

FINDINGS REPORT

Improving Residential Tenancies in Jersey:
Residential Tenancy Law Reform proposals

April 2024

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About the Findings summary report

The [Improving Residential Tenancies in Jersey: Residential Tenancy Law Reform proposals](#) report was published on 14 April 2023, marking the start of a 10-week public consultation. The purpose of the consultation was to explain and receive feedback on the former Minister for Housing and Communities' proposals to reform the existing [Residential Tenancy \(Jersey\) Law 2011 \(RTL\)](#), which aim to introduce greater and more comprehensive protections for Jersey's rental sector.

This report provides a summary of the feedback received during the consultation, having been prepared following a period of post-consultation analysis.

A total of 310 responses were received during the consultation, highlighting the differing priorities and concerns of tenants and landlords. The report does not itself seek to re-set the policy direction, and all feedback from Islanders will be taken into consideration by the Minister for Housing as the final draft Residential Tenancy (Jersey) Law 2024 continues to be developed.

The draft Law will be published for further consultation, ahead of being debated by the States Assembly in 2024.

This report is structured as follows:

- Part 1: **Consultation**
- Part 2: **Findings**
- **Appendices**

Part 1: Consultation

The RTL consultation collected responses on the residential tenancy reform proposals, as set out in the former Minister's report [Improving Residential Tenancies in Jersey - Residential Tenancy Law Reform proposals](#). This report covered an extensive range of issues, and the key proposals are summarised in the table below:

<p>Tenancy types, notice periods and termination</p>	<p>To offer more security of tenure for tenants and protection from 'revenge evictions'¹, involving:</p> <ul style="list-style-type: none"> • Changing standard forms of tenancy, with a focus on open-ended tenancies that can only be ended for specific reasons. • Increasing minimum notice periods for ending a tenancy. <p>These measures will work in concert with more investigatory powers for the Government of Jersey and the introduction of a Housing Tribunal.</p>
<p>Rents and charges</p>	<p>To extend protection for tenants against excessive rent increases, whilst allowing landlords a stable and fair rental return, involving:</p> <ul style="list-style-type: none"> • Measures to limit the amount and frequency of rent increases. • Introducing a minimum notice period of 2 months for rent increases. <p>Similar measures are already prevalent in many residential tenancies, however making them mandatory will offer more comprehensive protection.</p>
<p>Social housing providers and tenancies</p>	<p>To consider formalising existing policy provisions for social housing and, where needed, improve current arrangements, such as:</p> <ul style="list-style-type: none"> • Introducing a definition of a 'social housing provider'. • Setting minimum requirements for social housing provision. • Creating a pathway to become a recognised social housing provider.
<p>Powers of investigation, offences and penalties, and establishing a new Housing Tribunal</p>	<p>To create a clearer, more comprehensive, more accessible, and more responsive legislative framework through which tenants and landlords can resolve disputes, which will:</p>

¹ A revenge eviction is best understood as a landlord serving 'no fault' or 'no reason' notice on a tenant in reaction to an action taken by the tenant. It is not the same as a formal eviction as part of a court process.

	<ul style="list-style-type: none">• Enable Government officers to enforce certain provisions within law, which is currently lacking.• Establish a new Housing Tribunal to resolve a wide range of residential tenancy matters.• Maintain ultimate court jurisdiction.
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Table 1 - Key proposals for residential tenancy legislative reform

The consultation has been carried out in line with The Government Engagement Framework². Details of the approach to consultation are set out in [Appendix A](#), sections A1 to A5.

² The Government Engagement Framework. Engagement good practice guide, www.gov.je, Link: [GoVernment Engagement framework](#)

Part 2: Findings

This part of the report presents the high-level findings from the analyses of the total number of responses received to the consultation.

Statistics providing some insight about who responded to the consultation are available in [Appendix B](#). Postcard statistics are presented separately in [Appendix D](#).

2.1 Introduction

Responses to the consultation were categorised according to the same residential tenancy themes set out in the Minister for Housing and Communities' consultation report³.

The different residential tenancy themes are ranked by the frequency in which they have been raised (see below 2.2 Ranking by frequency), offering some insight into the priorities of the respondents regarding the proposed RTL policy changes.

Section 2.3. sets out the overall high-level views of respondents according to theme, with [Appendix C](#) setting out the detailed comments upon which the high-level views are based⁴.

2.2 Ranking by frequency

It is important to note that a single response may refer to multiple different residential tenancy issues, hence the total number of individual comments exceeds the total number of responses received to the consultation.

The additional category of 'Other' was created to cover a collection of different issues that either did not fit neatly within the main residential tenancy themes or were considered outside the Residential Tenancy Law's scope

Figure 1 below displays the frequency that the key residential tenancy themes were raised by respondents expressed as percentages.

It should also be noted that the level of interest in at least three of the top four ranked issues in Figure 1 will have been influenced to some extent by the closed questions asked on postcards and minority surveys, which focused exclusively on the topics of providing notice, preferences about tenancy types and views on limiting the amount and frequency of rent increases.

³ Improving Residential Tenancies in Jersey: Residential Tenancy Law Reforms proposals, www.gov.je, Link: [R Tenant and Landlord Rights Law Reform.pdf \(gov.je\)](#)

⁴ Some themes with many responses have been further divided into sub-themes.

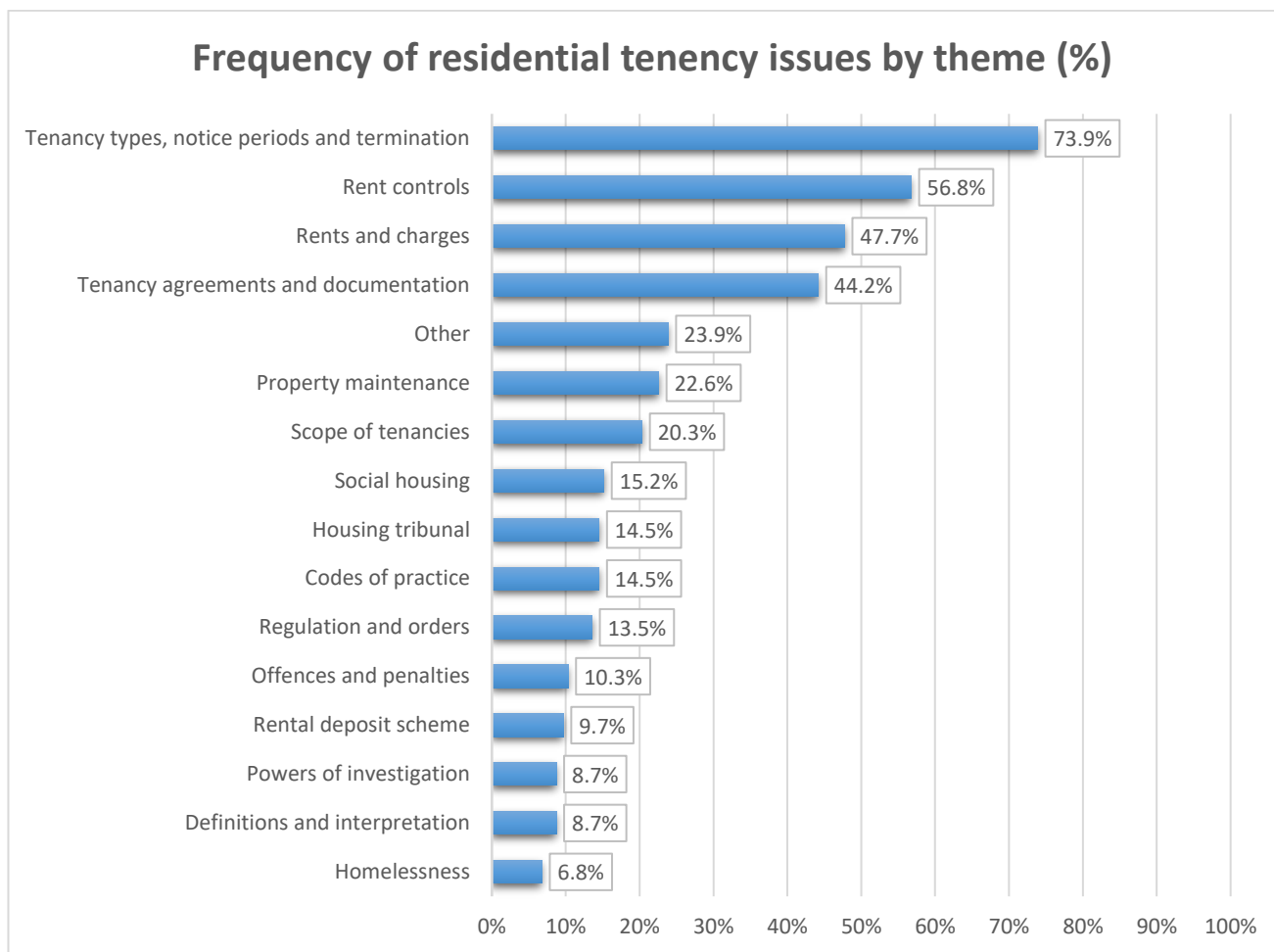


Figure 1 - Ranked frequency of residential tenancy issues by theme (%)

Figure 1 shows that respondents commented most frequently on 4 themes. The volume of those comments ranks them in the following order:

1. Tenancy types, notice periods and termination (73.9%)
2. Rent controls (56.8%)
3. Rents and charges (47.7%)
4. Tenancy agreements and documentation (44.2%)

As stated, some of the themes shown by Figure 1 have distinctive sub-themes, due to the amount and diversity of responses within these themes. These sub-themes are set out in Part 2.3. and [Appendix C](#).

2.3 Findings summaries

2.3.1 Introduction

The high-level findings summaries (below) and the detailed summaries of comments from respondents ([Appendix C](#)) have been organised according to the residential tenancy themes set out in 2.2 Frequency ranking⁵. Each thematic summary contains a reference to an appropriate section of that Appendix.

Comments have also been attributed to a specific category of respondent. Some respondents self-identified as landlords, tenants, social tenants, or social housing providers, or as belonging to a specific organisation⁶. Sometimes the content of the comment determined whether someone was identified as belonging to one of these groups. Where it was not possible to determine the categorisation of a respondent, the comments were categorised as 'unidentified'.

2.3.2 Tenancy types, notice periods and termination

Context

The consultation outlined a series of proposals in relation to tenancy types, notice periods and termination of leases, with the aim of offering improved security of tenure for tenants and protection from 'revenge eviction', involving:

- Increasing minimum notice periods for ending a tenancy.
- Changing standard forms of tenancy, with a focus on open-ended tenancies that can only be ended for specific reasons.

These measures were proposed to work in concert with more investigatory powers within Government and the introduction of a Housing Tribunal.

Findings summary

Many comments were returned under this broad theme, which have been divided into the following sub-themes:

A. General

B. Open-ended tenancies

C. Fixed-term tenancies

D. Notice

⁵ Some themes with many responses are further divided into sub-themes.

⁶ The Property Ombudsman, The Homelessness Strategic Board, The Rents Tribunal Panel, Citizens Advice Bureau, Comité des Connétables, Government of Jersey.

E. Evictions

A significant majority of the comments across these sub-themes came from landlords.

Under **General** comments, landlords tended to be negative about the tenancy-type proposals, pointing to unintended consequences.

Feedback during the public consultation indicated that **Open-ended tenancies** was one of the most contentious proposals amongst landlords. Many comments detailed possible unintended consequences of introducing open-ended tenancies, such as landlords exiting the rental market; perceiving a loss of autonomy over their property; being unable to manage relations with tenants; and being more selective, which would disadvantage some tenants.

Only a small number of comments from tenants dealt specifically with open-ended tenancies. Comments were evenly split on whether their introduction would be a positive development.

Comments from unidentified respondents were more varied. Most were consistent with landlord identified responses, although some comments welcomed the introduction of open-ended tenancies whilst others called for additional criteria around the issue of notice periods.

With respect to **Fixed-term tenancies**, comments across all respondent categories were generally supportive of the continued use of fixed-term tenancy agreements.

Tenants tended to be of the view that landlords should be required to provide a reason for serving notice. Landlord responses focused on the need for a comprehensive list of reasons for serving notice. Unidentified respondents offered a more varied mix of views, although a number also identified the need for clearly defined reasons for serving notice.

There were many comments on the theme of **Notice** periods, primarily from landlords and unidentified respondents. Landlords offered an extensive list of reasons why notice could be served on a tenant, and unidentified respondents offered comments that supported the principle of giving a reason for notice, with some examples provided.

On **Evictions**, it is important to note that this paper has combined comments that describe 'revenge evictions' and comments that refer to the formal eviction process.

A 'revenge eviction' is best understood as a landlord serving 'no fault' or 'no reason' notice on a tenant in reaction to an action taken by the tenant e.g., a tenant making a complaint about some aspect of their tenancy. This is separate to the formal eviction process, where a tenant is expelled from a property through an official court process.

All three comments from tenants focused exclusively on perceived unfair evictions, including two comments on the issue of 'revenge eviction'. Landlords' comments tended to focus on the formal process of eviction, with those dealing with 'revenge evictions' doubtful that there is sufficient evidence to substantiate the significance of this problem. This latter point was also supported by a social housing provider.

Unidentified respondents offered comments in support of discouraging no-fault and 'revenge evictions', but also raised a concern about businesses that provide employee with accommodation

having to accommodate employees dismissed for gross misconduct (effectively an eviction), which was also mirrored in a comment from a hospitality organisation.

Detailed summary of views

The views of respondents on tenancy types, notice periods, and termination can be found in [Appendix C, section C1](#).

2.3.3 Rent controls

Context

The Minister's consultation outlined proposals for rent controls, aiming to limit the amount and frequency by which rents can increase, whilst allowing landlords a stable and fair rental return.

Three widely understood categories of rent control were set out:

- First generation or 'hard' rent controls, which place restrictions on the level of rents across the whole rental sector through setting a pre-determined rent ceiling that rents cannot exceed.
- Second generation or 'soft' rent controls, that allow for some restricted increase in rents to allow for factors such as investment and inflation.
- Third generation or 'tenancy' rent controls, that place restrictions on the change in rents within tenancy agreements, but not between them.

The Minister signalled a preference for a third-generation style of rent control for Jersey known as rent stabilisation.

Findings summary

Many comments were received on Rent controls. Although landlords and unidentified respondents weighed in most heavily on this theme, it was also evidently an important issue for tenants.

