exactly when considering and setting up a new scheme or designation. Whilst most of the requirements seem sensible, respondents told us that aspects of the process are disproportionately bureaucratic and costly, whilst not being recoupable once the scheme has been set up. For example, local authorities are often required to commission stock condition surveys and other detailed research on the local area to evidence the reasons for setting up the scheme. The advertising requirements of a new scheme are also very specific and prescriptive. This high upfront cost and length of time until a scheme can be set up is a real barrier and may therefore be putting off some local authorities from using selective licensing as a tool in their areas.

Recommendation: Central Government should continue to support the use of selective licensing schemes, whether these are for smaller areas or borough-wide, provided that these are informed by an understanding of the local area and a clear sense of what the scheme is intended to achieve. To aid this, Government should review the process by which councils obtain approval for new schemes. While it is important to ensure that licensing schemes are appropriately targeted, the current approval process is expensive and unnecessarily bureaucratic and may be deterring some authorities from establishing schemes in their areas.

1 Rotherham Metropolitan Borough Council, Public Report: Improving Places Select Committee, Jan 2018.

Recommendation: Local authorities establishing selective licensing schemes need to be clear from the outset about the outcomes that their scheme is intended to achieve and how these will be measured and monitored. A simple count of the number of prosecutions, although useful, is not on its own sufficient to demonstrate the effectiveness of the scheme and councils should always consider how progress against wider objectives will be monitored. Using non-licensed areas as a baseline measure, is one way of doing this.

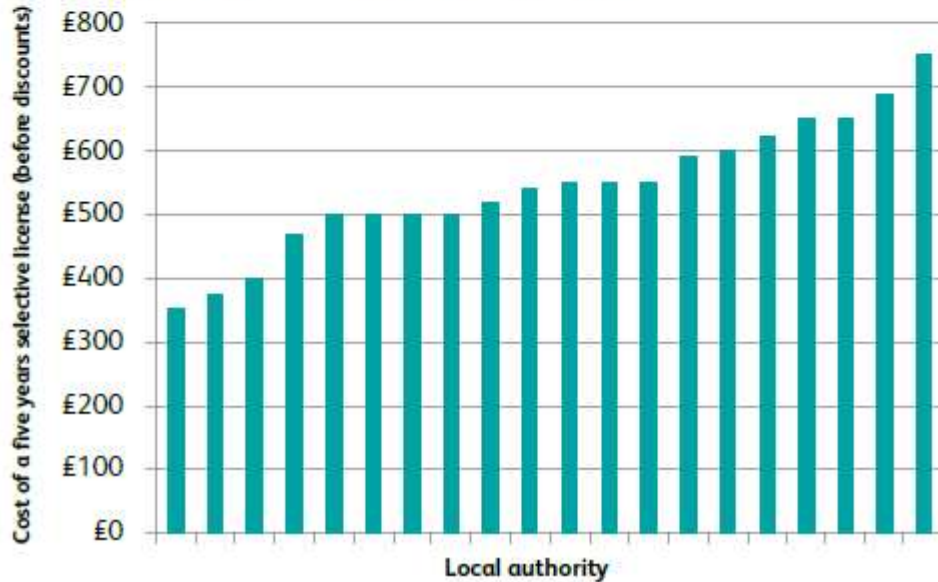
Recommendation: Many schemes are accompanied by good engagement with landlords. Review and publication of outcomes relating to the selective licensing scheme at appropriate intervals of the scheme, may help to engage with local stakeholders, such as landlords, about the achievements of the scheme.

Licensing fees and resources

Licensing fees

Licensing fees vary significantly between schemes. Among the 20 local authorities we spoke to, prices ranged between £350 and £750 for a five year licence. The average fee is £543.

