

STATES OF JERSEY



RENT CONTROL MEASURES (P.18/2023): AMENDMENT (P.18/2023 AMD.) – COMMENTS

**Presented to the States on 27th April 2023
by the Minister for Housing and Communities**

STATES GREFFE

COMMENTS

I have issued these comments in relation to P.18/2023 as it is important that I make my position in relation to this proposition clear.

- The proposition is unnecessary as the important work to bring landlord and tenant legislation up to date is already under way.
- It asks Members to endorse very specific policy proposals without the benefit of evidence or feedback from tenants and landlords.
- It fails to consider all aspects of landlord/tenant relationships and does not take account of the impact that new legislation may have across other areas when seeking to achieve the specific issues set out in the proposition.
- With a public consultation already under way, it is premature for Members to make decisions on these important issues.

Whilst in broad support of this proposition and its intent, the proposition is regrettably premature in light of my active consultation seeking the views of the community on matters of the same theme – and beyond. If the Assembly were to accept P.18/2023 now – which will make a commitment to make specific changes to the Residential Tenancy Law – I feel this would deny the public their voice on matters where I believe their voice must be heard.

In undertaking a public consultation, I have made an explicit commitment to the public that I will genuinely listen to their views and use these views to shape my ultimate actions.

In order to bring forward changes to the Residential Tenancy Law in the most democratic and inclusive way, ensuring that we take the time to listen to Islanders about the challenges they face, I believe that undertaking consultation with both tenants and landlords is vital to achieve the best outcome for all Islanders.

I will highlight that the first point made in my 2023 Ministerial Plan is that I will be “continuing to model open and accessible political leadership with respect to the housing crisis, listening to learn from Islanders about the challenges they face and their hopes for the future”. My commitment to do this is unwavering.

In my paper, *Improving Residential Tenancies in Jersey*, I have published comprehensive plans that not only deal with rent stabilisation, but other very important tenancy matters.

The Assembly will be able to share their views on these proposals in next week’s In-Committee debate.

I have already discussed my proposals with the EH&I Scrutiny panel and several States Members during a briefing earlier this week. I have also met the Older Persons’ Living Forum and representatives of adults with learning difficulties and mental health charities. Over the coming weeks, I will be continuing direct engagement with key

stakeholders, actively seeking to hear the views of harder-to-reach people in our communities, and holding events where people will be able to engage with me directly.

The residential tenancy matters I am considering are complex and require very careful thought to ensure that changes to the Law are right and effective in achieving their intent. The stakes are simply too high to risk getting this wrong, when we have the opportunity to listen to Islanders who can help make sure we get this right.

I am naturally very pleased that the Deputy's proposition, as amended, aligns with many aspects of my own direction of travel set out in my Improving Residential Tenancies in Jersey consultation paper. But it is important to highlight that P.18/2023 is more limited in its scope, and I stress that we must look at residential tenancy issues holistically to avoid taking a piecemeal approach that does not achieve the desired outcomes.

The Deputy himself made it clear in earlier debates on the Rent Control Tribunal that he did not want to see piecemeal changes to legislation. Yet, the Deputy's proposition is very limited in its scope. It is important to look at the subject of residential tenancies as a whole, and to make sure that all changes are well co-ordinated and balanced.

The fact that the Deputy has amended his own proposition, after attending my States Members' briefing, supports my point that it is premature to make binding commitments before this initial consultation is over. The amendment confirms the significant risk attached to his proposition. Laws must be based on clear evidence and detailed analysis. They should not reflect the changing policy intent of a single politician.

Whilst the matter of rent controls and other key issues (such as the introduction of open-ended tenancies) have been raised a number of times by Deputy Mézec, I believe my consultation to be the first time these issues have been meaningfully consulted upon.

We cannot – and I cannot – deny that the issue of residential tenancies needs to be addressed with urgency, especially the need for stability and measure for rent increases. But we need to get it right, and we need to bring people with us on the journey. I respectfully refute any suggestion that the consultation will cause delay. Initial law drafting instructions have already been submitted, to allow the structure of the new legislation to be developed. This will then be refined to reflect the consultation outcomes.

This is about so much more than the issue of rent controls. Perhaps the most crucial matter of all is security of tenure. Unintended consequences on the issue of security of tenure means putting people at risk of homelessness, which we cannot accept.

The aim of my approach is to ensure that these important changes are laid out fully and transparently, allowing tenants, landlords and States Members to share their views on what I am trying to achieve, and ultimately leading to a new Law that can be supported, and one that does not walk into unintended consequences.

Locking-in any earlier decisions of the Assembly on parts of issues I am already considering will not change the speed of law drafting, nor remove the need to consult and vote on a draft Law.

I have met the Deputy this week to discuss his amended proposition. I asked for a second time that he withdraw P.18/2023 to allow the Assembly time to hear the views raised in

the In-Committee debate and the views of the public – by far the most inclusive way to proceed. He again refused.

This proposition takes away the Assembly’s – and the public’s – opportunity to meaningfully contribute to this important and complex legislation.

Whilst I welcome the Deputy’s offer to have the proposition taken in parts, I would argue that the Assembly has a right to see how those individual parts fit in with the wider legislative package. To support this proposition would be denying the Assembly of this opportunity.

I, therefore, regretfully feel unable to support this proposition, even as amended – and I would urge the Assembly to reject.