Tenants were generally in favour of rent increases being capped by a reasonable measure (e.g., by inflation) and limited to one increase per year. Social housing tenants expressed concern about the level of a rent increase applied in early 2023, advocating for a social housing rent increase cap.

Landlords overwhelmingly did not favour rent controls, questioning the rationale and citing a range of unintended consequences, such as reduced property maintenance standards. Unidentified respondents presented a more mixed picture, more evenly split between landlord and tenant perspectives.

Detailed summary of views

The views of respondents relating to Rent controls are summarised in [Appendix C, section C2](#).

2.3.4 Rents and charges

Context

Tenants should be aware of all financial aspects of their tenancy at the start of an agreement, which is key to making informed choices. The Minister's consultation observed that the current law does not limit the charges that can be made at the start of a tenancy. Additional and/or unexpected charges can be a source of anxiety and stress for tenants.

Findings summary

There were many comments returned under this theme, which have been categorised into the following four sub-themes:

A. Rents

B. Rent increases

D. Calculation of rents

E. Additional charges

Overall, tenants were concerned by the high cost of **Rents**, with this concern mirrored by unidentified respondents. Tenants were also concerned by the extent of unjustified **Rent increases** for properties in poor condition, along with limited notice for rent increases. Overall, the views amongst unidentified respondents tended to express concern about managing the rate and frequency of rent increases. Landlords pointed to a range of costs they had to bear in the context of rent increases.

Unidentified respondents offered varied views on the **Calculation of rents**, with a recurring theme being the variables that should be considered in the calculation of rent.

Tenants' comments on **Additional charges** focused on extra costs charged on utilities and maintenance. Landlord comments on this sub-theme were more varied and observational; in some instances, examining reasons why tenants were paying additional charges. Overall, comments from unidentified respondents were more aligned to a view that tenants are facing additional fees and that these fees need to be fair. Organisation comments push for transparency on additional charges.

Detailed summary of views

The views of respondents on rents and charges are summarised are in [Appendix C, section C3](#).

2.3.5 Tenancy agreements and documentation

Context

The Minister's consultation identified the need to improve minimum requirements for tenancy agreements and documentation provided to tenants. Currently there are a wide range of tenancy agreements, and the contents can be variable. The level of documentation provided to tenants is not always sufficient for them to fully understand their roles and responsibilities.

Findings summary

Tenants expressed a view that tenancy agreements are an important right and want them to clearly articulate the rights and responsibilities of landlords and tenants.

Landlords commented extensively on this theme, offering a variety of different views. Like tenants, several landlord comments identified the importance of detailed tenancy agreements. Several comments touched upon the need for a common tenancy agreement template that clearly articulates key tenancy-related issues, rights, responsibilities, and acceptable tenant and landlord behaviours.

Comments from unidentified respondents articulated a desire for flexibility within tenancy agreements, and identified some areas not covered by tenancy agreements.

Detailed summary of views

The views of respondents on tenancy agreements and documentation are summarised in [Appendix C, section C4](#).

2.3.6 Property maintenance

Context

The Minister's consultation was clear that tenants should not be living in properties – or parts of properties – deemed to be uninhabitable or where their health and wellbeing was at risk. A lack of clarity on what constitutes 'uninhabitable' and the existing residential tenancy law's failure to address the matter of liability when a property becomes uninhabitable were also identified as key issues. It was also proposed that the new Residential Tenancy Law should be brought into closer alignment with the Public Health and Safety (Rented Dwellings) (Jersey) Law⁷ on the issue of uninhabitable premises.

Findings summary

Property maintenance was an important issue for many respondents and was categorised into two sub-themes:

A. General

B. Uninhabitable premises

All categories of respondent shared a belief about the importance of property maintenance being of a high standard.

Under **General** views, tenants were particularly concerned about minimum standards not being met in properties and landlords not taking sufficient responsibility for maintenance. Many comments from landlords expressed concern about insufficient protection for landlords from tenants damaging their properties. Some comments from 'unidentified respondents', and one of the comments from an

⁷ Public Health and Safety Law (Rented Dwellings) (Jersey) Law 2018, Jersey Legal Information Board. Link: [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018 \(jerseylaw.je\)](#)

organisation, advocated the need for a more structured approach to maintenance checks within legislation.

Landlords offered most comments on the issue of **Uninhabitable premises**. There was consensus on having clear definitions in the law about what constituted uninhabitable. Other comments, including those of tenants, either provided examples of the difficulties experienced when rental accommodation was made uninhabitable because of required maintenance work, or offered views on liability for properties becoming uninhabitable as well as the need for insurance.

Detailed summary of views

The views of respondents on property maintenance are summarised are in [Appendix C, section C5](#).

2.3.7 Scope of tenancies covered by the Residential Tenancy Law

Context

The Minister's RTL proposals set out an intent to broaden the scope of tenancies that are protected under the Residential Tenancy Law. Two standard forms of tenancy agreement were proposed, with open-ended tenancies becoming standard and one-year fixed-term contracts used in more limited and specific circumstances.

Findings summary

Overall, landlords were concerned that changes to levels of protection in the residential tenancy reform proposals would favour tenants over landlords.

The responses from social housing providers and unidentified respondents expressed some support for increasing the scope of tenancies covered by the law.

Comments from organisations were indicative of a concern over work-related accommodation falling into the scope of the new law, with one comment advising specifically against bringing non-self-contained short-term lets of over 3 months' duration into the scope of the law.

Detailed summary of views

The views of respondents on tenancy types, notice periods and termination are summarised are in [Appendix C, section C6](#).

2.3.8 Social housing providers and tenancies

Context

The Minister's consultation proposed introducing formal definitions for social housing, attached to minimum criteria and recognition. Minimum criteria might include a requirement to set rents in accordance with a social rents policy and to prioritise allocation to those with specific housing needs, amongst other matters.

Findings summary

The views of tenants, including social housing tenants, were mostly concerned with level of rents and maintenance standards in social housing.

Social housing providers offered varied views on several topics, with several comments pointing out where improvements were needed in social housing or the social housing system.

They also offered views on collaboration with the Affordable Housing Gateway with some emphasising the importance of preserving some independence from the Gateway.

There were many comments from unidentified respondents, with a recurring theme being the need for some form of regulation of social housing standards.

Summary of views by theme

The views of respondents on social housing providers and tenancies are summarised in [Appendix C, section C7](#).

2.3.9 Codes of Practice

Context

Codes of Practice are non-legally binding guidance documents that could, for example, provide more detail to landlords and tenants on residential tenancy matters, but in a more accessible way than legislation. Although they have no legal status, compliance with a code of practice can assist evaluation of potential breaches of legislation.

Findings summary

There were relatively few comments on this theme. Responses received were supportive of Codes of Practice as a means of offering guidance on residential tenancy matters.

Detailed summary of views

The views of respondents relating to Codes of Practice are summarised in [Appendix C, section C8](#).

2.3.10 Establishing a new Housing Tribunal

Context

The Minister's consultation proposed establishing a Housing Tribunal to consider and reach decisions on a variety of residential tenancy matters, including rents. In May 2023 the States Assembly adopted a proposal to "establish a body, such as a Rent Tribunal or Housing Commission, to adjudicate on

disputes arising from rent control or breaches of contract which may necessitate the termination of a tenancy⁸".

Findings summary

Comments on this theme used the term 'Housing Tribunal' interchangeably with 'Rents Tribunal'. The consultation response analysis treated each term as referring to the same issue.

The views of tenants on the need for a tribunal were mixed. Landlords offered most comments on this topic, although no predominant theme appeared from them. Some landlords did not support introducing a Housing Tribunal, whilst others viewed a tribunal process as preferable to a court process or would accept a tribunal if certain conditions were met, such as achieving a balanced membership composition. There was also uncertainty expressed about how tribunal procedures would work in practice, which was also a theme amongst unidentified respondents.

Social housing providers offered comments that were mainly supportive of a Housing Tribunal.

Detailed summary of views

The views of respondents on establishing a new Housing Tribunal are summarised are in [Appendix C, section C9](#).

2.3.11 Regulations and Orders

Context

The Minister's consultation undertook to consider bringing forward subordinate legislation (Regulations and Orders) to deal with different residential tenancy matters under the primary law.

Regulations and Orders provide important flexibility to allow the Assembly or a Minister to create and amend additional legal provisions without having to be sanctioned by His Majesty's Privy Council. This also means that new provisions can be introduced more quickly, where required.

In deciding whether a class of issue should relate to Regulation or Order-making powers, the nature of the issue and the weight of its significance can be considered.

Findings summary

There were few comments on this theme. Landlords tended not to support secondary legislation that would place too much power in the hands of the Minister.

⁸ [P.18/2023 - Rent Control Measures](#), proposed changes to the Residential Tenancy (Jersey) Law 2011. States Assembly voted separately on each part of the proposition, with parts A and B of the proposition rejected and Part C (to establish a body such as a Rent Tribunal to adjudicate on housing disputes) being approved.

Detailed summary of views

The views of respondents on Regulations and Orders are summarised in [Appendix C, section C10](#).

2.3.12 Offences and Penalties

Context

The focus of the Minister's proposals in this area is to create new offences and penalties that offer more clarity for all parties in a residential tenancy agreement regarding their rights and responsibilities, whilst providing the relevant authorities with sufficient powers and the necessary evidence to enforce compliance when an offence has been committed.

Findings summary

As with **Powers of investigation (3.3.15)**, there was a relatively small response to this theme. Landlords were concerned that too many offences were being created. Unidentified respondents and organisations seemed to be supportive of the introduction of more offences and penalties.

Detailed summary of views

The views of respondents relating to Offences and Penalties are summarised are in [Appendix C, section C11](#).

2.3.13 Rental deposit scheme

Context

The Minister undertook to review the performance of the deposit scheme and regulations. Some respondents referred to 'Rent Safe' when expressing views on rental deposits in Jersey. Based on the content of their responses, it was in some cases assessed that they meant to refer to the MyDeposits Jersey⁹ scheme rather than the Rent Safe scheme. The summaries below make a generalised reference to Jersey's 'deposit protection scheme'.

Findings summary

Tenants were not opposed to the scheme but cited incidences of landlords not paying in their deposits and some delays in the return of deposits. Landlords tended to have an unfavourable view of the deposit protection scheme and unidentified respondents expressed concern about the sufficiency of the deposit amount to cover damage.

⁹ My Deposit is mandatory protection scheme for deposits in Jersey. Additional details about the scheme are set out in section 2.7 of the report: [Improving Residential Tenancies in Jersey: Residential Tenancy Law Reform proposals](#). Rent Safe is a voluntary minimum standards registry scheme for landlords in Jersey.

Social housing providers highlighted adherence to the deposit protection scheme was dependent on their business practices with some providers opting not to collect a deposit from their tenants. Feedback from organisations pointed to UK legislation being more stringent than in Jersey on the matter of deposit protection, but also that removal of the requirement for a deposit would remove the requirement for a tenant to pay “double rent” when starting a new lease. This issue was also raised by a landlord.

Detailed summary of views

The views of respondents on the rental deposit scheme are summarised are in [Appendix C, section C12](#).

2.3.14 Definitions and interpretations

Context

The Minister’s consultation identified a need for formal definitions and interpretations of provisions in the Residential Tenancy Law to be expanded, improved, and made consistent with other legislative provisions, such as the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018, under the responsibility of the Minister for the Environment.

Findings summary

There were few responses about definitions, with those received calling for more legislative clarity on some definitions e.g., ‘peaceful enjoyment’, ‘wear and tear’, Retail Price Index etc.

Detailed summary of views

The views of respondents on Definitions and interpretations are summarised are in [Appendix C, section C13](#).

2.3.15 Powers of investigation

Context

The Minister’s consultation proposed bringing the new Residential Tenancy Law into closer alignment with the Public Health and Safety (Rented Dwellings) Law by giving Government officers more powers of investigation to help identify and rectify tenancy breaches.

‘Powers of investigation’ and ‘offences and penalties’ are similar themes, and many responses dealt with these issues together. Where possible these issues have been separated out under their respective headings in this report.

Findings summary

There was a relatively small response concerning this theme across all respondent categories. There were no substantive objections for enhanced powers of investigation from tenants or unidentified

respondents. However, landlord comments were not supportive of the introduction of more powers of investigation and expressed concern about the 'criminalisation' of landlords through legislation.

Detailed summary of views

The views of respondents relating to Powers of investigation are summarised in [Appendix C, section C14](#).

2.3.16 Homelessness

Context

The Minister's consultation identified more and better data as the key to understanding the scale and extent of homelessness in Jersey. The reform of the Residential Tenancy Law, with an emphasis on enhanced protections and standards are consistent with helping to alleviate the conditions that lead to homelessness.

Findings summary

The Homelessness Strategic Board submitted a detailed letter as part of the public consultation. Only those points that related specifically to homelessness have been summarised in this report. Otherwise, there were few comments from individual respondents that dealt with the issue of homelessness.

Detailed summary of views

The views of respondents on Homelessness are summarised are in [Appendix C, section C15](#).

2.3.17 Other

Context.

Cumulatively, there were many comments that did not fit neatly under the thematic categories of the public consultation or that were not specifically connected to matters within scope of the proposed Residential Tenancy Law. However, it was considered important to summarise these comments.

Findings summary

This broad theme has been structured into the following sub-themes:

- A. General**
- B. Landlords**
- C. Tenants**

D. Children

E. Pets

F. Economic climate

G. Wider housing issues

The **General** sub-theme includes more general views about the rental market and the impact of the RTL reform proposals. Given the number and variety of comments grouped under this sub-theme, dominant themes were not easily identifiable.

Several comments from tenants expressed concerns around the impact of the RTL proposals on landlords, which would have implications for tenants. Tenant comments also focused on the inadequacies of the current legislation.

Overall, landlords did not favour the RTL proposals, citing a range of unintended negative consequences. There was also a seam of landlord comments that supported a register of tenants as well as landlords. Comments from unidentified respondents tended to be more consistent with the views of landlords.

The **Landlords** sub-theme includes general views about landlords or issues affecting landlords. Comments from landlords tended to describe challenges that landlords must contend with, particularly around costs. Like in the **General** sub-theme unidentified comments tended to be more sympathetic to the position of landlords.

