

23.01.17

1 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding enhanced notice periods for periodic tenancies (OQ.4/2023):

Will the Minister undertake to use his powers, under Article 6(3)(e) of the Residential Tenancy (Jersey) Law 2011, to issue an order providing for enhanced notice periods for periodic tenancies on the basis of how long that tenancy has been in place, and to protect tenants from revenge evictions if they choose to use the services of the Rent Control Tribunal; and if not, why not?

Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):

I thank the Deputy for his question. As Members will be aware, I have deferred the debate on my amended proposition to establish a Rent Control Tribunal. Members will also appreciate that it is my goal to improve protections for tenants, including managing the risk of revenge evictions in the case of a tenant making use of the Rent Control Tribunal service. I am not however in a position to specify how these protections will be given best effect ahead of considering the bigger picture of how improvements to tenants' rights and the functionings of the Rent Control Tribunal will be best achieved.

4.1.1 Deputy S.Y. Mézec:

Until yesterday, we assumed that the Rent Control Tribunal would be set up before enhancements to security of tenure would be made. Given this development now of the deferral of the Rent Control Tribunal proposition, can the Minister confirm that he will be doing things the right way round this time and ensuring that there is enhanced security of tenure for tenants and protection from revenge evictions before a Rent Control Tribunal is put in place?

Deputy D. Warr:

Thank you, Deputy, for that commentary. I would say that what we are trying to do is build, let us use the term "better way" because it seems appropriate from where I am standing. We tried to combine Rent Control Tribunal, Residential Tenancy Law and potentially independent regulators of social housing regulations. There is a lot of work. There is a bigger amount of work to be done and, as I said, it is not necessarily a case of the order, it is a case of getting them all together in the right package for this Assembly.

Deputy E. Millar of St. John, St. Lawrence and Trinity

May I withdraw the défaut on Deputy Farnham please?

The Bailiff:

Yes, indeed. Did you have a question as well, Deputy? Of course you are not allowed one anyway.

4.1.2 Deputy R.J. Ward of St. Helier Central:

May I ask the Minister whether he does recognise the issue of the 3 months' notice period being a risk for tenants that does, if you like, enhance the risk of revenge evictions? Is there a recognition from the Minister that that is a serious issue?

Deputy D. Warr:

Thank you, Deputy, for the question. It absolutely is, and obviously one of the areas which we ... obviously as a Minister people can come to the Minister if they feel they have insufficient notice being given to them, and I can make a Ministerial Decision to extend those periods. But, as I say, it is

easy just to pick at one little piece of legislation and say: "Let us sort that bit out, let us sort that part out." I think what I am coming from it now is we need to look at the wider picture and it has become very apparent to me with conversations through the Christmas period that the Rent Control Tribunal and the approach to that was not the perfect solution. I do not think there is a perfect solution but because of the history of housing over the years I feel there is a much better approach that we can take and I am going to be bringing that better approach to the Assembly over the coming months.

4.1.3 Deputy R.J. Ward:

Can the Minister not reassure tenants who may be in difficult situations now by using the powers that he already has by increasing that tenancy period? Would that not give some reassurance and perhaps even discourage revenge evictions, which is really where we want to be?

Deputy D. Warr:

I think I have already answered that question in my last answer. As I say, we cannot go at this piecemeal and this has been the problem historically in all of this regulation. It has become very apparent for me over the last 70-80 years that there has just been a piecemeal approach and a build up and lots of unintended consequences appear to be coming down the track from where I am standing. Rather than say let us sort out 3 months' notice, let us have a look at the whole areas, as I said already, about Rent Control Tribunal, Residential Tenancy Law, about potentially independent regulators. Let us have a look at all of that and see if we can bring up a far better protection for both landlords and tenants in the long run.

4.1.4 Deputy G.P. Southern of St. Helier Central:

Does the Minister not accept that the powers held by our tenancy laws require a major review and will he assure Members that he will not allow any major review that he undertakes to slow down the process of proper tenancy reform?

[10:45]

Deputy D. Warr:

Thank you, Deputy, for that question. The whole purpose of what I am trying to do here is try to speed the process up. I feel that if I just simply push on with the Rent Control Tribunal there is a danger that that will slow the process down and what I want to do is to review all of these different areas, all of these different aspects and bring them all forward in one go, as it were, to the Assembly. I think that is the best way to do that. As I said, there is a huge amount of history in the whole housing sphere, in the legislation that has been provided, and I think it is a great opportunity for this Assembly to kick the past into touch and move forward and give better protections for landlords and tenants in a much better and wide-ranging way.

4.1.5 Deputy G.P. Southern:

And some sort of assurance that you will not let the whole process slow down and grind to a halt, as has happened so often in the past.

