

Review: P.24/2025 - Draft Residential Tenancy (Jersey) Amendment Law 202-

Submission: Citizen's Advice

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At Citizens Advice Jersey, we assist islanders with a range of housing issues. Most commonly, we see problems that occur when a tenancy is terminating at the end of a fixed term or when there is a break part-way through a tenancy. Rent increases and uninhabitable accommodation are other issues we come across regularly to name but a few.

The Residential Tenancy (Jersey) Law 2011, (RTL) brought many improvements in clarifying the residential housing position for both tenants and landlords in Jersey but with the passage of time we accept that more clarification and greater detail placed in leases is desirable including information about charges to balance protections for both tenants and landlords.

We see that the aim of the draft legislation is for more settled and longer tenancies which we broadly agree with. We can vouch for the fact that at present, many fixed term tenancies in Jersey tend to be for one year as well as periodic tenancies where 3 months' notice of termination can be given by landlords to tenants at any time without reason. We note the proposal in the draft amendment which allows the availability of an optional initial fixed term lease of up to 3 years only but otherwise it is stated that periodic tenancies are to be the norm going forward. We suggest that for longer terms of 3 years plus, new fixed tenancies could be allowed as this would still achieve one of the aims of the amended legislation to achieve more settled & longer tenancies and might suit some landlords and tenants. If periodic tenancies were to become the norm, one advantage would be that there would be less need to draw up renewal leases saving time and cost for landlords who previously arranged fixed term leases with their tenants each time that the rental was renewed.

Within the proposed draft amendment we see that it is intended that the period of notice to be given by landlords to tenants will be set according to the specific reason for termination of the lease. Therefore, for landlords, the blanket three months' notice applicable to periodic tenancies which is in place today would come under a wider range of notice periods with longer statutory notice of 6 months being applicable for tenants who have resided in the property for more than five years. Overall, this appears to be a fair way forward for both landlords and tenants in so far as it creates more comfort for tenants who will know that they will be given notice to leave their home only in limited situations and it also removes the risk of being served notice by the landlord as a result of any minor conflict that has occurred with the landlord. Conversely, for landlords, it allows them to give shorter periods of notice to tenants who have been in breach of the tenancy.

If the draft amendment is enacted, we support the proposed arrangements in terms of pre-existing tenancies. i.e pre-existing fixed term tenancies will continue to their natural conclusion in accordance with the RTL. Thereafter, it is possible for this tenancy to be either a new initial term or periodic tenancy under the new Draft Amendment Law. However, we note that pre-existing periodic tenancies will immediately become periodic tenancies under the draft Amendment Law if it is adopted. We note that at this point, for the first time, landlords will be obliged to give 6

months' notice to any tenants that have been resident for five years plus. We suggest that as this would be a significant change for landlords that a lead in time is allowed so that landlords are able to prepare and plan accordingly. We note that for tenants who wish to leave, there is continuity as the existing periodic tenancy notice period of one month is to remain in the draft amended law & will extend into initial term tenancies if the law is adopted.

In terms of the proposed standard treatment of rent increases, we support the proposal that rent should continue to be reviewed in line with RPI with annual reviews with a cap and for rent set at the lower figure, and for two months' notice to be given before the increase takes effect. We suggest that the size of the cap should be reviewed periodically to ensure that it is still reasonably aligned with RPI. We note that one of the available exceptions proposed to the standard rent increase route (which tenants are able to appeal at the Rent Tribunal) is that landlords can request a tenant for an increase of rent which is higher than the statutory limit (RPI/Cap) if the current rental has fallen behind market rent. The availability of this exception is useful where landlords in hardship would otherwise decide to sell properties which could have the effect of reducing rental accommodation available in Jersey.

In terms of the setting up of the Rent Tribunal if the draft amendment is adopted, choosing the right complement of members is paramount to provide a balance of experience that will be trusted by both landlords and tenants. We note the various criteria for their involvement which basically allows a tenant to challenge a rent increase. We suggest that its proposed remit is perhaps too narrow. Ideally, a Housing Tribunal, which was originally proposed, would be able to look at a wider range of disputes unrelated to rent within a tenancy rather than rental disputes only. Although it appears that parties can approach the Petty Debts Court with housing disputes, the court process may be off-putting for some. The ease of the application process to the Tribunal is important & in terms of applicants requiring support to make applications to the Rent Tribunal, we suggest that the Housing Advice Service may be a good fit to provide this service. In situations where a party wishes to appeal the decision of the Tribunal, we note that the case can be taken to the Royal Court on a point of law only. In these circumstances, we feel that legal support should be considered as otherwise, the Royal Court process could be unreachable for some.

If the Draft amendment is adopted, we suggest that prior to coming into effect, awareness presentations be arranged for all interested parties including landlords, tenants and property agents as these would be of benefit for all. Also, we suggest that full information including a suggested lease template incorporating the new amendments is placed on the Government website, similar to available information that was available upon the introduction when the Landlord's licensing scheme. Initially, a web chat facility may be helpful for queries. "