The **Tenants** sub-theme includes general views about tenants or issues affecting tenants. Comments from landlords pointed to the challenges or negative experiences of dealing with difficult tenants, which were views that were broadly mirrored across all the respondent groups.

The **Children** sub-theme focuses on issues centred around children and families in the context of residential tenancies. There were a relatively small number of comments on children across all types of respondents. Key themes include tenants with children facing more challenges in the rental market and the difficulty of finding accommodation suitable for children, especially from a health and safety perspective. Comments from organisations pointed to poor housing conditions impacting the health and well-being of children.

The **Pets** sub-theme focuses on issues centred around pets in the context of residential tenancies. Tenants were of the view that tenants should have a right to have pets and that this should be protected in law. A link was also made to the mental health benefits of having pets. Comments from unidentified respondents were mixed, with some believing there should be no bans on pets whilst others indicated that landlords should have freedom of choice on whether pets were permissible. One comment from a landlord indicated that some properties were not suited to having pets.

The sub-theme on **Economic climate** focuses on economic conditions in Jersey related to housing. The dominant theme expressed by tenants (and a social housing tenant) is the high and increasing cost of living, including housing and rents, relative to incomes, which is financially unsustainable for tenants.

Landlord comments focused on changed economic and financial conditions affecting their investments. Unidentified respondents linked the declining attractiveness of property investment to landlords exiting the rental market.

Wider housing issues covers general views about housing issues that fall outside of the scope of the RTL. The issues covered under this theme were varied. Considering all comments some of the key themes that emerged can be summarised as follows:

- high cost of housing, and the reasons for this, including supply and demand imbalance
- regulation of estate agents
- controls on property investment
- concerns around occupancy levels
- key worker accommodation
- housing qualifications system

Detailed summary of views

The views of respondents on 'Other' issues are summarised in [Appendix C, section C16](#).

Appendices

Appendix A: Public Consultation

The objective of this public consultation was to capture opinions from Islanders so that the qualitative aspects of their unique experiences and perspectives on residential tenancy matters could be analysed and understood.

The 'Have Your Say' survey was the primary means of gathering views from Islanders. The open structured nature of the survey aimed to help Islanders express their views more easily. This was considered preferable over a lengthy questionnaire format, which would have required respondents to engage across the breadth of issues covered by the consultation. Removing the expectation of commenting on issues that are not directly relevant to every respondent helped to avoid a barrier of engagement.

Other formal responses were collected using postcards provided as part of the consultation, as well as letters and emails.

A1. Approach to consultation

The launch of the Minister's paper was publicised in an initial [press release](#)¹⁰, which contained web links to the paper and to a public [consultation page](#)¹¹, making it available to any Islander with access to the Internet. Appendix B sets out the media used to publicise the consultation.

The consultation page invited Islanders to offer their feedback to the Minister's plans in three main ways:

- **by survey:** online surveys in English, Portuguese, Polish and Romanian
- **by email:** housingmatters@gov.je
- **by post:** Residential Tenancy Law consultation, Strategic Housing and Regeneration Team, 19-21 Broad Street, St Helier, JE2 3RR

During the consultation, a further four simple open-ended questions were devised to make the consultation accessible to more people. There were as follows:

1. Do you think a landlord should be able to give notice to end a tenancy without giving a reason?
2. Do you think it's better for tenancies to have a fixed-end-date, or no specified end-date, and why?

¹⁰ Housing Minister set out plans to reform residential tenancy legislation, 14 April 2023, www.gov.je,
Link: <https://www.gov.je/News/2023/pages/residentialtenancylegislation.aspx>

¹¹ Improving Residential Tenancies in Jersey, www.gov.je website,
Link:

<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Tenant%20and%20Landlord%20Rights%20Law%20Reform.pdf>

3. What is your opinion about limiting the amount and frequency by which rents can be increased by a landlord?
4. Is there anything else about renting properties in Jersey that you think should be addressed as a priority?

Paper copies of the consultation document and response forms, as well as the four simple questions in a freepost postcard format, were made available to Islanders during public events and upon request. There is further information about the postcards in Section A3 Engagement.

Islanders were also able to engage directly with officers to ask questions and provide their views by calling the Housing Advice Service or attending one of the consultation events.

A2. Stakeholders

As tenancy matters affect many Islanders, it was important that as many Islanders as possible had the opportunity to understand and participate in the consultation. This includes those who can engage at a detailed, expert level and those who are less able – or willing – to directly engage with Government of Jersey public consultations of this nature.

There was a programme of meetings and correspondence between expert stakeholders and the Minister and his officers. Engaged organisations included Andium Homes, the housing trusts, Jersey Landlords Association, Homelessness Strategic Board (representing the Homelessness Cluster), the previously nominated Rent Control Tribunal panel, Jersey Farmers Union, and hospitality representatives.

Tenant-facing representatives were also included, such as the Older Persons Living Forum, Citizen's Advice Jersey, and the Andium Homes' Tenant Director.

Specific events were also held for political representatives, including briefings to all States Members and an 'in-committee debate' in the States Assembly (a debate without a vote) ([Appendix E](#)) as well as tenants and landlords.

A3. Engagement

Making consultation resources available online and via social media was considered the most effective and efficient means of reaching the highest possible number of Islanders. However, it is appreciated that not every Islander has access to, or is familiar with, internet resources. Paper copies of the consultation were therefore made available, in addition to in-person sessions at the Town Hall, pop-up events in St Helier and an invitation to call the Housing Advice Service, where verbal feedback could be offered.

Community representatives and third sector organisations were contacted to publicise the public consultation with those members of the community that were within their respective networks.

A series of in-person engagement events were held, seeking to reach all types of stakeholders. These were designed to give members of the public and key stakeholder groups an opportunity to talk directly to the Minister and/or Government of Jersey officers about the proposals, asking questions or raising issues as needed. The range of events are set out in the table below.

The consultation events programme was advertised through online social media and gov.je pages, the Jersey Evening Post, local radio, and posters. The Freepost postcards were made available in four different languages (English, Polish, Portuguese, and Romanian). To see all tools used during the consultation's communication campaign see [Section A5 Communication \(media\)](#).

Early in the consultation, it was raised with the Minister for Housing and Communities that the themes dealt with in his paper were, by their nature, complicated and therefore not easily accessible to all to Islanders, including those from minority groups. The postcards were created in response to this. The Minister produced a simplified series of questions, and printed and distributed the postcards in English, Portuguese, Polish and Romanian languages, and included these translations on the consultation website.



Figure 2 - Example of postcard issued in the English language.

The postcards were designed to provide a quick and easy means for people to provide their views on key issues, being aimed specifically towards those who held views but did not want to – or feel able to – engage with the detailed consultation material. The postcards were distributed within the community, including via third-sector groups, during the town pop-up events and the consultation events held at the Town Hall. A Freepost return address was also printed on the postcards to make it easier for Islanders to return their responses.

The simplified questions were also posted online, using the Government of Jersey Facebook, Instagram, Twitter, and LinkedIn accounts.

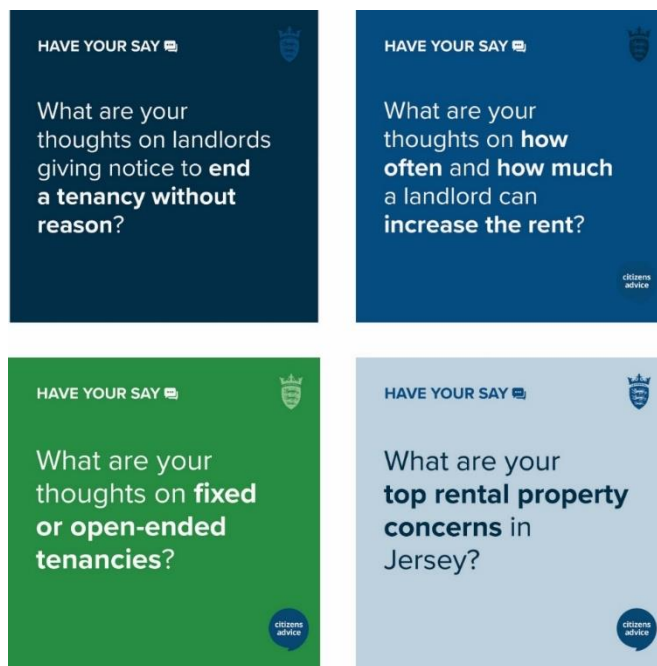


Figure 3 - Four simplified questions were made available online

During the in-person engagement events, postcards and printed versions of the consultation material were made available. Government officers were also on hand to discuss the consultation with Islanders, answering questions, receiving verbal feedback, and assisting with completion of written feedback as needed.



Figure 4 - Government officers speaking to Islanders at the Pop-up stalls in St. Helier

The Minister also responded to feedback about the time available for the consultation, extending the original deadline by two weeks so that Islanders were given more time to provide their views.

The detailed list of all events and meetings is presented below:

Engagement event	Number	Additional information
Townhall events	3	<p>Residential Tenancy Law Consultation: Town Hall meetings¹². Led by the Minister for Housing and Communities, with support from Government officers. The Minister introduced his proposals and hosted a question-and-answer session. These events took place on the following dates:</p> <ul style="list-style-type: none"> • Landlord session: 5 June, 6-8pm • Tenant session: 7 June, 6-8pm • Combined landlord and tenant session: 13 June, 6-8pm
Town Pop-ups	3	<p>Pop up stalls in St Helier at Charing Cross, staffed by Government officers, available to receive feedback from Islanders and distribute consultation literature.</p> <ul style="list-style-type: none"> • 30 May, 12-2:30pm • 31 May, 12-2:30pm • 1 June, 12-2:30pm
Stakeholder meetings	16	<ul style="list-style-type: none"> • Meetings with social housing providers (w/c 15 May 2023), who undertook to help publicise the details of the consultation with their tenants. • Jersey Landlords Association (JLA): 18 May (feedback), 5 June (workshop), 6 June (JLA AGM). • Citizens Advice Jersey, 31 May 2023 • Older Persons Living Forum, 26 April 2023 • Mind Jersey, 27 April 2023 • Autism Jersey 27 April 2023 • Tenants Director (Andium Homes), 6 June 2023 • Rent Control Tribunal Panel, 31 May 2023 • Homelessness Cluster, 12 May 2023 • Jersey Youth Parliament, 19 June 2023 • Jersey's Farmers Union, 22 June 2023
States¹³ member briefings	3	<ul style="list-style-type: none"> • States Members briefing, 24 April 2023

¹² Residential Tenancy Law Consultation: Town Hall meetings announced, Link: [Residential Tenancy Law Consultation: Town Hall meetings announced \(gov.je\)](#)

¹³ Guidance for States members on in-committee debate on improving residential tenancies in Jersey, [www.statesassembly.gov.je](#), Link: [r.61-2023.pdf \(gov.je\)](#)

		<ul style="list-style-type: none"> Environment, Housing, and Infrastructure Scrutiny Panel, 26 April 2023 (Transcript¹⁴) Comité des Connétables, Residential Tenancy Law and Island Plan, 20 February 2023
States debates	2	<ul style="list-style-type: none"> A four hour In-Committee debate took place on 2 and 3 May 2023. The debate addressed key areas of the Minister’s proposals and offered States Members the opportunity to express their views (see Appendix A for debate summary). Whilst not part of the official public consultation, P.18/2023 - Rent Control Measures¹⁵ proposed changes to the Residential Tenancy (Jersey) Law 2011, whilst the consultation was ongoing. The States Assembly voted separately on each part of the proposition, with parts A and B of the proposition rejected and Part C (to establish a body such as a Rent Tribunal to adjudicate on housing disputes) being approved¹⁶.

Table 2 – In person events during the public consultation

A4. Data anonymisation

At the start of the public consultation the survey asked respondents to provide personal details such as name and email address. However, the Minister received feedback that this could discourage Islanders from completing the survey, particularly tenants concerned about their comments being visible to landlords. The Minister acted on this feedback by subsequently anonymising the survey.

¹⁴ Environment, Housing and Infrastructure Scrutiny Panel Quarterly Review Hearing, 26th April, Link: <https://statesassembly.gov.je/scrutinyquarterlyhearingstranscripts/2023/transcript%20-%20quarterly%20public%20hearing%20with%20the%20minister%20for%20housing%20and%20communities%20-%2026%20april%202023.pdf>

¹⁵ Environment, Housing and Infrastructure Scrutiny Panel, Quarterly Review Hearing, Wednesday, 26 April 2023, www.statesassembly.gov.je, Link: [p.18-2023.pdf \(gov.je\)](#)

¹⁶ Rents Control measures, sttesassembly.gov.je, Link: [p.18-2023.pdf \(gov.je\)](#)

A5. Communication (media)



Figure 5 - Postcards in English, Portuguese, Polish and Romanian languages

HAVE YOUR SAY

Housing matters.

The Minister for Housing and Communities would like your views on the proposals for better tenant and landlord protection in Jersey.

Join us at the Town Hall to find out more and share your views:
Landlord session: 5 June 6-8pm
Tenant session: 7 June 6-8pm
Combined landlord and tenant session: 13 June 6-8pm

DO YOU RENT OR ARE YOU A LANDLORD IN JERSEY?

Read the proposals and give your feedback at gov.je/consultations or email: housingmatters@gov.je
 Consultation closes Friday 23 June 2023.

DÊ-NOS A SUA OPINIÃO

A habitação é importante.

O Ministro da Habitação e Comunidades procura opiniões sobre as propostas de mais direitos e melhor proteção para inquilinos e senhorios em Jersey.

Junte-se a nós na Câmara Municipal para saber mais e partilhar as suas opiniões:
Sessão para proprietários: 5 de junho – 18h-20h
Sessão para inquilinos: 7 de junho – 18h-20h
Sessão conjunta para proprietários e inquilinos: 13 de junho – 18h-20h

DO YOU RENT OR ARE YOU A LANDLORD IN JERSEY?

Leia as propostas e dê o seu feedback em gov.je/consultations ou por e-mail: housingmatters@gov.je
 A consulta encerra sexta-feira, 23 de junho de 2023.

ZABIERZ GŁOS

Sprawy mieszkaniowe są ważne.

Minister ds. Gospodarki Mieszkaniowej i Społeczeństwa rozpoczął konsultacje na temat propozycji zmian odnośnie poszerzenia praw i lepszej ochrony dla najemców i właścicieli lokali mieszkaniowych na Jersey.