Licensing fees by local authority





However, while these figures represent the standard fees charged by local authorities, it is common for many to offer discounts for some landlords. Most commonly these are:

- ‘Early bird’ discounts for landlords who signed up in the first six or 12 months of a scheme. For example, Waltham Forest gave a £250 (50%) discount to landlords who applied for a licence in the first three months of the scheme. In Blackburn and Darwen a licence costs £750 but this was reduced to £600 if paid in the first six months, or increased to £900 after 12 months.
- Multi-property discounts. For example, in Manchester the standard licence fee is £650 for one property, or £550 each for multiple properties.
- Discounts for landlords who are part of a recognised accreditation scheme or trade body. For example, in Stoke on Trent the £500 licence fee is reduced to £400 for landlords who are part of an accreditation scheme. In Liverpool, the council have established a co-regulatory approach with partners, the Association of Residential Letting Agents (ARLA), the National Landlords Association (NLA) and the National Approved Letting Scheme. Those organisations take on some responsibility for ensuring that their members are complying with the terms of the scheme and in return they can obtain a licence for half the usual fee.
- In Blackpool, landlords were also given a discount on the licence fee if they met a higher housing standard than the legal minimum.

Fees do not always completely reflect the cost of administering a scheme, which may help to explain some of the variation between authorities. We spoke to a number of councils who had initially charged lower fees when first setting up a new scheme, but who had subsequently raised (or are currently consulting on raising) these when either expanding or renewing their scheme. For example, in Newham a licence initially cost just £150 but this has been increased to £400 when the scheme was renewed earlier this year.

This may be due to difficulties in accurately estimating the future costs of scheme administration, or it may be because fees were set deliberately low initially to secure political support and/or to help mitigate local landlords’ concerns about schemes and to seek landlord engagement.

Recommendation: Government should commission a good practice guide to address areas where significant variations exist between schemes and to provide local areas with better information to help them to set up new schemes. Whilst some variations in approach may be justified and appropriate, this guide could usefully include approaches to:

- Fee setting and resourcing
- Refusal of licences
- Scheme evaluation and data gathering
- Improved communication (and publicity of the scheme) with landlords and the wider community
- Escalating enforcement action

Resources

A third of councils we spoke to reported that resourcing allocated was not enough to cover all the work resulting from running the scheme. The shortfall was usually absorbed by the existing housing enforcement team to ensure the scheme could run effectively. Limitations on what can be funded by licensing fees mean that funding from other sources must also be used to run a scheme effectively. A possible explanation is that higher numbers of hazards are being identified through the selective licensing schemes and are subsequently generating higher enforcement costs.

One authority has successfully secured funding via the Warmer Homes on Prescription scheme, as there is a high level of fuel poverty in their area and one of the scheme’s aims is addressing disrepair. However, in most cases many of the costs associated with enforcement action are being met through existing staff resources, drawn from the general fund.



There is therefore a lot of interest from local authorities in the use of civil penalties because the proceeds from these can be retained to fund enforcement action. A number of authorities explicitly told us that these would help to reduce costs or that, when combined with licensing fees, they might help to balance budgets, thus allowing the schemes to become genuinely self-financing in the future.

Usually a wide mix of skills is reported in the composition of a licensing scheme team – most have environmental health officers, licensing officers and admin support but other areas also use the scheme to recruit tenancy relations officers, neighbourhood safety officers, and legal workers, which provide wider benefits to the community.

Two London areas reported difficulties in recruiting qualified and experienced environmental health professionals. The schemes often require a big increase in capacity and recruiting the right people quickly is an issue, especially in the capital.

The size of the team funded to administer the schemes varies in size and this is not always related to the size of the scheme. For example, in Newcastle and West Lindsey, there is only one dedicated officer for each scheme. The number of properties in the schemes range from 500-800.

Licence refusal and 'fit and proper person' checks

Most schemes we have analysed have a 'fit and proper person' check in place to determine whether the landlord or licence holder is a suitable person to manage rented properties.

The approach to refusing licences varies quite a bit between different local authorities:

- In some areas, like Waltham Forest, the absence of a valid gas safety certificate leads to a licence being refused and the landlord having to reapply and pay the fee a second time. They have so far refused 103 licences.
- In Rotherham, if the landlord has any debt outstanding to the council, their selective licensing application is refused as they are not deemed to be in a stable financial position to be able to repair or manage a property.
- In Doncaster, only incomplete applications or unpaid applications have been refused.
- Manchester have not refused any licences, however they have decided to grant a shorter term on some licences due to a landlord's previous poor management of waste, disrepair or noise at their property.
- In Blackburn with Darwen, no licence has been formally refused. Where the landlord has failed the fit and proper person check, the council works with the landlord to find a suitable alternative person to manage the property.

