

Review: Draft Residential Tenancy (Jersey) Amendment Law 202-
Environment, Housing, and Infrastructure Panel – Jersey States Assembly
Feedback from Propertymark
May 2025

Background

1. Propertymark is the UK's leading professional body of property agents, with over 19,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.¹

Consultation – overview

2. The Environment, Housing, and Infrastructure Panel in Jersey's States Assembly have launched a review of the Draft Residential Tenancy (Jersey) Amendment Law 202-². The legislation has been tabled by the Minister for Housing with the aim of delivering on the Common Strategic Policy (2024-2026)³.

Propertymark response

3. Propertymark wants to see improved conditions for renters and greater security and affordability in the private rented sector, but reforms must be done in a fair and balanced way. We have four concerns with the proposals:
 - **Firstly, inflation linked rent control** - the lack of supply of homes to rent leads tenants who are desperate for somewhere to live, to offer increased rent. The proposal in its current form is highly likely to exacerbate this situation with more landlords withdrawing homes from the private rented sector. Furthermore, the proposals don't take into consideration rising costs of tradespeople and maintenance charges as well as rising mortgages costs for landlords which may be above the capped threshold.
 - **Secondly, reduction in fixed term leases** – reducing the fixed end date and a move towards periodic tenancies can make it difficult for landlords to plan for long-term income and property management. It can also lead to more frequent discussions about rent increases and changes in the tenancy agreement.
 - **Thirdly, tax is reducing the investment appetite of new and existing landlords** – there is already a shortage of good quality rental accommodation in Jersey, and alongside the measures since 1 January 2023 for buyers who purchase a property to rent must pay a

¹ <https://www.propertymark.co.uk/>

² <https://statesassembly.je/publications/propositions/2025/p-24-2025>

³ <https://statesassembly.je/publications/propositions/2024/p-21-2024>

three per cent uplift in stamp duty (Land Transaction Tax), there is concern that some of the proposals may have a negative impact on the already limited supply.⁴

- **Fourthly, anti-landlord rhetoric** - currently, there is concern about the use of anti-landlord rhetoric and how this is leading landlords to take their properties off the market or leave the sector altogether.
4. In order to ensure that the proposals are fit for purpose, Propertymark thinks there are four areas that need further clarity:
- **Firstly, ending a tenancy** – it is not clear why the proposals for a fixed term tenancy are three years but if the tenancy is over or under five years the notice period differs. It would be more beneficial to both landlords, tenants and agents if the time periods were consistent.
 - **Secondly, initial term and periodic tenancies** – it is not clear why fixed-term tenancies can still be used but only as a "one-off" where at the end of an initial fixed term, the agreement must be ended, or it becomes periodic automatically. Under the list of reasons given for ending an initial term compared to a periodic tenancy there is less security for tenants.
 - **Thirdly, role of the independent Rent Tribunal** – clarification is needed on any cost implications for landlords and tenants to take a case to the Rent Tribunal to resolve any disagreements on rent increases. Would use of the Rent Tribunal be free of charge to use for both landlords and tenants.
 - **Fourthly, enhancing rental data collection requirements** – when landlords submit figures for rents charged this should also include 'reason for rent increase' and 'reason for no rent increase' so the Government of Jersey have a greater understanding as to why rents increase and to inform future evidence-based policy making. Information can also be used and reported on by Independent Rent Tribunal when looking at challenges and adjudications.
5. Propertymark thinks there are several proposed areas within the Government of Jersey's Draft Residential Tenancy that will help deliver better conditions and more security and affordability for renters:
- No changes to the premises to which the law applies under Article 2 of the 2011 Law, meaning that if someone lives in, or are landlord of, non-self-contained lodging houses or staff accommodation then the status quo would remain.

⁴ <https://jerseyeveningpost.com/news/2024/03/18/stamp-duty-receipts-drop-by-17-million-as-jerseys-house-market-stalls/>

- Landlords could serve shorter periods of notice, regardless of tenancy type, if they needed their property back in unexpected circumstances or if they were dealing with 'bad' tenants. Shorter notice periods would range from seven days to one month.
 - Tenants could give one months' notice and would not be obliged to give a reason for leaving.
 - A landlord and tenant could still end a tenancy by mutual agreement, regardless of the type of tenancy or the reasons why.
 - Within tenancies, rents could only increase once a year, with two months' notice.
 - Rent controls between tenancies would not be affected.
 - If a landlord is found to have lied about why they are ending a tenancy, it "will be a criminal offence".
 - Landlords could increase rents by more than the statutory limit if they had invested in the property to the tenant's benefit, or the level of rent charged had fallen behind the market value significantly.
 - An independent Rent Tribunal would be established to help resolve any disagreements on rent increases.
 - Landlords would be required to provide information on the rents they charge to enhance understanding of the rental market.
 - Any fees or charges would need to be written in the lease at the start of a tenancy agreement.
 - Landlords would need to insure their property to cover any risk, loss, or damage for which the property can be reasonably insured.
6. Before embarking on significant reforms that will likely further impact the housing market on the island, the Government of Jersey must do four things:
- **Firstly, analyse the impact of enforcement on existing rules.** Enforcement of rules in the private rented sector is a complex issue with a mix of successes and challenges. New laws shouldn't be introduced if existing rules are not being enforced effectively.
 - **Secondly, assess the role of guidance in supporting both landlords and tenants.** This is important to determine whether current guidance is adequate for the private rented sector and where it isn't further resources are provided.

- **Thirdly, review all costs and taxes impacting private landlords.** This is vital to ensure existing property owners can continue in the market and new investment is attracted to meet the demand for homes to rent.
- **Fourthly, explore raising standards amongst existing landlords and property agents through redress scheme requirements.** Property redress schemes provide an independent and free mechanism for consumers to resolve disputes schemes. They also help to improve standards, drive up best practices, and protect consumers from potentially unscrupulous actions.