Spotkaj się z nami w ratuszu w St. Helier (Town Hall), żeby dowiedzieć się więcej i powiedz nam, co myślisz.
Sesja dla właścicieli nieruchomości: 5 czerwca, od 18:00 do 20:00
Sesja dla najemców: 7 czerwca, od 18:00 do 20:00
Wspólna sesja dla właścicieli nieruchomości i najemców: 13 czerwca, od 18:00 do 20:00

DO YOU RENT OR ARE YOU A LANDLORD IN JERSEY?

Przeczytaj projekt proponowanych zmian i dokonaj ich oceny na stronie gov.je/consultations lub przesyłaj swoją wypowiedź na skrzynkę: housingmatters@gov.je
 Konsultacja zakończy się w piątek, 23 czerwca 2023.

SPUNEȚI PĂREREA DVS

Locuințele contează.

Ministerul pentru Locuințe și Comunități cere păreri despre propuneri, pentru mai multe drepturi și o protecție mai bună pentru chiriași și proprietari în Jersey.

Alăturăți-vă nouă la primărie pentru a afla mai multe și spuneți-vă părerile:
Sesiune pentru proprietari: 5 iunie – 18:00-20:00
Sesiune pentru chiriași: 7 iunie – 18:00-20:00
Sesiune comună pentru proprietari și chiriași: 13 iunie – 18:00-20:00

DO YOU RENT OR ARE YOU A LANDLORD IN JERSEY?

Citiți propunerile și oferiți feedbackul dvs. la adresa gov.je/consultations sau prin e-mail, la: housingmatters@gov.je
 Consultarea se încheie vineri, 23 iunie 2023.

Figure 6 - Posters used to publicise the St. Helier Townhall meetings, in English, Portuguese, Polish and Romania

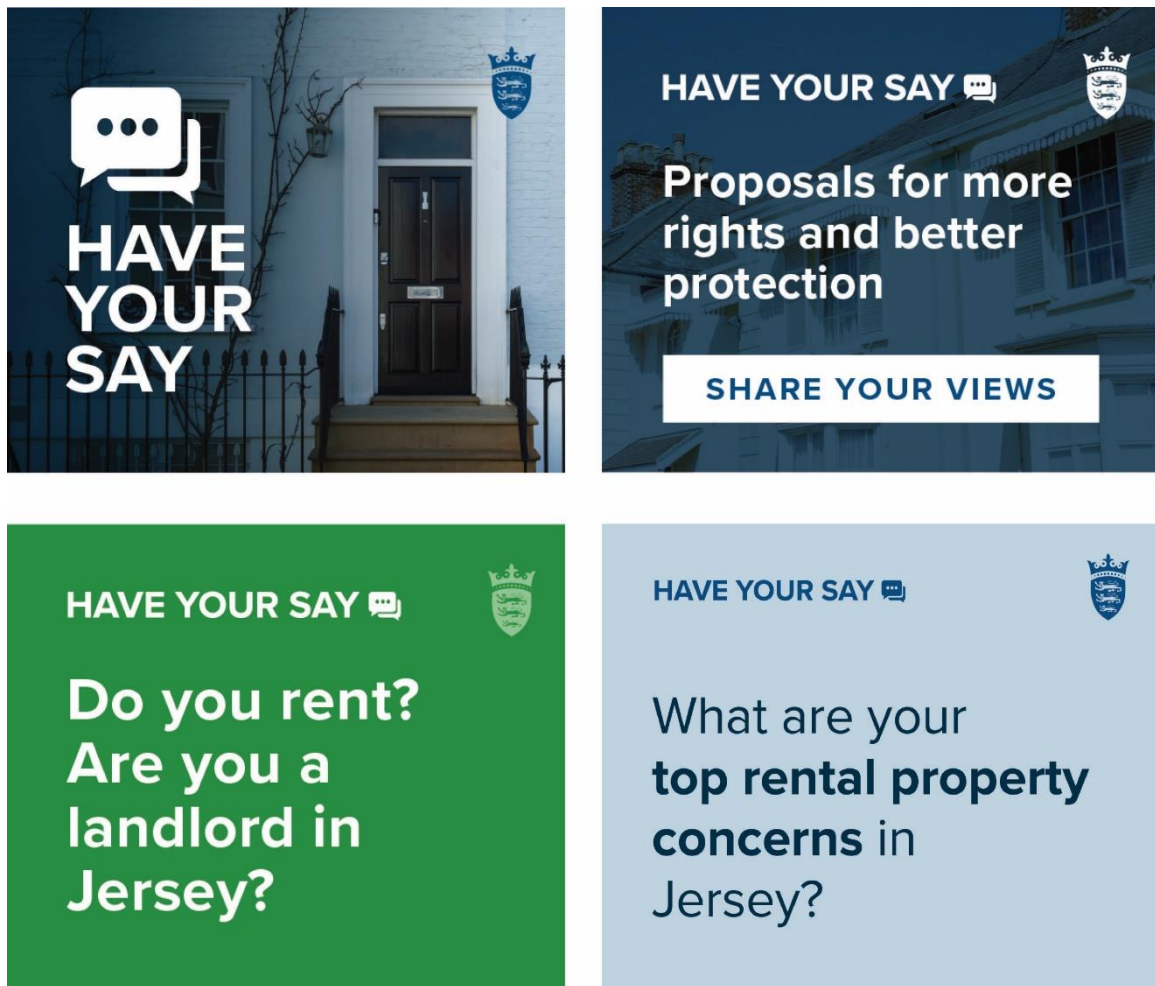


Figure 7 - Social media posts (Facebook, LinkedIn, Instagram, and X)

HAVE YOUR SAY 



Housing matters.

The Minister for Housing and Communities would like your views on the proposals for better tenant and landlord protection in Jersey.

Join us at the Town Hall to find out more and share your views:
Landlord session: 5 June 6-8pm
Tenant session: 7 June 6-8pm
Combined landlord and tenant session: 13 June 6-8pm



DO YOU RENT OR ARE YOU A LANDLORD IN JERSEY?

Read the proposals and give your feedback at gov.je/consultations or email: housingmatters@gov.je
Consultation closes Friday 23 June 2023.



Figure 8 - Jersey Evening Post advertisement to publicise St. Helier Townhall meetings

Appendix B: Statistical analysis

This appendix provides an overview of how the responses to the consultation were analysed. All statistical information is presented in sections B1, B2 and B3.

B1. Responses by source

A total of 310 responses to the public consultation were received from a variety of sources¹⁷ (see Table 3 and Figure 8 below). Given the number of responses and the self-selecting routes for engagement, unlike a statistically weighted sample survey, it is important to recognise that responses cannot be treated as a statistically significant representation of the views of all Islanders who may be impacted by the proposals.

Response sources	Number of responses	Responses expressed as a %
Online submissions (English, Portuguese, Polish and Romanian) through 'Have Your Say' survey platform	158	51.0
Postcards (Issued in English, Portuguese, Polish and Romanian)	71	22.9
Emails: Housing Matters mailbox The Minister for Housing and Communities Government of Jersey officers	65	21.0
Written records of engagement with expert stakeholders	11	3.5
Social media/Online comments	4	1.3
Letters	1	0.3
TOTAL	310	100

Table 3 - Sources of information

¹⁷ The single response submission from the Jersey Landlords Association contained an annex with multiple respondents who offered comments.

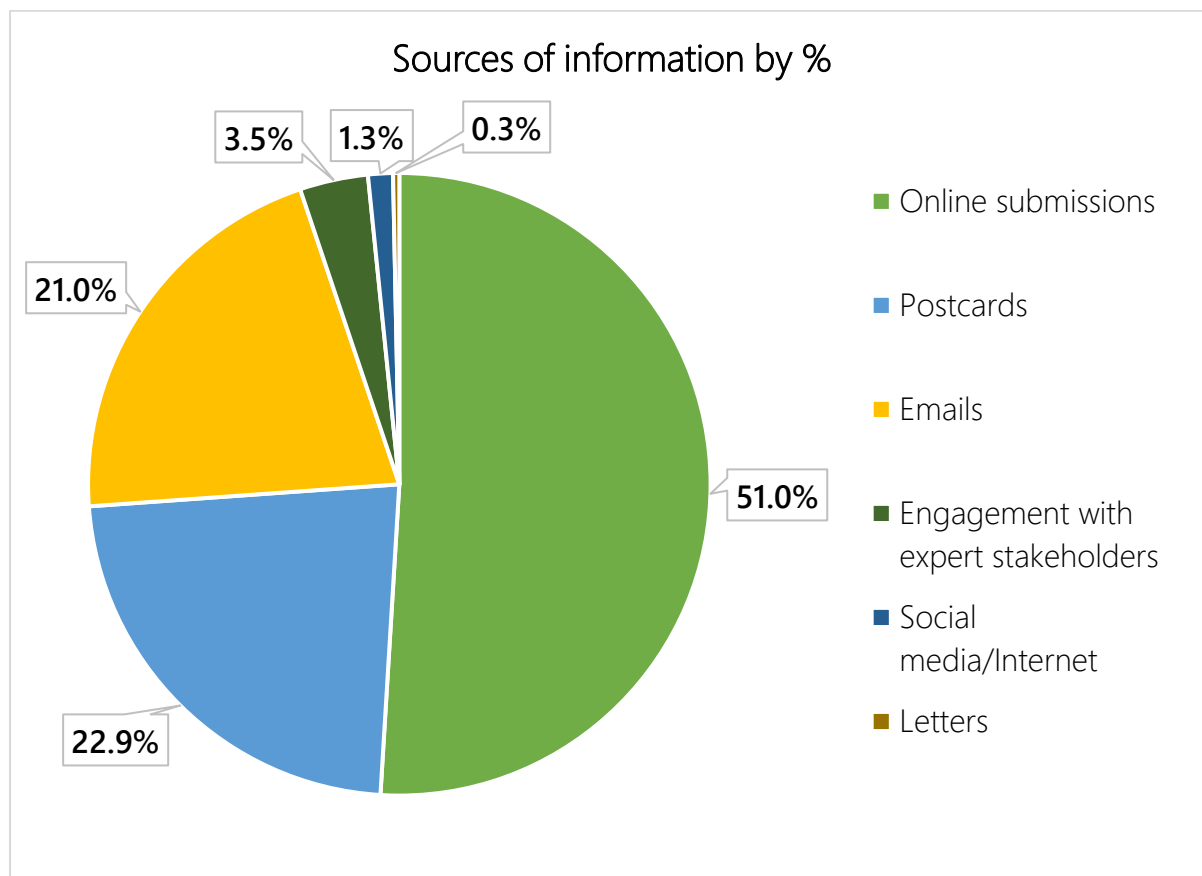


Figure 9 - Sources of information (%)

The status of each respondent was recorded, categorising whether they were a tenant, landlord, social tenant, social housing provider, organisation, or highlighting if it was not possible to identify a status.

Given the nature and breadth of qualitative material captured in the consultation, a structured approach to processing responses was undertaken to ensure that the content of every response could be considered and categorised on a thematic basis, against each of the main themes addressed by the consultation.

Whilst the comments within individual responses were categorised into the appropriate themes (e.g., 'rent control', 'notice', 'housing tribunal' etc.), each comment is traceable back to the original full response. This not only allowed comments to be assessed and reported on a thematic basis, but also retained the ability to understand in the context of the full, detailed response.

B2. Responses by category

As noted in the [Introduction \(2.3.1\)](#) to Summary findings chapter (2.3) some respondents self-identified as landlords or tenants or as belonging to a specific organisation. This is reflected in the categorisation of respondents shown in the tables below.

Some organisations that represented some categories of respondent contributed extensively to the consultation. This is reflected by the difference between the total number of respondents and the total number of submissions.¹⁸

Similarly, some respondents provided a name of a company or organisation in their submissions. However, they have not been classified as organisations because they either stated that they were either acting in a private capacity or were effectively operating as landlords through directly or indirect provisions rental accommodation.

Table 4 and Figure 9 below sets out the numbers and percentages of the different categories of respondents to the consultation – tenants, landlords, social housing tenants, social housing providers, unidentified, and organisations.

Respondent's category	Number of respondents	Percentage of respondents
Unidentified	148	45.1
Landlords	107	32.6
Tenants	57	17.4
Organisations ¹⁹	6	1.9
Social housing tenants	5	1.5
Social housing providers ²⁰	5	1.5
TOTAL²¹	328	100

Table 4 - Categories of respondents

¹⁸ The single response submitted by the Jersey Landlords Association contained an annex with multiple landlord respondents who offered comments. For this reason, there is a higher number of respondents referenced in Table 6 (328) than total submissions to the consultation (310) in Table 3.

¹⁹ The Property Ombudsman, The Homelessness Strategic Board, The Rents Tribunal Panel, Citizens Advice Bureau, Comité des Connétables, Government of Jersey.

²⁰ Andium Homes, Jersey Homes Trust, Les Vaux Housing Trust, Christians Together in Jersey, FB Cottages/Clos de Paradis

²¹ The single response submitted by the Jersey Landlords Association contained an annex with multiple landlord respondents who offered comments. For this reason, there is a higher number of respondents referenced in Table 4 (328) than total submissions to the consultation (310) in Table 3.