In general, most local authorities told us that very few landlords have failed the fit and proper person test. In cases where a landlord has failed, the issue is usually resolved by another person being appointed to manage the property. Landlords tend to fail this test when they have had a previous prosecution against them by



the council and therefore are not seen as being fit to manage property directly. In addition, some councils are finding landlords who reside abroad and have no local managing agent to look after the property.

Documentation and licence conditions

The most commonly collected documentation includes Energy Performance Certificates (EPCs), tenancy agreements, gas safety certificates and Electrical Installation Condition Reports (EICRs). In general, documentation was found to be a useful indicator of both the professionalism of landlords and the need for further investigation. For example, West Lindsey reported that their checks often highlighted missing, inadequate or in some cases falsified safety certificates: *"It is very clear to us, via the scheme, that a large number of landlords and managing agents do not understand their obligations or the legal implications of not being compliant or not applying for a licence"*.

In Manchester, landlords are also required to provide copies of specified policies and procedures, to ensure a good standard of management. Officers we have spoken to felt that this approach has helped to professionalise some landlords who have had to develop formal processes to manage their properties.

However, a recent Court of Appeal decision has shed light on the scope of local authorities' powers to set conditions in licences, which are granted under the selective licensing regime.² The Court of Appeal decided that the landlord cannot be required by the local authority to provide a valid EICR report or a carbon monoxide alarm where a gas appliance is installed, because this extends beyond the powers of a selective licensing schemes.³ However, electrical safety is impossible to determine through a visual inspection alone and therefore many other local authorities are still requiring this in areas of poor property conditions. The limitations of selective licensing schemes in setting meaningful conditions into licences calls into question whether selective licensing currently provides adequate tools to achieve the outcomes expected, such as better property standards and tackling low housing demand.

Recommendation: Government should grant local authorities greater flexibility to set license conditions for their area. In particular, Government should ensure that councils are able to require evidence that all legal minimum standards are met and to set some additional standards that exceed the national minimum.

² Paul Brown vs Hyndburn Borough Council (Case No: C3/2015/4280)

³ Section 90 (1), Part 3, Housing Act 2004



Approach to inspection

Smaller schemes

Every council we spoke to which is running a non-borough-wide scheme planned to inspect every property at some point during the scheme's operation. However, with the typical designated area being made up of around 800 properties, it was recognised that this would take time.

Most areas take a risk-based approach to prioritising visits, with landlords considered most likely to be non-compliant being first on the list. Missing documentation and landlords known to the authority as being subject to previous enforcement action are usually highlighted for an earlier property inspection. In Newcastle, landlords with an unknown history were also targeted first. Doncaster Council managed to inspect 75% of properties (471 out of 636) in the first year of the scheme being set up by working with a partner agency, Home Safe.

In all schemes, complaints also drive inspections, whether these come from tenants, neighbours or other local landlords. Where the primary reason for the scheme is to deal with ASB, there is usually an arrangement with the police, including data sharing to target inspections and also joint visits to properties. In Blackpool, all inspections are done together with the police, fire service and planning.

Borough wide schemes

Only three borough-wide schemes were analysed as part of this research, which reflects the small number of these schemes in operation and at a stage at which analysis is possible. Borough-wide schemes captured much larger numbers of properties - around 26,500 in London Borough of Waltham Forest, 39,000 in the London Borough of Newham and 43,000 in Liverpool City Council. Even a large licensing team would struggle to inspect all the properties within these schemes, therefore a strategy is used to target inspections.

Liverpool City Council has received around 10,000 service requests from the public, so have used this to drive their priority for inspections. This is much higher than the number of complaints in other areas we studied. Liverpool is also unique in having set up a co-regulated approach with landlord representative bodies, where landlords who are members of ARLA, RLA or NALS being charged a reduced fee and also rated as lower risk than those who are not. We were not able to analyse the effectiveness of a co-regulation arrangement as part of this analysis but would recommend that the Government commissioned review looks at this model in greater detail.

London Borough of Waltham Forest plan to audit 60% of properties over the life of the scheme to ensure compliance. They use a combination of complaints from tenants and the public, irregularities in the applications and the council's data sources to trigger an inspection.

In Newham, document audits were used during the first borough-wide scheme to check compliance. 'On average, only 50% of landlords with a selective licence were able to produce key documents to show they were complying with licence conditions.' Newham is planning to inspect all properties falling within their renewed borough-wide scheme.



