



Deputy Tom Coles,
Vice-Chair,
Environment, Housing and Infrastructure Scrutiny Panel

By email
scrutiny@gov.je

16th May 2025

Dear Deputy Coles,

Draft Residential Tenancy (Jersey) Amendment Law 202- Review

Introduction

The Homelessness Cluster welcomes the opportunity to submit comments to the Environment, Housing and Infrastructure Scrutiny Panel's review of the draft Residential Tenancy (Jersey) Amendment Law 202-.

The Homelessness Cluster comprises voluntary and community organisations, social housing providers, and government services involved in the provision of accommodation and support to people who are homeless or at risk of homelessness. The Cluster's terms of reference and membership are included with this response.

I have submitted the response on the Cluster's behalf in my capacity as Chair. It is, however, important to highlight that the response does not reflect my own personal view of the draft Amendment Law, owing to my participation in the Minister for Housing's 'Housing Crisis Emergency Taskforce' and closeness to the proposed legislation. I have also separately included a response from Sanctuary Trust and the Shelter Trust.

The Cluster works collaboratively to address homelessness through the delivery of the actions set out in the 'Jersey Homelessness Strategy'¹ (2020), with the aim of "*ending homelessness in Jersey*." The strategy includes eight priority areas to address homelessness, one of which is to "*support private sector tenants and landlords to promote positive relationships*." This priority underscores the role of the private rented sector in providing homes to many Islanders, whilst recognising that a lack of security of tenure can place people at risk of homelessness.

The strategy identifies the following action (p.45), which is relevant to the proposed legislation:

"Review the provisions of Residential Tenancy (Jersey) Law 2011 to determine whether there is a need to provide greater security of tenure for tenants or at least protection from eviction for any residential occupier [whether a tenant or licensee]."

¹ [Jersey Homelessness Strategy](#) (2020)

The [then] Minister for Housing and Communities, in the 'Ministerial Response to the Jersey Homelessness Strategy' (2021),² accepted the strategy's priority and agreed to review security of tenure provisions in the Residential Tenancy (Jersey) Law 2011. This action has been fulfilled by the current Minister for Housing. The draft Amendment Law is, therefore, in principle, aligned with the aim and priorities of the Jersey Homelessness Strategy.

The Cluster discussed the draft Amendment Law with the Minister for Housing in November 2024 and March 2025 to understand its potential impact on homelessness. In relation to the measures set out in the proposed legislation, the Cluster's views are as follows:

- *Tenancy types*: the simpler tenancy structure, where periodic tenancies are offered to tenants as the standard position will provide tenants with greater certainty about the length of their tenancy, and give them longer-term stability in their homes. The optional initial tenancy term of up to three-years will provide tenants and landlords with flexibility to determine whether the rental arrangement is right for them, whilst preventing frequent moves that can place prohibitive costs on tenants and increase the risk of homelessness.
- *Grounds for possession and minimum notice periods*: the grounds for possession and revised minimum notice periods set out in the proposed legislation fairly and proportionately balance the rights of tenants to security of tenure, whilst ensuring that landlords can reasonably gain possession of their property in specified circumstances when legitimate and necessary. The proposed measures will ensure that tenants are protected from arbitrary eviction and given sufficient time to find a new home. This will reduce instances where a tenant might be given little notice or justification for the end of their tenancy, which could place them at risk of homelessness.
- Whilst the Cluster supports the grounds for possession set out in the proposed legislation, it urges the Minister to keep the proposed measures under close review to ensure that they are not falsely or unjustly used by landlords, and that harm to tenants is minimised. The Cluster is concerned, specifically, about the potential implications of the notice periods for some grounds for possession:
 - the 7-day notice period for "serious or repeated nuisance" could be used wrongly by a landlord to gain possession of their property for relatively minor behavioural complaints and deny access to justice for tenants facing the accusations. Incidences of serious or repeated nuisance behaviour could also be misidentified or mask other issues facing vulnerable tenants such as domestic abuse or health and welfare needs. Eviction should always be a last resort, and the Cluster emphasises the need for appropriate information, advice and support to be made available to identify and support tenants sustain their tenancies.
 - the 7-day notice period when a tenant's employment (tied to their accommodation) has ended could lead to a person becoming homeless as a consequence the limited time to find alternative accommodation, alongside the loss of their employment and household income. The issue may be especially challenging for people with 'Registered' residential and employment status who are not able to access social rented housing. Accordingly, the notice period has the potential to place pressure on homelessness accommodation providers, the Housing Advice Service, and the Affordable Housing Gateway to address emergency homelessness situations.
- *Rent stabilisation measures*: the proposed in-tenancy rent stabilisation measures are a fair and sensible approach for tenants and landlords. Rent stabilisation measures are routinely applied in other comparable jurisdictions, and, in many ways, they represent good practice

² Minister for Housing '[Ministerial Response to the Jersey Homelessness Strategy](#)' (R.32/2021)

that is commonly adopted in tenancy agreements already – for example, the limit on rent increases to once per year and the requirement to give two-months' notice of rent increases. The measures are a fundamental part of encouraging stability for tenants, preventing the risk that they could be forced from their home, potentially as a backdoor for eviction, through inflated and unjustified rent increases.