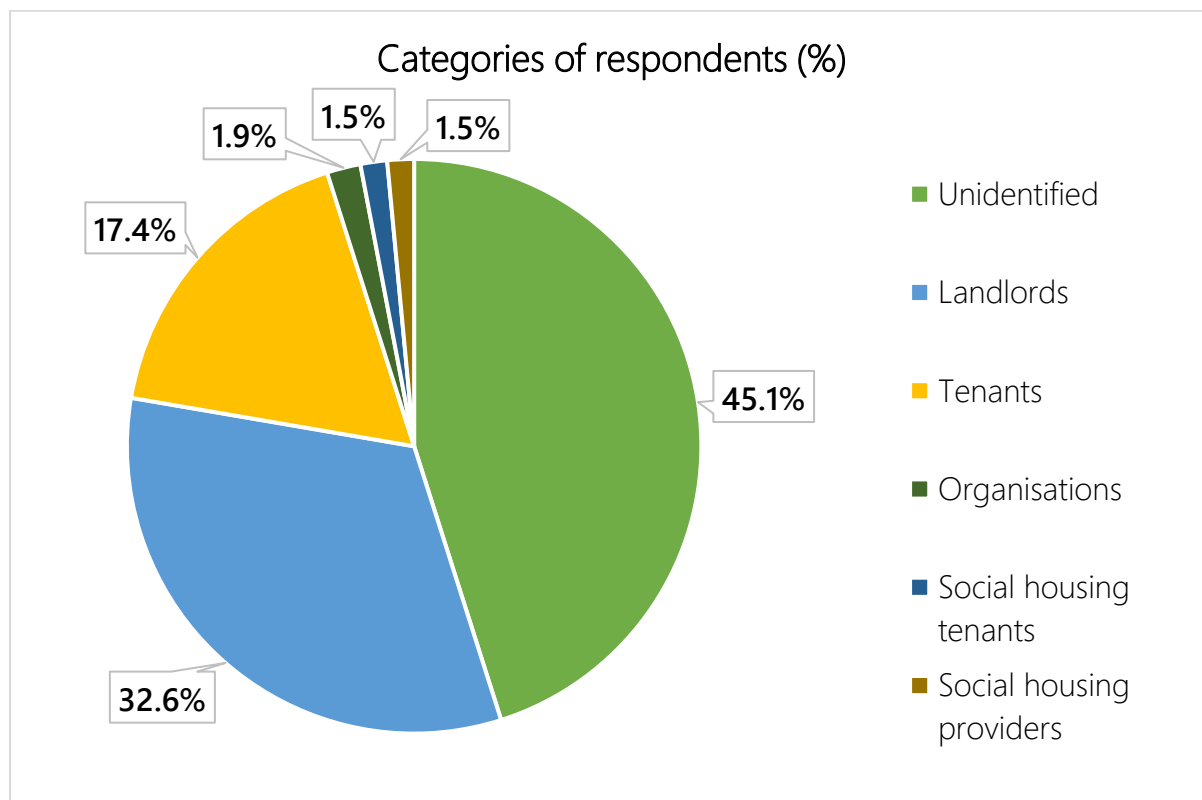


Figure 10 - Categories of respondents (%)

B3. Responses by language

The public consultation attempted to overcome the issue of language being a barrier to participation by providing the opportunity to engage with the consultation in four languages: English, and the three prominent minority languages spoken in Jersey – Portuguese, Polish and Romanian. This choice of minority languages was based on data from the 2021 Census.

Some respondents completed the cards in one of the minority languages. But some respondents within these groups decided to complete the postcards and online survey in the English language, therefore the true number of respondents from minority language communities will be higher.

Languages	Number of respondents	Percentage of respondents
English	297	90.6
Polish	21	6.4
Portuguese	6	1.8
Romanian	4	1.2
TOTAL	328	100.00

Table 5 - Respondents by language

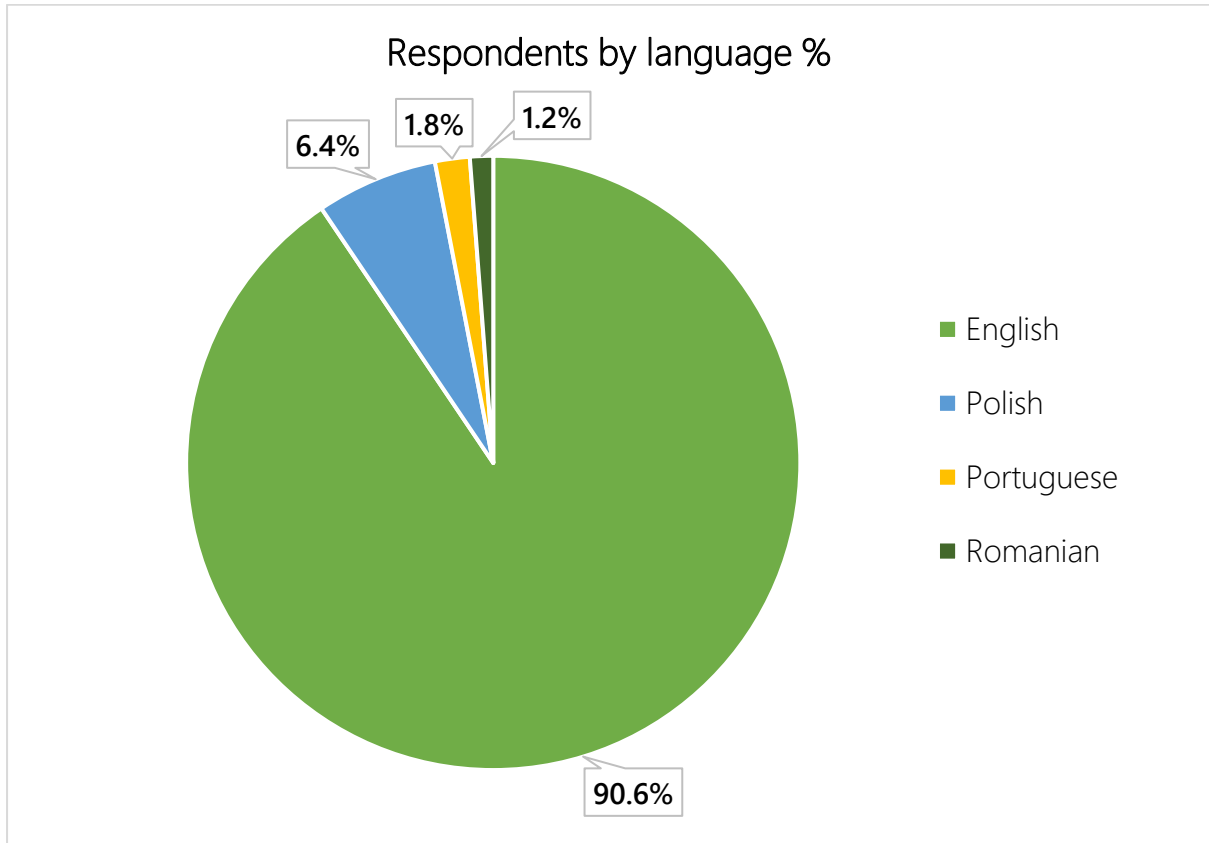


Figure 11 - Respondents by language (%)

Appendix C: Detailed thematic summaries

The summarised comments aim to faithfully reflect the views and opinions offered by Islanders, which are not necessarily statements of fact. **Therefore, some of the responses summarised in this report may contain factually incorrect information or information that is not entirely clear in its meaning.**

C1. Tenancy types, notice periods and termination.

A. General

Landlord comments

- Rather than change the Law, there should be a change to the legal document that is a tenancy agreement.
- It is important that landlords are not robbed of autonomy, on what is their own investment decision.
- Landlords may leave the market out of concern about open-ended tenancies that prohibit them from getting their property back from a tenant when they need it, and further overregulation of the market, that may involve increased administrative burden, rent controls, landlords' registration, stamp duty and similar.
- The current situation favours the tenant. The landlord cannot break a lease, but a tenant can leave at any time. And if the property is damaged, a month's deposit is unlikely to cover the cost of repairs.
- If letting a property becomes too onerous, an even greater number of properties will be removed from the rental market than has already occurred in recent times, which will invariably cause ever greater rises in rents and put an even greater burden on tenants.
- Proper tenancy agreements, both short and long term, should be signed and registered.
- This whole area needs much clearer explanation.
- A renewal of the lease is always offered, and the tenant will not welcome the intervention into the tenancy agreement between the landlords and tenants.
- There should be different types of tenancies for different renting situations.
- The open-ended tenancy type may be an obstacle for implementation of rightsizing in social housing properties.

Unidentified respondent comments

- Tenancies could either have a fixed end date or no specific end date, according to individual circumstances.
- More clarity needed on conditions relating to tenancies and behaviours associated with ending them.

- The tenancy type should be in line with the type of property, and tenancy lengths/notice-periods should be flexible depending on the needs of both landlord and tenant.

B. Open-ended tenancies

Tenant comments

- Supportive of open-ended tenancies as they add a sense of security for tenants.
- There should be a fixed-term date to end tenancies by.
- Open-ended tenancies allow a potential fast move to cheaper or higher quality accommodation.
- The issue which needs to be looked at regarding open-ended tenancies is that the ability to 'right-size' the accommodation may potentially be lost.

Landlord comments

- Open-ended tenancies are a bad idea – principally because of the range of ways a tenant may cause difficulties for landlords.
- Disagree with open-ended tenancies because landlords will not be able to sell, and it will interfere with landlords' property rights. Open-ended tenancies will make landlords fearful and paranoid about entering into a tenancy agreement. This in turn will make it more difficult for people to rent properties, and lead to discrimination of people in lower-paying or unstable jobs. It will also increase administration and red tape as landlords will be inclined to ask for references from previous landlords.
- The combination of open-ended tenancies and rent controls will push landlords from the market. This will have an adverse effect on housing stock in the Island.
- Open-ended tenancies will give tenants the experience of buying without the commitment, which is unfair to landlords. Open-ended tenancies will make it impossible for major refurbishments to take place, leading to downturn in property value and reduction in profits.
- Open-ended tenancies could penalise 'good' tenants and make it challenging to evict troublesome tenants. In open-ended tenancy agreements, the landlord would only be able to sell to an investor as the tenant would not be able to be evicted.
- Reject the idea that 'revenge evictions' are commonplace, which open-ended tenancies are supposed to help prevent.
- There is no need to introduce open-ended tenancies as existing security of tenure legislation is adequate.
- Termination of a tenancy contract for a legitimate reason must be clearly explained in legislation.
- There should be more clarity around reasons for landlords being able to end open-ended tenancies.
- There should be broadened scope for ending open-ended tenancies.
- 'Good reason' for breaking an open-ended tenancy agreement would be difficult to set out in law and will be highly subjective, which will have unintended consequences.
- Open-ended tenancies would have 1-month notice periods for both landlords and tenants which is not adequate notice and breaks the current norm of 3-month notice periods.

- If a landlord only wishes for the property to be available to rent for a short period of time, letting it out would not be viable if tenancies had to be open-ended.
- Two to three-year tenancies could be a better alternative. Or, all tenancies could begin at one to two years, and if mutually agreed, tenancies could continue to three, four and five years and after that, open-ended tenancies. This would allow landlords to get to know their tenants well before offering open-ended tenancies.
- Landlords will be more discerning when selecting tenants and will be less likely to accept first-time tenants or those with poor credit scores. Open-ended tenancies will create less flexibility for landlords.
- The White Paper's claims of 'revenge evictions' (as the reason for introducing open-ended tenancies) are unsubstantiated.
- Open-ended tenancies are not the way to give tenants greater security of tenure. They would reduce landlords' rights.
- (I am] worried about the concept of open-ended tenancies.
- Not sure if it is possible for landlords to have properties back when needed. But if this is the case then it is not acceptable because properties maybe needed back for families of the landlord.
- Open-ended tenancies will not work for most landlords and there must be a list of specific circumstances when the tenants can be legally evicted [have the lease ended].
- Less flexibility for landlords may mean they are unwilling to let their property, which would then reduce supply on the market. In addition, such a policy may reduce mortgage availability for buy-to-let landlords as mortgage providers want to be able to recover the asset quickly. As a result, this may reduce the private rented supply.
- In case of open-ended tenancy agreements there must be some clauses that will allow the landlord to end the tenancy, and one of them must be tenancy taken over by family members of the landlord such as children, grandchildren, parents, or siblings.
- Landlords will potentially need to be more cautious about who they rent to, which will lead to a bias against those on lower incomes.
- If landlords are no longer able to ask tenants to vacate if relations breakdown for whatever reason, this will give significant cause for thought as to the best way forward – if the life of a landlord in the curtilage of their own home is made an emotional nightmare by unreasonable tenants, then it could be time to redevelop and sell.
- This policy will make landlords consider who they let their property to a great deal more carefully than before, as a tenant could be in a property for a lifetime.
- One unintended consequence of this policy will therefore be less choice of housing options for tenants.
- Many essential workers come to the Island on fixed-term contracts of over one year. If such contracts are extended, those open-ended tenancies will lead to a lack of control, which will dissuade landlords from renting a property if they hope to sell that property within a set time-period. This will then lead to a reduction in supply, which will be bad for tenants. This policy will inadvertently facilitate the loss of applicants and workers when many industries are already desperately short staffed. A better alternative to the issue raised in the White Paper of very short break clauses under fixed-term tenancies is to require that any break clauses are exercised no more frequently than once in a fixed-term and then only with at

least 3 months' notice or to ban them altogether in leases of less than 3 years. landlords and tenants can then come to an agreement to end a tenancy early.

- The policy will also seriously limit the possibility of rightsizing. Many landlords like to encourage their tenants to move into properties which are the right size for them. If a tenant does not want to move, this policy will allow them to stay as long as they want. This results in a misallocation of housing and will also decrease the overall availability of housing, as homes may be under-occupied. This will mean that tenants will be unable to find a suitable rented home or any home at all. This cannot be good for tenant choice.
- Open-ended tenancies must have a defined number of people who live in the property with no possibility to house relatives and friends at no extra rent (no free subletting).
- Open-ended tenancy agreements do not consider the process of downsizing.²²
- More clarity is needed on the conditions relating to ending tenancies. Current conditions only relate to a landlord selling a property or wishing to move into it. Some options have not been covered, which need looking into - one example being if a landlord wishes to move his/her children into their property at the end of a tenancy.
- Open-ended tenancies would take away the rights of landlords as they would not be able give notice when tenants are not abiding by the contract. This would push landlords out of the market.
- In most cases, it is in a landlord's interests to keep a tenant in a property - voids are expensive as no rent is being received, agency fees will be charged for a new tenant and a property nearly always needs some level of work done when it becomes vacant, which costs money.
- The months following the end of a tenancy are often used for upgrading a property (e.g., insulation, re-doing a kitchen, bathroom etc.). This makes open ended tenancies unfeasible as landlord's would not have the opportunity to update the property. Open-ended tenancies will be difficult with regulations (EPC, carbon neutral roadmap) coming in, and landlords needing properties to be voided to renovate and bring them up to standard.

Unidentified respondent comments

- The unintended consequences of open-ended tenancies need to be properly analysed and the analysis itself subject to public consultation. For instance, open-ended tenancies may compromise buy-to-let mortgages which stipulate the length of tenancies.
- I support open-ended tenancies, as it would help a rented property feel more homely, adding a sense of security, and reducing concerns around a lease being terminated due to trivial or unfounded reasons. Open-ended tenancies could allow for better relationships between landlords and tenants as there would be more cooperation between the two.
- There should be a six-month notice period to terminate open-ended tenancies.
- There should be a three-month notice period to terminate open-ended tenancies.
- There must be more reasons given for landlords to be able to end a tenancy.