Identification of unlicensed properties

Our research found that all local authorities had proactive plans in place to identify unlicensed properties within designated areas. The numbers provided by local authorities showed how widespread the non-compliance was. Newham had found 7,500 unlicensed properties and up to 5,000 extra houses in multiple occupation as part of the work done on their selective licensing scheme. Liverpool has found 5,900 unlicensed properties within the city and a further 2,700 are still being investigated. In Harrow, the council issued 800 selective or additional licences but has found 250 unlicensed properties as a result of work on their selective licensing scheme – a significant proportion of the total.

Most areas are using a combination of data sources to find unlicensed landlords. The vast majority interrogate council tax records, but in some cases information from the police and other council services was also used. London Borough of Ealing has been using information provided by tenancy deposit schemes to identify unlicensed landlords and some councils are also carrying out door knocking exercises. The vast majority also said that complaints from tenants, tip-offs from the public and from other landlords are also being used to find any landlords failing to licence their properties.

Recommendation: Central Government should consider introducing a national landlord registration scheme which would support and complement selective licensing schemes by making it easier for local authorities to identify the majority of landlords in their area. Whilst this would not completely remove the need for data matching and other exercises to find unregistered landlords, it would help local authorities to build a much better picture of the private rented sector in their areas and reduce the resources needed to start a new scheme.

Approach to enforcement

Overall, informal approaches are used widely in managing selective licensing areas. There are two distinct areas where it is relevant to explore the approach to enforcement. The first is in response to safety issues and other breaches of scheme conditions which are often in the form of hazards or lack of safety documentation. The second relates to the scheme itself and the approach taken with landlords or properties found to be unlicensed once the scheme is under way. In relation to the former, landlords are often given schedules of work to complete and another inspection scheduled, while landlords who are found to have unlicensed properties are often given a second chance to licence before prosecution is attempted.

In most areas formal enforcement action is therefore used as a 'backstop' with improvement notices, and ultimately prosecution/financial penalties, only being used where landlords continue to fail to comply with scheme requirements.

Approach to HHSRS hazards

The majority of areas we surveyed told us that, if a hazard was discovered, a schedule of work was given to the landlord rather than formal action being taken straight away. This approach did seem to be fairly successful. For example, Rotherham found that 92% of properties had been improved quickly after inspection and formal enforcement action was only needed for 139 cases out of 1,816. Blackburn with Darwen also deal with many landlords informally, where the landlord seems cooperative and does not have any history of non-compliance.



However, there were some exceptions. Newham and West Lindsey deal with every serious hazard with some kind of formal action. In Waltham Forest, the level of penalty given depends on how many properties a landlord has, as well as how serious the breaches are as this determines the level of professionalism that is expected of the landlord.

However, even in Newham, informal action has a role to play in improving housing:

“In the absence of selective licensing it was difficult to get repairs carried out by landlords as there was little incentive for them to do so. Since the introduction of selective licensing, landlords are now much quicker to carry out works when asked due to concerns about the implications for their licence.”

Newham Council

Other areas have also reported a similar experience with increased landlord cooperation after the setting up of a licensing scheme in their area.

“Previous “pro-active” inspection regimes in targeted areas have not enjoyed anywhere near the amount of cooperation as the resource to enforce failed inspections has not been to hand. Selective licensing has focused minds on both sides of the fence.”

Rotherham Metropolitan Borough Council

Approach to unlicensed properties

In relation to identifying unlicensed properties, we found more of a mixture of formal and informal action.

In many areas, an informal approach is still prevalent. For example, in Middlesbrough, landlords identified as having unlicensed properties are sent two letters and given six weeks to apply for a licence before any enforcement action is taken in an escalation procedure. The increased cost of a late licence is also relatively low at £100. The subsequent number of prosecutions for non-compliance has therefore been much lower in Middlesbrough than many other schemes we have analysed. Similarly, in the London Boroughs of Tower Hamlets and Harrow, a suspected unlicensed property is first sent a letter and, if no application to licence is received, a visit is scheduled. In Stoke-on-Trent, three letters are sent to the landlord whose property is found unlicensed before formal action begins.