- *Rent tribunal*: the proposed establishment of a tribunal to adjudicate on rent stabilisation matters will help to ensure that these measures are properly regulated and work in practice. The Cluster emphasises that the tribunal should provide an accessible and easy-to-use mechanism for landlords and tenants to resolve disputes over rents. It encourages the Minister to carefully consider how tenants may need to be supported to understand their rights and empowered to challenge unreasonable rent increases.

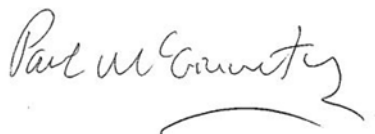
The Cluster wishes to note that the draft Amendment Law would not apply to tenancies where the occupier of an accommodation unit occupies it as a boarder, lodger or other licensee, as is presently the case under the 2011 Law. The Cluster understands the Minister's decision not to include these accommodation arrangements within the scope of the proposed legislation due to the complexity of the issue. However, the Cluster is concerned that there are few protections for people living in non-self-contained accommodation, leaving them with little security and vulnerable to experiencing homelessness. The Cluster hopes that the Minister can, therefore, give consideration to the policy and legislation relating to these accommodation arrangements in the future.

Overall, the Cluster believes that the Amendment Law is a strong piece of legislation, providing a proportionate and balanced sets of rights and responsibilities between tenants and landlords. It has the potential to enhance the basic protections and security of tenure afforded to tenants, and to address the issues in the private rented sector that are often linked to homelessness.

The Cluster wishes to emphasise that the draft Amendment Law, whilst a significant step in the right direction, will not, on its own, achieve the strategy's aim of ending homelessness in Jersey. The proposed legislation must be reinforced by early prevention – including information, advice and support services and schemes – so that tenants are supported to remain in their homes and empowered to challenge poor and unfair practices, and landlords receive assistance to manage tenancies effectively where necessary.

I hope the Panel finds the Homelessness Cluster's comments of assistance to the review of the draft Amendment Law, and on matters relating to the Jersey Homelessness Strategy generally.

Yours sincerely,

A handwritten signature in dark ink, reading 'Paul McGinnety', with a stylized flourish underneath.

Paul McGinnety
on behalf of **The Homelessness Cluster**

Response from Sanctuary Trust [1st May 2025]

Sanctuary Trust supports the *Draft Residential Tenancy (Jersey) Amendment Law 202* proposed by Deputy Sam Mézec. From our direct work with residents we support and people in the wider community, we see this legislation as both necessary and long overdue to address persistent challenges in Jersey's rental sector.

By providing longer and more secure tenancies the law will give people, particularly those moving on from homelessness, the stability they need to rebuild their lives.

As a charity focused on tackling homelessness, we believe these reforms will help prevent future homelessness and strengthen the efforts of the entire Homelessness Cluster. The proposals also align with Strategic Priority 8 from Jersey's Homelessness Strategy (2020): "*supporting private sector tenants and landlords to promote positive relationships*".

We believe the proposed changes strike a fair balance between tenant protections and landlords' rights. They support more respectful, stable relationships without placing undue burden on responsible landlords.

While any change carries some risk, we believe the potential for unintended negative consequences is low and far outweighed by the benefits. With clear communication and guidance, landlords can adapt, and the rental sector will gain greater stability and trust.

We also support the introduction of a Rent Tribunal and highlight the need for it to be properly resourced. It must be simple, transparent, and accessible, particularly for vulnerable tenants who may not have the means or knowledge to advocate for themselves.

We strongly encourage the adoption of this law. It marks an important step towards a fairer, more compassionate housing system, one that treats safe housing not as a privilege, but as a basic human need.

Response from the Shelter Trust [14th May 2025]

On behalf of the Shelter Trust, we write to provide our comments on the Draft Residential Tenancy (Jersey) Law Amendment 202-.

A large number of service users seeking support and accommodation from Shelter have previously been in rental accommodation. Upon leaving Shelter, the majority of our service users are moving into rental accommodation. A Law that enhances the security, stability and safety for tenants in rental accommodation is welcomed.

In working alongside our service users to support and facilitate their return to independent living in the community, the availability, security and affordability of rental accommodation is paramount.

We welcome the proposed limitations on rent increases, moving to once a year with two months' notice prior to the increase. In turn, preventing the practice of unaffordable and excessive increases, which may place a tenant at further risk of homelessness.

To seek recourse for concerns via an independent Rent Tribunal, this service has to be readily available, transparent and prompt in response, providing an early and supportive intervention to concerns.

The requirement by a Landlord to provide an explanation to serve notice is a reasonable request and the timescales to give notice within the proposed Law are supportive to both parties of the tenancy agreement. Fair notice periods are essential to provide a tenant with time to source alternative accommodation, limiting situations where a person is at risk of homelessness.

The draft Law applies a necessary, fair and proportionate approach to addressing the current insecurity faced by individuals in Jersey's rental sector, whilst continuing to support Landlords.

These changes are in our view, an essential development and improvement in the circumstances faced by the hundreds of homeless people accessing Shelter's services each year.

Our role at Shelter is to have people with us for as short a time as is practically possible, before a return to mainstream accommodation. The proposed changes offer a new framework of wellbeing in support of homeless people in their transition from homelessness to housed.