²² It has been observed that respondents were using terms 'downsizing' and 'rightsizing' within the consultation. The customary use of term 'rightsizing' depicts a process of finding the suitable property for a tenant(s) by increasing and reducing the space, number of bedrooms etc. Some respondents used term 'downsizing' though as a more accurate reflection of the process of moving out from a larger and moving into a smaller property.

- There is misinformation around the proposal for open-ended tenancies. A landlord would still be able to terminate a lease, if necessary, but they would need to give the tenant adequate notice and offer a well-founded reason.
- Open-ended tenancies are unsuitable for seasonal and temporary migrant workers. Instead, open-ended tenancies should be an option but not mandatory.
- There is high likelihood that landlords will leave the market as they will feel like they have limited choice. The implementation of open-ended tenancies will put pressure on the social housing sector.
- The white paper is unclear on the reasons necessary for a tenant to terminate an open-ended tenancy.
- Open-ended tenancies contradict work permit policies.
- If open-ended tenancies are put in place to combat revenge evictions, this may have negative unintended consequences for vulnerable tenants who landlords may discriminate against when selecting tenants, due to low income, poor credit-scores, or unstable employment.
- Open-ended tenancies would make it difficult for landlords to do major repairs.
- There should be more clarity on defining what a 'revenge' / 'no fault' eviction is and to provide the evidence for how many 'revenge evictions' are taking place. If policy is to be directed by evidence, such evidence is important.
- Open-ended tenancy is in breach with terms of Buy-to-let mortgages.
- The termination of the open-ended tenancy must always be with 6 months' notice.

C. Fixed-term tenancies

Tenant comments

- Fixed-term agreements enable someone to plan their life and provide a certain degree of security.
- Fixed-term agreements safeguard both parties.
- Fixed-term tenancy contracts with protection around next period of rent increases.

Landlord comments

- Fixed-term agreements enable landlords to plan.
- Lodging houses should have the option of either being on fixed or open-ended tenancies.
- Fixed-term tenancies would be better from a governance perspective.
- I cannot support the removal of fixed-term tenancies.
- Tenants sign fixed-term agreements with no break clause but still leave before the end of the lease.
- I am in favour of 2-3 years long tenancies.
- Fixed-term leases - should be two years instead of one year.
- Tenancy agreements should be a minimum of 1 year with a 6-month notice period.
- Introduction of standard lease term (1 to 2 years) with minimum notice of 3 or 6 months. If the correct notice is not served (landlord or tenant wishes to leave in the middle of the

term) then instead of having a rolling monthly contract, the lease automatically becomes a one-year tenancy agreement.

Unidentified respondent comments

- It is important that fixed-term residential units are covered in terms of fixed-term tenancy agreements.
- Because self-catering units are typically sold to tourists up to a year ahead, any right to remain in a property would not be possible as they are fixed-term arrangements.
- Fixed-end dates provide stability, the ability to forward plan with certainty and the ability to secure a let in advance.
- In the case that a tenant is vacating their accommodation to leave the Island, pursuing outstanding claims against the tenant will not be possible, so this problem needs addressing.
- Fixed-term tenancies are a better option than open-ended tenancies. An example reflecting this is a tenant leaving after only X amount of time which then means that the landlord must incur two lots of agents' fees within that timeframe.
- Fixed-term tenancies enable both the tenant and landlord to periodically consider if they both wish to renew a particular lease with both parties consequently knowing where they stand.
- Fixed-term tenancies make things clear and fair to both parties and allow preparation and review for both landlord and tenant.
- Initial leases should last for one or two-year periods by mutual agreement, after which, for the tenant's security of tenure, where mutually agreed, the lease could be renewed year on year. The annual rental increase should be stipulated and should not be higher than that permitted by the Government of Jersey.
- Some tenants want a longer-term commitment and others do not, depending on what stage of life they find themselves in.
- Fixed-term tenancies should be in place but with financial protection in place when the tenancy is renewed, so the price increase only goes so far.
- Fixed term tenancies permissible as long as reason given for having fixed term.

D. Notice

Tenant comments

- Landlords should not have the right to give notice to terminate a lease without providing a reason.
- The tenant should always be made aware of the reasons why they must move-out.
- Landlords should be able to give notice to end a tenancy without giving a reason as the related reasons may be private.
- Landlords should not be able to give notice to end a tenancy without giving a reason as this is not democratic.

- Unfortunately, Jersey property owners do whatever they want without caring for the welfare of tenants or if they need help.
- Landlords do not care about the livelihoods of tenants, which is why they give 'no fault' notice.
- Reasons for notice should always be given, except in the case of criminal activity. The tenancy should not be terminated if the rent is paid, and the tenant is respectful.
- There can be many challenges involved in breaking a lease if a landlord does not adhere to their side of the contract.

Landlord comments

- The legitimate reasons for ending the tenancy must be clear and impossible to challenge. The notice reasons should include:
 - Non-payment of rental for one month.
 - Breaking tenancy clauses relating to occupation of the property and prohibited behaviours including anti-social behaviour, physical damage, or property alteration without owner's permission.
 - Occupancy taken over by a family member covering siblings, children, and grandchildren.
 - Sale of the unit.
 - The renting unit becoming uninhabitable due to an event outside of the landlord's control like fire, storm, flood and regardless of whether the event is covered by landlord's insurance or not.
- Landlords should be able to give notice to end a tenancy without giving a reason.
- Reasons to give notice should be legitimate and clear to hold up if challenged legally.
- Reasons to give notice could include:
 - non-payment of rent for one month
 - nuisance
 - criminal activity
 - damage to property
 - breaking other tenancy conditions
 - misuse of property
 - presence of additional occupants
 - occupation to be taken up by a family member of the landlord.
 - sale of the unit
 - unit becoming uninhabitable for reasons outside of the landlord's control.
- Notice should be able to be served on problematic tenants who are failing to maintain the property to an agreed standard or actively causing problems.
- Reasons for serving notice should be subjective to the specific tenant-landlord relationship.
- The proposed reasons for providing notice do not include all real-life scenarios, including a breakdown in the tenant-landlord relationship, undue renovation requests from tenant without the option of increasing rent, or necessary voids due to refurbishment.
- When terminating an employment contract (which includes accommodation) due to gross misconduct, there should be a notice period of a month before the employee is required to leave.

- Comprehensive list of notice reasons:
 - Sale of the property.
 - Property is uninhabitable or law requires tenants to move out according to Public Health and Safety (Rented Dwellings) (Jersey) Law 2018.
 - Loss of housing rights by the tenant under the Control of Housing and Work (Jersey) Law 2012 or loss of immigration status.
 - When the Population Office requires that 'registered' tenants are given notice by a landlord when a rented dwelling changes from 'registered' to 'qualified' status on the death of the landlord and inheritance by an heir.
 - Suitable alternative accommodation being provided by the landlord (downsizing).
 - Over-occupation of a property (pursuant to section 1.10 of the White Paper) by a tenant.
 - On a landlord's family member moving in.
 - In the situation of a rented house, where an elderly or disabled landlord (who is living in the main house) wants a live-in carer or housekeeper to move in, in place of a tenant.
 - Persistent non-payment of rent - more than 2 months.
 - A history of late payment of rent (albeit that there may not be any arrears at the time of the notice being given).
 - Breach of lease - significant or persistent.
 - Malicious or negligent damage to property, furniture or common parts, insalubrious living conditions caused by the tenant or behaviour likely to cause a serious risk to a property (e.g., keeping of accelerants or flammable materials at a property).
 - Behaviour being a nuisance and of anti-social nature which would include behaviour that could give the neighbours a reason to raise a claim if the tenant was the owner of their home or constitute a statutory nuisance under the Statutory Nuisances (Jersey) Law 1999.
 - Behaviour or actions by the tenant which might put a landlord in danger of breaching laws such as the PHSL, planning laws, fire safety laws, construction health and safety laws etc., terms of an insurance policy, terms of a flying freehold declaration of copropriété 18 or articles of association of a share transfer property, another contractual arrangement of which the tenants have been made aware, such as a covenant.
 - Reasonable suspicion of criminal activity (which includes domestic violence so that a landlord can evict an offending tenant but leave their victim in situ).
 - Immoral (yet not illegal) activity – this is often the subject of covenants held by neighbours over Jersey property and would put the landlord in jeopardy of a claim under such covenants.
 - Major works required to a property as per the definition of "major construction project" from Construction (Jersey) Regulations 2016.
 - Renovation after 5 years of tenancy required to a property to improve it to a standard which would allow a landlord to charge a higher rent.
 - Significant improvements being required to a property to enhance it. 18 Pursuant to the Loi (1991) sur la copropriété des immeubles bâtis.

- Notice reasons must include property selling and refurbishments.
- Tenancy agreements of no less than 3 years length. Landlords and tenants can come to an agreement to end a tenancy early.
- One reason to obtain vacant possession could be for carers for the landlord.
- 3 months' notice for both landlord and tenant.
- Introduction of very short break clauses under fixed term tenancies and only with at least 3 months' notice.
- There should be time-linked notice periods and step back from open-ended tenancies.
- Equal notice periods for landlord and tenant.
- Short period notices for lodging houses sector.
- Longer notice periods in fixed term tenancies instead of open-ended tenancies.
- Introduce minimum notice periods with certain compulsory clauses within it which can then be more effectively policed.
- Provisions in law are needed to serve the tenant a notice in situations where there is default and mortgage company needs to claim property.

Unidentified respondent comments

- Landlords should always provide a reason for giving notice. It is unfair not to give a reason.
- Reasons given should be valid, and in line with contract terms. Giving a valid reason for serving notice is important as it would ensure that the landlord is not serving notice unjustly.
- Whilst landlords should need to give a reason for handing in notice of a tenancy agreement ending, equally so should tenants.
- Often the analogy of giving reasons for notice in employment was used to argue for providing notice reasons in a tenancy agreement.
- Whilst it should not be mandatory in law to give a reason when serving notice, it is a respectful thing to do, and therefore preferable to do so.
- Landlords might not want to give a reason due to fear of confrontation with an unpredictable tenant. In these circumstances, or if the landlord is requesting the tenant leave due to antisocial behaviour, then the landlord should have appropriate support with them, such as the police or mental health professionals.
- Reasons for serving notice (aside from tenant behaviour) might include necessary voids - where a property must be vacated for health and safety reasons, refurbishment or due to the property being rendered uninhabitable. It may also include the personal circumstances of the landlord changing e.g., family members or friends moving into the property.
- There should be no reason required for serving notice - landlords should have the freedom to follow the market.
- There should be education and information dissemination of the reasons required for giving notice.
- There should be a six-month notice period.
- If a Landlord serves notice with intent to sell, the current tenant should be offered the first right to buy the property.

- There is anecdotal evidence of landlords giving notice a week after the end of the lease date due to family or friends moving into the property. There is also anecdotal evidence of tenants being threatened with eviction due to having a young child.
- The Residential Tenancy Law proposals, including notice periods, are not suited to individuals on work permits in the agricultural industry, therefore ideally, they would be exempt from the proposals.
- Regulatory Standards Inspectorate should take lead on the notice reasons and amounts and frequency of rent increases.
- There should be 6 months' notice if the tenancy agreement is not renewed when the agreement is fixed term tenancy.
- Notice period should be 3 months and fixed term tenancies set at 2 years.
- There should be a 6 months' notice period for a landlord to evict a tenant.

E. Evictions

Tenant comments

- I am very supportive of the White Paper's proposals, with second and first-hand experience of families being unfairly evicted from properties with only a month's notice, threatening their security.
- Landlords can ask tenants to leave simply following legitimate complaints. There should be a fixed-term end date to a tenancy.
- I have experienced 'revenge eviction' as a direct result of reporting landlord to Environmental Health because landlord refused to repair windows.

Landlord comments

- Evictions should only be made under circumstances of non-payment of rent or breaking the tenancy agreement, or under mutual agreement with tenant.
- Query the evidence-base for revenge evictions; they are not a common occurrence.
- Open-ended tenancies will encourage the abuse of revenge evictions, as landlords could evict tenants at any time within the tenancy.
- There ought to be better clarification around the legal grounds for eviction.
- Evictions should always go through the courts to ensure unbiased justice.
- Clarification about what constitutes a legal eviction is needed. Covid was a classic example of this and was costly for tenants who lost their homes, but also landlords who received no rent.
- Do not believe that so-called 'revenge evictions' warrant such actions nor that such evictions exist because evicted tenants are always removed from the property by decision of the Petty Debts Court.
- There should be clarification of what constitutes and defines a legal eviction.
- There must be statistics collected on the tenants' issues and 'revenge evictions'.
- There needs to be more clarity on what constitutes behaviour which can result in eviction.

Social housing provider comments

- I disagree with the premise of 'revenge evictions' and wish to see supporting data.

Unidentified respondent comments

- In line with UK policy, Jersey should ban 'no-fault' evictions.
- It is also important that staff members accommodated in self-catering units as part of their work contract, do not have the right to remain in staff accommodation for more than a month after they have left their job. Anything contrary to this would have huge business implications.
- A tenant should be able to complain without the prospect of 'revenge eviction' and fines should be legislated, not only to act as a deterrent but to encourage all landlords to rent a property that meets minimum standards.

Organisation comments

- It is difficult to provide accommodation for an employee dismissed for gross misconduct. RTL proposes to house an employee up to a month and make it a subject to Housing Tribunal. This is very challenging to employers because it is very difficult to find staff accommodation in hospitality sector.

C2. Rent controls

Tenant comments

- Rent increases should be capped, for instance at a percentage of average earnings in Jersey.
- Introducing rent controls in the private rental sector will reduce number of rental properties because it increases risk of properties becoming less profitable, with investors moving elsewhere.
- Rent levels should be capped.
- My rent has been increased annually without any improvement in accommodation standards. I support controls on rent increases.
- Rent increases should be capped at annual rate of inflation/cost of living.
- Rent increases should be limited to once per year and capped by a reasonable measure that is standardised across the rental sector.
- Rent increases should be limited for longer periods than once per year.
- At the end of a tenancy agreement, if a landlord wants to increase the rent it should be up to a maximum of 5% like the UK.
- Rent level should be reviewed annually and any rent increase should be in accordance with Jersey legislation. The decision by landlords to increase rents should be subject to approval by an organisation that is able to assess the characteristics of a given property, such as property type, energy classification etc. A band showing minimum and maximum rent increase level would be produced.
- Regulation and rent controls are required to support tenants.
- There is a lack of regulation, with poorly drafted law, concerning the issues of rent increases.