Liverpool found 4,500 unlicensed properties. The council prioritises enabling landlords to comply with the scheme and as a result, there have been only 106 prosecutions, which were largely related to failures to obtain a licence. In Ashfield, an unlicensed property leads to an interview under caution, which usually prompts an application. They have 37 cases which are being considered for prosecution on the grounds of failure to licence.

Unusually, London Borough of Harrow has taken the approach of using students to do systematic door-knocking. As a result, 250 extra unlicensed properties have been identified. The approach taken by the council is to give the landlords an opportunity to licence, before formal enforcement action is taken.

In Gateshead and Bristol, unlicensed landlords are given the opportunity to licence but there is a significant difference in the fee for fully compliant landlords and those found by the council to have unlicensed properties – a difference of £400-500. A higher fee to licence ‘late’ is present in most of the schemes we looked at but the levels of penalty vary across schemes.



However, in other areas, councils are adopting a stricter approach towards non-compliance with licensing. West Lindsey consider formal action for all unlicensed properties. In Salford, a high number of landlords have been prosecuted for not licensing their properties.

“Formal action is always taken now where there are deliberate breaches. We have updated enforcement policy to include civil penalties and intend to use these.”

Newcastle City Council

In Ealing, a softer approach was taken in the first year of the scheme, helping landlords to licence, but as the scheme entered its second year, the focus has shifted to prosecution for unlicensed properties.

The ongoing use of informal enforcement work in many areas may have something to do with the disincentives that have existed in the system until relatively recently. Until civil penalties were introduced, a prosecution was generally costly for the council, and the fines given have been relatively low for the non-compliant landlord, therefore not much of a deterrent. Having a strategy that collected the licence fee and penalised late applications created more of a deterrent and was less costly for the council. For example, the three prosecutions for failure to license in Stoke on Trent led to fines which were identical to the values of the licence fee for the area (£500 each).

However, the introduction of civil penalties has the potential to transform selective licensing schemes by shifting the financial burden from the compliant landlords to those who avoid licensing. Liverpool have begun to use civil penalties and have so far issued 25 of these. The average penalty for failure to licence is around £5,000. However, in Harrow, ‘early experience is that securing payment is a challenge’, with 45 civil penalties having been issued so far but none being paid at the time of this data collection. Whilst use of civil penalties is at different stages within different boroughs, we have identified many boroughs taking the opportunity to amend their enforcement policy and starting to use civil penalties in conjunction with non-compliance as part of selective licensing schemes.

Recommendation: Government should provide more support to enable councils to make better use of new enforcement powers, such as civil penalties. Although these new powers will not be used exclusively for licensing offences, they do have the potential to greatly improve approaches to enforcing housing offences found through selective licensing schemes. Government should consider providing both financial and other forms of support to enable them to do this.

Recommendation: We were not able to ascertain from our research whether there was any relationship between many local authorities’ reliance on informal enforcement and the number of retaliatory evictions. This is something that should be considered as part of the separate review by the Government of the effectiveness of the Deregulation Act 2015.

Recommendation: Local authorities should consider using civil penalties to rebalance their resources for enforcement, where introducing them presents an opportunity to review their overall approach. While there will always be some role for informal approaches, some councils may want to consider escalating more quickly to issuing financial penalties



Appendix

Borough	Scheme (where more than one exists in the same borough)	Established (and concluded, where applicable)	Size (total number of properties covered/ estimated licensable properties/ number of licences issued)
Ashfield District Council		February 2017	Estimated 650 licensable properties
Blackburn with Darwen Council	Infirmary	February 2009 – February 2014	Estimated 250 licensable properties, 330 licences issued
	Central Darwen	May 2009 – May 2014	Estimated 250 licensable properties, 361 licences issued
	Griffin	January 2013 - January 2018	Estimated 400 licensable properties, 581 licences issued
	New Infirmary	March 2016	Estimated 400 licensable properties,
	Darwen	May 2017	Estimated 600 licensable properties
Blackpool Council	South Beach	2012 – 2017	800 licensed properties
	Claremont	April 2014	1,400 licensed properties
Brent Council	3 Wards	January 2015 Designation 1	4,100 properties covered