Deputy D. Warr:

I appreciate your scepticism on this and absolutely, there have been an extraordinary number of propositions and amendments to propositions brought to this Assembly over the years, which I am still uncovering to my eternal frustration actually, if I am to be honest about that. I want to get to

the bottom of all of this and, as I say, offer better protections to both tenants and landlords and just improve the whole legal framework around our housing stock at this moment in time.

Deputy G.P. Southern:

And any assurance ...

The Bailiff:

I am sorry, Deputy Southern.

Deputy G.P. Southern:

I got no answer there on the assurance that he will not let the process grind into ...

Deputy D. Warr:

I can assure you, I will not.

4.1.6 Deputy M. Tadier of St. Brelade:

Does the Minister accept that the reference back on the Tribunal was now a good idea?

Deputy D. Warr:

Thank you, Deputy. I think it was helpful, that is for sure. I hope what the Assembly gained out of all of this was a recognition of the level of complexity that we are dealing with and how easy it is to come across what I call unintended consequences. With respect to that point, yes, it has been helpful.

4.1.7 Deputy M. Tadier:

To follow up on Deputy Southern's point, will he accept that some of the people that he might have been consulting with over the Christmas period, which I do not think included Reform but did not need to because our opposition at the Tribunal as it is currently put forward was flawed. Does he accept that there are elements maybe in the Assembly, but certainly in wider society, who do not want to see any action taken at all? Who want to see the status quo just prevail and that that cannot be allowed to happen and that we will see urgent action being taken in the various aspects of the housing market that need to be attended 60.

Deputy D. Warr:

I am not sure that there is a desire for the status quo right now. I think we all recognise that greater protections in the current scenario are of a housing crisis that we sit in, that there are abuses going on that need to be dealt with and that the status quo is unsatisfactory. So absolutely, that is why I am pursuing this update. It has to be a significant update because, as I said, there is too much history, there is too much history in this Assembly, and it is about time, as I say, we let bygones be bygones and create a far better structure for the people of Jersey.

4.1.8 Connétable D.W. Mezbourian of St. Lawrence:

I am seeking clarification from the Minister because in answer to Deputy Mézec's question, I think I heard him say that if he was requested to he would be able to lengthen the amount of notice period that is given to a tenant which surprised me. I would just like to ask him under what law he is able to do that.

Deputy D. Warr:

It would just simply be a Ministerial Decision. I am allowed to do that. If someone brings that along I can make a Ministerial Decision on that point.

4.1.9 Deputy L.V. Feltham of St. Helier Central:

My question is related to the last question and I wanted to seek some clarity from the Minister. In what kind of circumstances he would use that power, in what kind of circumstances he would consider it appropriate to use that power that he just mentioned?

Deputy D. Warr:

I cannot give you an answer just standing here on the floor of the Assembly. Give me some real-life examples and I can consider that.

4.1.10 Deputy L.V. Feltham:

I am quite surprised by the Minister's answer because he referred earlier to piecemeal decision-making and the need to avoid that. So I would like to ask the Minister: what steps he will take to ensure that decision-making is not piecemeal, that there is some information out there and that tenants are in fact communicated with and are aware of their rights under those laws that the Minister has referred to?

Deputy D. Warr:

We are endeavouring very hard, as I said, already to update the law, which is hugely complex. Every day I discover something new within this housing arena. All I can say to those tenants, I am working very hard every day to ensure that we get better protections for both tenants and landlords. You talked about piecemeal. One-off Ministerial Decisions are, I agree, a piecemeal decision but I do not like or feel comfortable offering Ministerial Decisions at all. I think that shows that the law is inadequate, and I have seen this already in some of the decisions I have had to make. I therefore believe that we have to sort this law out, we have to go forward in a positive way and I will be communicating that over the coming months, hopefully years as well.

4.1.11 Deputy S.Y. Mézec:

The Minister has rightly spoken about avoiding a piecemeal approach on this and putting a package of measures together, which I agree with and have in fact been advocating for months now. In his email to States Members yesterday, he said that P.106 was being deferred. Could he confirm that in line with everything he said this morning that in actual fact it will be withdrawn?

Deputy D. Warr:

Right now I cannot give you a straightforward answer to that. It may well be that it is determined to be withdrawn however, at this moment in time, it is better that we offer a deferral until I have concluded my review.

The Bailiff:

Before we move on to the second question, it may be helpful if I indicate the approach I am taking to questions in this instant. Obviously the States have granted 2 hours and 20 minutes for questions and there are only 8 questions. If we carry the logic that we simply split that in the time available, if you had 2 questions there would be over an hour for each question, which clearly is not in any sense logical. What I am proposing to do is allow 10 minutes per question. That seems to be an appropriate way of moving the matter on and keeping us reasonably on target. Just so that Members will be aware of the approach that I am intending to take.