- Rent increases not every year but every 2.5 years.
- £25 rent increase permissible every 5 years.
- Limit rent increases to +5% from the monthly rental fee. Rent increases should depend on time of the year.
- Rent increases should be annual, by RPI and with good notice provided for any rent increase.

Landlord comments

- Rent increases should be capped at RPI.
- I am strongly opposed to rent increases being capped at RPI.
- Government-controlled rent increases will restrict the autonomy of landlords. There will be many unintended consequences of implementing rent regulation, such as less properties on the market due to lack of profitability and higher market rents to mitigate against annual rent increase caps. Many landlords may sell their properties and leave the market in response to these proposals.
- As rent increase caps may negatively affect profits for landlords, they will need to take compensatory action to preserve their profits, such as investing less in their properties, or ceasing to provide white goods and other appliances/amenities.
- More clarification is needed on potential rent capping.
- Government should not apply price controls over any privately owned enterprise or asset. If an annual inflation limit is applied to rent increases, then it must be sufficient to cover all potential landlord costs e.g., taxes and regulatory costs.
- The Housing Minister's consultation paper states that landlords have not increased rents by excessive levels, therefore the case for rent increase restrictions is not proven. Periodic controls on rent increases will have the unintended consequence of increasing the rate of rent set by landlords, which will disadvantage tenants.
- Majority of long-term landlords rent their property at a reasonable rate. Rent control will decrease rental stock because landlords will sell property due to high interest rates and additional expensive legislation. It has been proven by economists and governments that rent control does not improve circumstances for tenants.
- Rent control is an extreme measure that is not in the best interests of Jersey. There is evidence that this measure has had negative consequences in other jurisdictions.
- I do not support rent control because it does not work and creates trouble for the parties of a lease agreement. Government should not interfere in rental agreements, nor should it attempt to control the free market. Property purchase and rental prices have been high in Jersey since the early 1960s, which is a function of supply and demand.
- I will exit the rental market if open-ended tenancies and rent controls are introduced. These risk depreciating capital values and make it harder to deal with bad tenants. Rent control has not worked anywhere and will harm tenants in the long run.
- Majority of landlords are reasonable and wish to strike a balance between looking after their investment and having happy tenants. Landlords willingly complied with the rent freeze applied during the Covid pandemic and most landlords have increased rents at levels well below RPI in the past two years despite high mortgage interest rates. Landlords may be

encouraged to apply significant rent increases in advance of any new legislation that ties rent increases to RPI.

- Proposed rent caps would stop me from being able to provide a well-maintained property.
- Rent control would disproportionately impact landlords because the increase in their incomes will be fixed to a specific metric (e.g., RPI) whilst their outgoings may increase at rates significantly above RPI.
- The British Property Federation concluded that most Build to Rent institutional investors believe Scotland is an unattractive place to invest because of the introduction of rent controls. Some landlords in Jersey are already looking to sell because they can invest elsewhere for a better return without the regulatory control and the hassle of having tenants.
- During the Covid-19 pandemic every landlord had their rents frozen for 6 months with little complaint. Many more voluntarily froze rents for a further 6 to 18 months.
- In 2022 JLA asked its members (and wider landlord community) to voluntarily reduce rent increases if possible. The Minister for Housing and Communities' White Paper also set out that rent rises in Jersey have been substantially below recent rates of inflation. Landlords in the private rental sector have shown restraint in increasing rents. This contrasts with some rent increases in social rental sector – a sector which will be treated differently to private rental sector under the new legislation. The annual rent adjustment policy for Andium Homes allows it to make above inflation rent increases when inflation falls below a certain level. This does not promote a level playing field for the private and social rental sectors.
- Many landlords in Jersey own a property to supplement their state pension. Rent controls will lead to pension poverty amongst elderly landlords. This will benefit a cohort of high earning tenants in Jersey at the expense of a cohort of lower earning pensioner landlords.
- Rent controls will lead to discrimination against vulnerable tenants including families with children.
- Rents far outstrip peoples' salaries. There should be rent controls.
- Rent increase measures to provide predictable and gradual rent increases.
- Make compulsory that rent cannot be increased earlier than a year after signing the lease and only by RPI.
- The rents set by landlords should be controlled and regulated better.

Social housing tenant comments

- Concern that there is no cap on the annual increase that some social housing providers are allowed to apply e.g., a 9% rise for 2023. This is placing many families in economic stress, especially in circumstances where the tenant is not eligible for Income Support.
- A social housing provider plans to increase rents in July 2023 by 9.7%. Many tenants (including pensioners) will struggle to pay this level of rent increase. A rent cap is required to reduce concerns amongst social housing tenants over future rent increases.

Social housing provider comments

- I support the proposal for third generation style of rent control.

- Our housing trust found it challenging to keep rent increases below RPI in 2023 due to the high rate of inflation and cannot rule out applying rent increases by RPI in 2024.
- Our housing trust would find it challenging to apply a rent increase cap like the one used by Andium Homes because of its other financial commitments.

Unidentified respondent comments

- I reject any form of rent stabilisation measure because of the number of unintended consequences that could accumulate. I support the introduction of robust form of rent control.
- I support rent increases that are capped by inflation.
- I favour rent increase caps that use RPI/ RPI(X)/ cost-of-living as the index.
- A small percentage of the rental value for yearly rent should govern rent increases e.g., 1 to 5% per annum.
- It is important to legislate that rent increases by RPI is the maximum increase and not the norm/standard.
- Annual rent increases should be equivalent to inflation as standard.
- Government-controlled rent increases will have negative consequences on the rental market, including less properties available and at reduced quality.
- Rent controls are wrong; people should not be prevented from charging what they wish for a private asset.
- There should be rent controls because the cost of rent and the cost of living outstrip people's salaries and wage increases.
- Do not introduce rent controls.
- The amount and frequency of rent increases should be legislated to prevent high, unjustified increases.
- I favour limiting the frequency and amount of rent increases.
- It is important not to interfere with rent levels in Jersey.
- There should be an independent assessment carried out that caps rents at a set percentage of the value of a property.
- Limiting rent increases to reasonable levels tied to inflation increases rental market stability by creating predictability and reducing fluctuations (sudden spikes and drops) in rental prices. This benefits tenants and landlords.
- Limiting the amount and frequency by which rents can be increased is a good idea because Islanders are struggling with the cost of living. However, these measures must be fair for both tenants and landlords.
- Rent controls will result in increasing dilapidation of private housing because landlords experience reduced returns.
- Rent controls have been shown to reduce the supply and quality of rented housing. Landlords should not have to subsidise the rental market whilst at the same time having to contend with increasing mortgage and maintenance costs, whereas most tenants are experiencing wage growth.
- There is nothing modern about rent controls, which are a throwback to the 1970s.

- Rents must be capped to protect Jersey's workforce and stop landlords charging extortionate rents, which in some circumstances are more than 50% of someone's net income.
- Rent increases should be in accordance with RPI and on an annual basis unless agreed otherwise in the lease.
- Rent increases should be outlined clearly and take into consideration several factors including inflation.
- Rent controls should be introduced in a way that avoids suppressing the rental market. For example, rent increases by a maximum of RPI will fail if RPI is high, as it has been in 2023.
- I strongly support the proposal for rent control in Jersey. Rent caps should be in line with the RPI-X. A 'rent freeze' of at least one year's duration is needed to act as a break on high rents in the private rental market, with a longer two-year rent freeze applied to the social housing sector. Retroactive measures are needed to stop landlords putting up the rent when the law is announced.
- Rent should be reviewed once per year, with increases based on cost of living, which is fair to both landlords and tenants.
- Annual rent increases are fair, probably capped to RPI. But ability to refer to a Tribunal needed for exceptional circumstances.
- Proposed measures to limit rent increases to once per year with increases capped during tenancies need to be introduced in such a way that they do not jeopardise tenants' security of tenure whilst not compromising a landlord's ability to realise a stable and fair rental return. An unintended consequence could be to reduce supply of rental accommodation.
- Rent control is discredited by most economists and governments because it can reduce quality and quantity of rented dwellings. Impact of third generation rent controls (in use in several jurisdictions) have been found to be more ambiguous. But most economists believe rent controls do more harm than good.
- If a rent cap is introduced improvement works on rental properties will generally not be undertaken by landlords.
- Rent controls will result in increasing dilapidation of private housing as landlords experience reducing returns. This will require the Government of Jersey to raise taxes or decrease spending to replace private capital expenditure on housing. Landlords relying on rental income for pension will also be impacted.
- Rent increases should be permissible every 6 months.
- Rental increase should be connected to increase of salaries.
- Annual rental increase by inflation rate.
- There should be an exception to the limit of the once per year rent increase if there is a rapid rise in interest rates.
- Rent increases should be up to RPI for fixed term tenancies.
- Rent increases should be no lower than inflation and cost of living.
- 1% rental increase once a year.
- Rent increase permitted every 5 years.
- Rental increases should reflect increases of gas, water, and energy (for tenants who do not pay separate bills).

- There should be no passing down of increases due to falling investment values of the rental investment and personal financial needs of the landlord.

Organisation comments

- Rents should not increase by more than RPI or RPI(X). The only exception should be if there has been a significant improvement made to the property, so the standard has increased.

C3. Rents and charges

A. Rents

Tenant comments

- I am concerned by high rents, with rents often exceeding half or even two-thirds of salaries.
- High rent levels should not be charged for properties that are in poor condition. Maintenance programmes should be put in place to rectify such issues.
- There is a danger that high rents can trap people in compromised living situations such as abusive relationships.
- High rents in Jersey can be a danger to people living in compromised circumstances who are unable to alleviate their living circumstances. Even Islanders who work full-time cannot afford their rent in some cases.
- I am concerned for demographic who just miss the qualifying threshold for Income Support - they will likely be hit the hardest by high rents.
- High rents are often charged for poor quality properties.
- Costs of property improvements should be borne by the landlord alone and not passed onto tenants through rent increases.
- Rent increases have been outstripping wages, which have not been keeping up with the cost of living. This is causing hardship for the working person and is a cause of poverty in retirement.
- Rents should correlate with the space that is rented.
- Link the rent that is charged to the quality of accommodation.

Landlord comments

- Social housing rental prices should be lowered to help drive down private rental prices.
- Rather than change the Residential Tenancy Law, the schedule in the current Law that sets the minimum requirements for a lease should be amended to state how often a rent increase can occur and by how much e.g., annually by RPI.
- Should be clear guidelines, capped rental price, rental housing categories, and a Housing Tribunal capable of acting quickly, which would avoid lengthy delays in decision-making and costly court cases.
- If these proposals are implemented, I intend to sell my investment properties. I am already renting out my properties at below the market price in order not to add more pressure to tenants, but economics are starting to work against long term property investment.

Unidentified respondent comments

- Rents are extremely high and prohibitive to attracting workers from the UK. Additionally, rents are making Jersey so undesirable that people (in particular, key workers, service sector workers, and young professionals) are leaving the Island because they cannot afford to live here.
- Low-income households with children are disproportionately affected by rent increases, which need to be lower. The current situation in rental market is not in the interests of children or family cohesion within low-income families because it creates the need for struggling parents to take on second jobs. More Islanders are leaving Jersey as a result, including members of the minority communities, which is in turn having a negative impact on the catering and tourism sectors.
- Rent increases can mean that rents, which were affordable for tenants, become unaffordable.
- Often rents are increased without enough evidence of improvement to a property.
- Rent should not be more than certain percentage of income.
- Rent charged should be linked to minimum wage.
- Rents levels connected to the standard of accommodation.

B. Rent increases

Tenant comments

- The condition of a property should be considered before rents are increased.
- There are examples of rents being increased after tenant-funded refurbishment schemes have been completed.
- At present landlords can increase rent with very little notice, meaning tenants may have to vacate with very little notice.
- Many rent increases are too high currently to be manageable for tenants and are unjustified in terms of improvements to the property. Wages are not covering the rising costs of rent. These issues span the private rental market and social housing.
- Private sector rent increases at RPI are too high for tenants when inflation increases dramatically, as experienced in 2023.
- Property condition should be a factor before rents are increased.
- Rents provided by housing trusts are not capped enough, with social tenants struggling to meet rent increases, despite issues with property standards.
- Paying yearly rent increases without seeing any improvement to properties, with some rent increases as high as 30%.
- Rent increase caps at RPI can be difficult for tenants to meet, particularly during periods of high inflation, such as the 12% RPI in 2023. Many landlords apply the full amount, despite this being the maximum (not standard) rent increase allowed under certain tenancy agreements.

- Properties are not maintained and justifications of rent increases to cover increase in maintenance costs do not ring true.
- Connect price increases to the state of the accommodation.
- Government of Jersey should decide on individual rent increases proposed by landlords.
- Rent increases tend to occur regardless of whether the standard of property conditions merit them. There are examples of poor levels of property maintenance, low health and safety standards and intrusions into tenants' peaceful enjoyment of their living accommodation.

Landlord comments

- Rent increases should be annual, by RPI and with good notice provided for any rent increase.
- There should be clear guidelines in place, capped rental prices, rental housing categories and a functioning Housing Tribunal that can act quickly, avoiding lengthy and costly court cases.
- The Government should think about the unintended consequences of any policy outcomes - if rent increases are set to no more than once per year, there may be exceptional circumstances where this is disadvantageous to tenants. It is necessary to have appropriate measures to alter any legislative measures to accommodate certain circumstances, e.g., through the Housing Tribunal. Additionally, the unintended consequences of setting a rent increase cap may be that many landlords decide to leave the market, exacerbating the housing crisis.
- Rent increases are due to mortgage rates and property prices rising significantly - landlords must adjust to these added pressures. Some landlords claim they only increase rents when their agency recommends it.
- The data displayed in the White Paper conflicts with the idea that rents are too high for average earnings, and that they have not been increasing in-line with inflation.
- Landlords will increase rents yearly to the closest amount to market value (i.e., full RPI if this is what rents are capped at)
- Rent contributions have typically gone up in tandem with lots of other things i.e., property prices, mortgage rates, maintenance, fees and increases in Government red tape - requirements for electrical tests and potentially EPCs, which all increase costs for landlords.
- If changes came in, landlords may be less inclined to be lenient and would start with higher rents initially.
- The proposals put forward will have unintended consequences by making it harder for tenants to find accommodation and will thereby raise rental costs.
- Rent increase needs to factor in other indices, including the costs of importing building materials.