Borough	Scheme (where more than one exists in the same borough)	Established (and concluded, where applicable)	Size (total number of properties covered/ estimated licensable properties/ number of licences issued)
	5 Wards	June 2018 Designation 2	4,300 properties covered
Bristol City Council	Stapleton Road	April 2013 – April 2018	1,226 licensed properties
	Eastville & St George	July 2016	2,454 licensed properties
Doncaster Council		October 2015	641 licences issued
Ealing Council		January 2017	Estimated 5,000 licensable properties
Gateshead Council	Sunderland Road	2007 - 2012	264 licences issued
	Chopwell River	2010 - 2015	277 licences issued
	Central Bensham	2012 - 2017	500 licences issued
	Swalwell	2013 - 2018	207 licences issued
	Central Bensham	2018	Estimated 224 licensable
	The Avenues	2018	Estimated 880 licensable
Harrow Council		2015 (with an additional ward added in 2016)	800 licences issued [^]
Liverpool City Council		April 2015	43,000 licences issued [*]



Borough	Scheme (where more than one exists in the same borough)	Established (and concluded, where applicable)	Size (total number of properties covered/ estimated licensable properties/ number of licences issued)
Manchester City Council		Staggered introduction beginning in March 2017	Estimated 2,000 licensable properties
Middlesbrough Council		January 2016	787 licences issued
Newcastle City Council	Greater High Cross	2010, renewed October 2015	Estimated 150 licensable properties
	Byker Old Town and Allendale Road South	April 2011, renewed October 2016	Approximately 500 licences issued
Newham Council		2013 – 2017, renewed until 2022	39,321 licences issued*
Rotherham Metropolitan Borough Council	4 separate areas	May 2015	Estimated 2,300 licensable properties
Salford City Council	Seedley and Langworthy	2007- 2012	541 licensed properties
	Broughton	2009-2014	811 licensed properties
	NDC	2011-2016	484 licensed properties
	Langworthy 2	2013-2018	802 licensed properties
	Barton & Eccles	2015	782 licensed properties

Borough	Scheme (where more than one exists in the same borough)	Established (and concluded, where applicable)	Size (total number of properties covered/ estimated licensable properties/ number of licences issued)
	Broughton	2016	1163 licensed properties
	Charlestown	2017	541 licensed properties
Stoke on Trent City Council	Tunstall	November 2011 – November 2016	894 properties covered
	Fenton	August 2014	977 properties covered
	Hanley	August 2014	798 properties covered
Tower Hamlets Council		October 2016	Estimated 6,000 licensable properties
Waltham Forest Council		April 2015	23,500 licences issued*
West Lindsey District Council	Gainsborough South West Ward	July 2016	Estimated 700 licensable properties

* Borough-wide schemes

^ Selective and additional scheme total

Appendix 16 – Selection of press cuttings

16.01 Source: Jersey Evening Post

Date of publication: 31 May 2019

Landlord licence plan to end ‘grotty’ properties

ALL Jersey landlords will need a licence and to join a register to rent out their properties if radical proposals to weed out ‘grotty’ substandard accommodation are passed by the States.

Last year, laws were introduced to raise the minimum standards of dwellings after the Environmental Health Department reported continued complaints of dirty, unsafe and squalid properties being leased in Jersey’s private rental market. Now, in an effort to identify all rental properties in Jersey and ensure that they are meeting the minimum standards, a licensing scheme has been proposed.

If the new proposals are passed later this year, all landlords currently renting out properties to tenants would be required to obtain a licence, with their premises being subject to retrospective inspections by Environmental Health.

And from next January, any landlords who are newly letting out properties would need to meet minimum standards before receiving a licence.

A consultation on the proposals is being launched today (Friday).

To fund the scheme an annual licence fee is being planned, which would be discounted for properties that have already received accreditation on the States’ Rent Safe scheme.

██████████, a consultant in the Environmental Health Department, said that the proposals would effectively mean the creation of a register of landlords in Jersey.

He added that all rental properties would need to be licensed, with the exception of people taking lodgers into their home.

‘There are plenty of good landlords out there but we deal with complaints and what we see all the time are these very grotty properties,’ he said.

Advertising

‘There are beds-in-sheds that are being rented out at the moment. It comes down to market forces – there isn’t enough supply to meet demand in Jersey and when that happens standards fall.’

