

## **REPORT FOR CHIEF MINISTER**

### **Application to change the housing category of specified Qualified properties under Article 15 of the Control of Housing and Work (Jersey) Law 2012**

#### **Background**

Millions of Ukrainian nationals have fled the country to seek refuge across Europe since the Russian invasion.

The Government of Jersey has agreed to support eligible Ukrainian nationals arriving in the Island and is committed to continuing to support these individuals and families during this humanitarian emergency,

Under the current Family Scheme, family members including parents, children, siblings, and their spouses and children of Ukrainian nationals living in Jersey can apply for a visa to seek refuge in the Island.

The Government released a statement stating that:

“The Government of Jersey’s current priority is to make sure that those refugees arriving to reunite with families are welcomed and have access to everything they need. Should they be here for years to come, proper independent housing, schooling and employment needs to be found so they can settle properly into Island life”.

#### **Current Position**

In April 2022, some Government owned residential properties were identified to provide temporary emergency accommodation for up to 6 months for Ukrainian nationals arriving in Jersey who have been granted visas under the Family Scheme.

Each of the properties are categorised as Qualified under the Control of Housing and Work Law and can only be occupied by persons with Entitled or Licensed status.

Under Article 15 of the CHWL, the Minister can change the housing category of the unit of dwelling accommodation or specify or vary the conditions relating to the housing category of the unit of dwelling accommodation.

In April 2022, the former Deputy Chief Minister agreed to allow a temporary re-categorisation of these specific residential properties from Qualified to Registered, for a maximum period of 6 months, to expire 30 September 2022. It was further agreed that the re-categorisation was to have effect only for as long as the units were required to provide temporary accommodation for Ukrainian refugees present in Jersey under a family visa issued by the Jersey authorities, and for no other purpose (MD-CM-2022-255 refers).

In October 2022, the Chief Minister agreed to extend the temporary change of the housing category of the specified units of residential accommodation from Qualified to Registered for a further maximum period of 6 months to expire 31/03/2023 (MD-CM-2022-642 refers).

This report serves as a formal request for the Chief Minister to agree to further extend the temporary change of the housing category of some of the specified units of residential accommodation from Qualified to Registered for a further maximum period to expire 31/12/2023.

#### **Decision of Chief Minister**

The Chief Minister agreed with the Department's recommendation to allow an extension of the temporary re-categorisation of some of the specified units of Government owned residential accommodation from Qualified to Registered for a further maximum period to expire 31/12/2023.

It was further agreed that the re-categorisation is to have effect only for as long as the units are required to provide temporary accommodation for Ukrainian refugees who are present in Jersey under a family visa issued by the Jersey authorities, and for no other purpose.

## **Appendices - Relevant extracts from Control of Housing and Work Law:**

### **15 Conditions and changes to housing categories**

- (1) An owner of a unit of dwelling accommodation may apply to the Minister to change the housing category of the unit of dwelling accommodation or to specify or vary the conditions relating to the housing category of the unit of dwelling accommodation.
- (2) Such application shall be in such form and accompanied by such fee as the Minister may prescribe.
- (3) The Minister may, of his or her own motion, or following an application under paragraph (1), make a determination relating to any of the following –
  - (a) a change in the categorization of a unit of dwelling accommodation;
  - (b) specification or a variation of the conditions relating to the housing category of a unit of dwelling accommodation.
- (4) The Minister shall not make a determination under paragraph (3) if the effect of any such determination would render unlawful the occupation of such a unit by any person who lawfully occupies the unit at the time of the determination.
- (5) The Minister shall not make a determination under paragraph (3) unless each person who may be affected by the determination –
  - (a) has been notified of the proposed change and of his or her right of appeal against the determination under Article 41; and
  - (b) been given an adequate opportunity to make representations to the Minister.
- (6) For the purposes of paragraph (5), a person who may be affected by the determination means each person (if any) who occupies the unit of dwelling accommodation as his or her ordinary residence and each person (including a legal person) who is an owner of that unit of dwelling accommodation, including any person who is an immediate landlord of the occupier of that unit.
- (7) In making a determination under paragraph (3), the Minister shall have regard to any relevant factors relating to the supply and demand of housing, particularly in relation to the interests of persons with Entitled status and may have regard to any other factors he or she considers relevant.

### **17 Occupation of Qualified housing**

- (1) A person shall not occupy a unit of dwelling accommodation that is Qualified as his or her ordinary residence unless –
  - (a) the person is Entitled or Licensed;
  - (b) the person occupies the unit with the consent of another person who is Entitled or Licensed provided that the other person occupies the whole or a substantial part of that unit as his or her sole or principal place of residence in Jersey;
  - (c) the person is Entitled for Work Only and has purchased the unit of dwelling accommodation as a party to a specified transaction described in Article 18(1)(a) to which his or her spouse or civil partner, being an Entitled person or a Licensed person, was also a party in the same capacity;
  - (d) the person has acquired the property by inheritance; or
  - (e) the person occupies the unit with the consent of the Minister under paragraph (2).
- (2) The Minister may grant consent to any person who has previously occupied a unit of dwelling accommodation by virtue of any of sub-paragraphs (a) to (c) of

paragraph (1) to live in any unit of dwelling accommodation that is Qualified as his or her ordinary residence for such period as may be specified by the Minister (which may be determined by the happening of an event).