He added: ‘We don’t know who all of the landlords are in Jersey at the moment but this, if passed, would enable that.’

‘To keep a licence, a property would be required to meet the minimum standards under the legislation that was passed last year and these standards are pretty basic – it’s not asking much.’

‘Some people will say that the cost of the licences will just be passed on to the tenants. Well, if someone is already accredited under the Rent Safe scheme then the licence fee could be just £50 per year. So that works out to £1 per week.’

Advertising

‘Even if that is passed on to tenants I think they would be happy to pay that for the reassurance that their property is kept in good order.’

████████ said that landlords could face prosecution and a fine if they do not obtain licences or fail to keep their properties up to minimum standards, but his department would take a 'light touch' approach to enforcement until further action was necessary.

He added that so far more than 2,000 properties had been registered under the Rent Safe scheme, which was launched two years ago and established an online list of landlords and properties on gov.je.

Under Rent Safe, landlords receive a three- to five-star rating if their properties meet or exceed minimum standards.

The Jersey Landlords' Association was contacted for comment.

16.02 Source: www.mydepositsjersey.je Date of publication: 3 June 2019

Landlords 'need protection from delinquent tenants'

LANDLORDS need legal protection as much as tenants, an association head has said.

In response to plans for a register of licensed landlords to be established in the Island, ██████████, chairman of the Jersey Landlords' Association, said that the rental market is a 'two-way' street and it is always property owners and not tenants who are punished when new regulations are introduced.

He called for landlords to have greater powers to recover costs from or promptly evict tenants who fail to keep a property in the condition they found it.

Last week the Environmental Health Department unveiled proposals, which, if approved, would see landlords required to obtain licences to rent out their properties.

It is hoped that the move would help States officers identify all of Jersey's landlords and ensure that their properties meet minimum standards set out in last year's rental dwellings law, such as ensuring there is safe drinking water and no broken windows.

████████ said that the proposals would be 'counter-productive', however, and a 'huge and costly exercise in red tape'.

He added that the costs of the new regulations, including an annual licence fee of £50 to £200, would be passed on to tenants.

'The present proposal, as it now stands, will undoubtedly deter new landlords from entering the letting industry,' he said.

'And it will encourage existing private landlords to sell their rented dwelling property and reinvest their money in something else, preferably where there is less red-tape, or no red-tape at all.

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'The bottom line is that this registration and inspection proposal is wholly counter-productive to the Island's desperate need for more rented accommodation in our Island, at lower rents.

'An even worse consequence will be that, for every landlord who now leaves the industry, the States will have to provide Andium Homes with sufficient funding to build one or more replacement properties for the rental market.'

also said he believed any additional legal protection for tenants should be matched by further protection for landlords, as there are 'delinquents' on both sides.

'There are a relatively few imperfect landlords in Jersey, just as there are a relatively few imperfect tenants,' he said.

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'In the case of any delinquents on either side, it is only those delinquents who should be punished – not everyone, as is yet again being proposed here.

'There should also be some similarly protective provisions for landlords. These should require tenants to keep their dwellings in a clean and tidy state and to leave it, on departure, as they found it on arrival.

'Delinquent tenants should be obligated to pay any costs resulting from their failure to fulfil that obligation and should also be rendered liable to prompt eviction if unable or unwilling to comply.

'This fresh landlord and tenant scenario would then become more rationalised, as a "two-way" street rather than the present one-way street.'

16.03 Source: Jersey Evening Post

Date of publication: 10 June 2019

CAB backing for landlords register

By Jonny Drury

jdrury@jerseyeveningpost.com

NEW regulations to clamp down on rogue landlords will take the strain off Citizens Advice staff and allow them to deal with other matters, the charity's chief executive has said.

Earlier this month it was revealed that all Jersey landlords will need a licence and to join a register to rent out their properties, if radical proposals to weed out 'grotty' substandard accommodation are passed by the States.

Chief executive at Jersey Citizens Advice, Malcolm Ferey, said the organisation deals with a high volume of people who have nowhere else to go when it comes to landlord complaints.

Now there could be a law change, which would allow the organisation to spend more time looking at other issues.

He said: 'If the new laws come in it will make things easier, because we can make a straight referral to the Environmental Health Department and then they deal with it.

'It will help to free up people to

work on other things now.'

If the new proposals are passed this year, all landlords currently renting out properties to tenants would be required to obtain a licence, with their premises being subject to retrospective inspections by Environmental Health.

From January 2020, any landlords who are newly letting out properties would need to meet minimum standards before receiving a licence.

To fund the scheme an annual licence fee is being planned, which would be discounted for properties that have already received accreditation on the States' 'Rent Safe' scheme.

Mr Ferey added he was also pleased that the planned law could mean that tenants do not have to fear speaking out about problems with their property anymore, due to the threat of 'revenge evictions'.

He added: 'There has been no laws in place, but this is welcomed as it will help tenants. Some people fear speaking out because of the fear of being asked to leave their properties, but now they don't have to have fear.'

‘Red tape could reduce the number of rental properties’

UP to 15 private landlords in the Island could take their rental properties off the market because of new licensing proposals, an association head has said.

Last month the Environmental Health Department unveiled plans that will go before the States to establish a register of licensed landlords in a bid to improve the standards of rental properties in the Island.

Under the plans landlords would be required to obtain a licence to let out properties and it is hoped the move will help officers identify all of the Island’s homes and ensure they meet the minimum standards set out in last year’s rental dwellings law.

This week a number of tenants and landlords attended two consultation sessions at the Town Hall and Environmental Health director [REDACTED] was questioned on the new proposals. Jersey Landlords Association honorary president [REDACTED] has already warned the new ‘red tape’ could drive landlords out of the industry, and he said that around 15 had already contacted him expressing this view.

He said: ‘So far I can think of 12 but there are about 15 who have already expressed that view in recent weeks and that will present a big problem for Jersey.

‘This new register then becomes counter-productive because the Island needs properties available to rent, but that number will go down if people leave the industry. There won’t be enough housing and the rent will go up.’

In a lengthy response to the consultation, [REDACTED] has already said that landlords need to be protected as well as the tenants, and that the new legislation is another way the government is contradicting its own policies to provide more rental accommodation.

He said that he and the association believe Environmental Health should stick to policing the industry by complaint and deal only with delinquent landlords instead of punishing everyone.

‘All of these costs will just lead to rents going up, possibly by £800 to £1,000 a year. It is just counter-productive,’ he added.

Jersey government urged to rethink proposed licensing laws

Following the recent consultation on a proposed new licensing system for rented accommodation in Jersey, the head of Jersey's landlord trade body has warned that the new 'red tape' could lead to a possible homes shortage as investors quit the buy to let market. He reported that up to 15 private landlords on the Island had already contacted him expressing this view.

Tenants and landlords in Jersey were asked to give their opinions on how a new licensing system for rented accommodation should work. The proposed system, which would be mandatory, would replace the voluntary scheme, Rent Safe, which is currently used to encourage landlords to meet the minimum standards.

A number of tenants and landlords attended two consultation sessions at the Town Hall and Environmental Health [REDACTED] was questioned on the new proposals. Jersey Landlords Association honorary president [REDACTED] urged the government to rethink, arguing that more regulations could drive landlords out of buy to let.

However, the proposed licensing scheme would mean that, for the first time, the government of Jersey would know the location of private rented dwellings on the island. The hope is that the register would help housing officials monitor standards by enabling better targeted inspections to ensure properties meet minimum standards and are well-managed.

"This proposal is designed to increase confidence within the sector, reflecting the many good landlords whilst requiring poor landlords to improve their offer," says the States.

But [REDACTED] argues that if landlords are driven out, this will exacerbate the shortage in rental properties. He said;

"This new register then becomes counter-productive because the Island needs properties available to rent, but that number will go down if people leave the industry. There won't be enough housing and the rent will go up.

"All of these costs will just lead to rents going up, possibly by £800 to £1,000 a year. It is just counter-productive."

The consultation on the proposed new licensing scheme closed on 28th June and we await the outcome.

[REDACTED] has hit out at 'landlord bashing' on Jersey several times and claims that tighter legislation is already seeing some landlords exit buy to let on Jersey.

The last was in March, when the States passed a law banning landlords from advertising for tenants without children. He claimed the law was a heavy-handed way of dealing with a problem that 'barely exists'. Indeed, research released last year showed that, despite the perceived risks many landlords associate with this type of tenancy, families can be ideal tenants!