Social housing provider comments

- Notice periods of three-months for rent increases would be difficult to implement for various practical/technical reasons.

Organisations comments

- Social housing providers (e.g., housing trusts) should operate under the same rent increase cap as Andium Homes.
- Rent increases should be on the anniversary of the lease date (i.e., once a year).
- It would not matter if RPI or RPI average rent increase caps were extended to the social housing sector.
- Rents should increase no more than once per year.

C. Calculation of rents

Landlord comments

- The calculation should consider bank interest rates on buy-to-let mortgages so the increase of the repayment amount should be covered by the rent.

Unidentified respondent comments

- Rents should be calculated based on market conditions.
- The calculation should reflect increases in the of electricity, gas, and water if those are part of the rent. The remaining part of the rent should have limits by how much it can be increased.
- Calculation of the rent should be clear and consider the time of the year, inflation, and cost of living. The landlord should have ability to plan the frequency and amount of the increases.
- The rental calculation should not reflect (and then pass back to the tenant) bank interest rates. The rent should reflect the technical condition of the property and not the state of landlord's investment.
- The re-calculation of the rent should not occur because the landlord wants to catch up with rental increases that he/she could not implement during the Covid-19 pandemic.
- The re-calculation of the rent happens because of rolling tenancies and not because of increased cost of a single or a few elements of the rent.
- The rent calculation formula does not consider the size of the living area offered by the property.

Social housing provider comments

- The rent increase of 5% in 2023 was not based on a specific formula. Rather it used the December 2022 RPI figure as a guide and then applied a reduction to consider the cost-of-living challenges.

D. Additional charges

Tenant comments

- In my case the payment of water rates is currently calculated per flat rather than per person living in the property. Management company practices result in an unfair split of the charges between the tenants.
- Additional cost of servicing water boilers, professional cleaning of the gutters and wood burners. The tenant considers it as part of maintenance of the property and that it should not be tenants' duty to cover this cost.

Landlord comments

- The tenant should pay a compulsory household insurance. The landlord should have the right to keep a copy of such insurance. The household insurance should cover the tenant in case the property becomes uninhabitable for whatever reason.
- Any potential stamp duty costs and costs caused by higher inflation have been passed onto tenants.
- The matter of additional charges is connected to payments at the start of the rental agreement. The matter refers to landlords' practice of charging first rent and deposit at the same time, leaving some tenants surprised when they set up a tenancy, making it unaffordable from the start. The tenant should not face such a surprise. The landlord says that if the MyDeposit scheme was removed then landlords will get back to charging the rent at the end of the month.
- There should be a clear structure of the agency fees charged to landlords.
- Credible information proving that the tenants pay lots of money to set up their tenancies, must be delivered.

Unidentified respondent comments

- The transparency of fees and charges is an important consideration for tenants and landlords. Since 2015 there has been a statutory requirement in England and Wales (under the Consumer Rights Act) for Letting agents (and landlords) to publish a full tariff of their fees, on their website and prominently in their offices. Introducing a similar requirement in Jersey should be considered, which could be achieved under the regulation-making powers of the Price and Charge Indicators (Jersey) Law (2018). This measure could help ensure greater transparency and accessibility of information relating to fees and charges potentially payable by landlords and tenants.
- The management company fees are being passed onto the tenants and they should not be.
- There should be a regulation protecting the tenants from abuses of paying charges for shared services like: Wi-Fi, maintenance, electricity meters, private payphones and private PAYG.
- The payments that the tenants must be limited to making are rent, deposit and fees for any damage caused.
- Any additional regulation will create additional costs that will be passed onto tenants.

- There is also evidence that the letting agents use payment of additional fees as a barrier to renting a property. When the tenant refuses to make those additional payment, they move on to find someone else who will agree to pay those extra charges.
- There is evidence that some letting agents charge over £1,000 for finding a replacement tenant.
- Charges other than rent, damage caused, and occupiers' rates should be banned.
- Management fees should not be passed to tenants.
- Fair fees for maintenance, private phones, electricity meters and wi-fi should be charged.
- Fees for finding the new tenant, references, condition reports, etc., should be banned for tenants.
- The RTL does not include ban on agents and landlords making extra charges to tenants. The property managing fees should not be passed to the tenants as this is an obligation of the landlord to run the property well regardless of if he employs a management company or not.

Organisation comments

- Support landlords and agencies' rental charges being fully transparent and with limits.
- Certain landlords and agency fees should be banned as it is in the UK.
- Government of Jersey should publish fees to increase transparency.
- A tariff should be published in Jersey to ensure transparency of fees and charges as it is in England and Wales under the Consumer Rights Act. The tariffs should set the level of allowable charges for letting agents and landlords.

B4. Tenancy agreements and documentation

Tenant comments

- The agreement should guarantee the property meets a certain standard.
- Tenancies must be protected by law and the simplest way to do that is to have a template of the agreement as is the case with employment law.
- Every tenant, regardless of their housing qualifications, should be entitled to a tenancy agreement under law.
- Agreement template must be simplified and have a more even distribution of duties between the landlords and tenants.
- Tenancy agreements need to be simplified and reviewed as some agreements prepared by landlords can have over 45 clauses for tenants, and only 6 clauses for the landlords.
- Remove a legal clause on banning pets.
- Would like to have condition reports at the start and end of the tenancy.
- The tenancies need to be protected by law by offering a good agreement template that preserves the right to deposit protection as well as guarantee every resident, not only those with qualifications, the right to a rental agreement.
- Waiting for agreement to extend the current fixed term tenancy agreement is always very stressful as some landlords include rents increases at the very last moment.

- The lease agreement template should strike a balance between landlord and tenant rights.
- Landlords do not always follow through with their obligations e.g., maintenance requirements under tenancy agreements.

Landlord comments

- The agreement should consider unacceptable behaviour of the tenant.
- The agreement template should be legally protected and incorporate the reality of the lodging houses where the tenants usually stay on a short-term basis.
- The tenancy agreement should be a private document available only to both parties of the agreement. They should not be regulated by law.
- There should be a legal right to end the agreement in cases of non-compliance where tenants are causing a disturbance for others.
- Measures should be designed to stop landlords, agents, and tenants contracting out of their legal responsibilities, in the interests of creating certainty between parties and avoiding disputes.
- Would welcome the template of an agreement as a guide.
- Tenancy agreements must be comprehensive in terms of describing the type of property and requirements for that type of property.
- The template must include condition report and photographs of the property.
- The template must be assisted by agreement of tenant to inspections of the property.
- The Regulations Under Standard Agreement for lodging houses tenants must be attached. They should contain rules for the tenant of the property to adhere to, such as "No swimming in the fountain".
- Welcome the proposed elements of the agreements such as 3 months' notice for both sides.
- The tenancy agreement should address the matter of not looking after the property.
- It would be helpful if reasons for a tenant to be required to vacate the property could be stated in a tenancy agreement i.e., non, or late payments of rents unacceptable behaviours such as noise, verbal and/or violent abuse of neighbours, and damage to property by keeping pets, and sub-letting.
- A tenancy agreement should include a shorter notice period to vacate in instances of unacceptable behaviour.
- A clause should be included in the agreement that, if appropriate, the tenant will be taken to Petty Debts Court for recovery of monies.
- Support the intention of a basic list outlining tenants and landlords' responsibilities and liabilities as part of the tenancy agreement.
- Photographs of the property must be taken at the beginning of the agreement and retained.
- A clause that the property must be vacated when it requires certain upgrades like total rewiring, change of the heating system, thermal boarding insulation of the exterior, or complete replacement of the kitchen and bathroom.
- Tenant and the landlord must agree on condition of the property and sign the condition report.

- Services included in a tenancy must be itemised so both the landlord and the tenant understand their responsibilities.
- Landlords need to be allowed to protect the standard of the property, with the ability to undertake regular inspections. Tenants must agree to such inspections in writing.
- Landlords must keep good records of repairs and maintenance costs, in the event of complaints or Tribunal cases being brought against them.
- Comprehensive tenancy agreements should be in place.
- There should be written agreements in place between landlords and tenants, clarity regarding prospective rent increases, and written detail on correct levels of property maintenance.
- Not sure why tenancy documents have to be kept for 5 years and wish to query relationship between RTL proposals and Data Protection (Jersey) Law 2018 in situations where landlord is required to keep the documents for 2 years when the tenant left after six months. Data Protection Law stipulates that landlords should keep personal data for no longer than necessary for the purpose of which the data is processed.
- I assume maintenance reports will have to be made available to tenants only when tenants pay the maintenance fee.
- Services provided to the tenant should be fully itemised in tenancy agreement.
- The Government should publish model lease agreements.
- For landlords requiring nursing or residential care, the agreement should be able to accommodate a scenario where pre-payment for care may be required. In the case of an elderly landlord this could only be done from the liquidation of the estate, but not before the tenant terminates the lease.
- The letting agents should be made a middleman during negotiating the tenancy agreement conditions.
- Introduce Acceptable Behaviour Agreements.

Social housing provider comments

- Certain core information needs to be in each tenancy agreement.
- Have no issue with a proposal of a single, standard template of tenancy agreement but would like to be involved in creating such a template.

Unidentified respondent comments

- Tenancy agreements should be kept flexible and do not need any outside regulation.
- A detailed list of tenants' and landlords' duties should be a part of each tenancy agreement.
- Tenancy agreements do not exist when people work for an agricultural organisation.
- Tenancy agreements should have a degree of flexibility to better fit both parties and the property type that is offered for rent.
- Consideration should be given in the tenancy agreement when a tenant needs to seek the landlord's agreement on having a pet or re-decorating the property.
- Licences, inventories, and references should accompany the tenancy agreements.
- Giving the reason for terminating the tenancy should be included in the tenancy agreement.
- The agreement should include the condition that the tenants can have family and friends staying with them over night.

- There should be a legal deadline on delivering the rental agreement to the tenant.
- Flexible tenancies should protect against trapping either or both parties into agreements that do not serve their best interests.
- The lengths of tenancy agreements should be different in different rental groups such as the most vulnerable vs those from the finance industry.
- Tenancy agreements do not exist in cases of shared ownership of the property. They are called licence agreements and by law they are not tenancies and do not enjoy any legal protection.
- Tenancy agreements should be registered so their authenticity can be verified, and fraudulent changes can be prevented.

Organisation comments

- The law should exclude people experiencing domestic violence from following the statutory clauses in the tenancy agreement to be able to break from the perpetrator of the abuse.
- The tenancy agreement should lay out the permission process for making changes to the property such as acquiring a pet or decorating the property.
- The agreement should list all tenants and landlords' duties.

C5. Property maintenance

A. General

Tenant comments

- I reported mould to my landlord, who did not care and recommended purchasing mould cleaner. I did this, but the mould problem persisted, grew worse and damaged my belongings. Landlord did not re-imburse me and offered poor advice on managing a mouldy mattress. The mould became so bad I had to temporarily access employer accommodation, but still had to pay rent.
- Landlord had traditionally been fair with rent and repairs but flat now needs a lot of work, a lot of which is outstanding as landlord likes the best deal for the least work.
- For past 8 years we had to continually deal with leaks within the property. Due to the increased rent, we asked for landlord to fix leaks but had to find alternative accommodation. Now, I am in dispute about final rent payment and are concerned that landlord has not taken heed of advice to have electrics to property checked.
- The lack of normal facilities and unhealthy conditions should be addressed as a priority. Landlords should have to make improvements.
- There should be agreements in place on both the landlord and tenant side to ensure habitable standards.
- High rent levels should not be paid when properties are in poor condition and maintenance programmes should be put in place to rectify such issues.
- Some tenants are paying for basic upkeep when the landlord should be carrying these duties out.

- Landlords should be held to account for properties in poor condition.
- Tenancies need to be fair and ensure safety checks at the property in line with UK standards and requirements.
- Landlords should service property systems.
- Landlords should have responsibility for internal fixtures and white goods.

Landlord comments

- The question should be asked as to whether the high rents on offer reflect a proper return for a landlord for maintenance purposes.
- Landlords must be able to protect the standard of their property with regular inspections, itemised within the tenancy agreement.
- Property maintenance responsibilities must be set out clearly in the rental agreement to avoid miscommunication. Any disputes should be settled by mediation for a small fee. There should be photographic evidence of the property's condition kept by the landlord and tenant to avoid disagreement at the end of a tenancy.
- The less properties that are on the market, the more there will be properties in poor condition for higher prices. Proposals requiring maintenance and renovation will result in many landlords leaving the market. Likewise, improvements will not be made if rent control is put in place.
- In cases where there is damage to a property caused by tenants, a landlord should be able to evict immediately to protect their insurance. There should be protections for landlords whose properties are neglected and in poor condition due to a tenant's behaviour.
- Maintenance to improve health and safety in short-term lets should be a priority. All property types should have a permit, to protect lodgers. Bringing lodging houses into the Residential Tenancy Law is unfavourable as all maintenance is the landlord's responsibility.
- Landlords should provide a property to tenants that is of an agreed standard and tenants should agree to maintain that standard.
- There are some horror stories where tenants have damaged accommodation and attempted to defraud landlords before leaving the Island.
- It is not possible to prove that tenants cause damage to a property, nor that tenants can claim that landlords are seeking unreasonable access to a property to prevent the landlord from overseeing property maintenance.
- There is sometimes damage caused by tenants and this is often overlooked.
- A requirement to look after the property should be introduced.
- There should be a process on establishing landlords or tenants' faults when it comes to damaging the property.
- There should be greater penalties for landlords who fail to maintain their property.

Unidentified respondent comments

- Responsible landlords understand that keeping well-maintained properties not only preserves the value of their investments but also fosters positive landlord-tenant relationships and tenant satisfaction.
- Maintenance should always be a priority.

- There should be checks on tenants to make sure that they are keeping the property in good condition.
- Management companies should complete regular inspections and maintenance of their properties, with both landlord and tenant held to their agreed responsibilities. When electrics are inspected, there should be better enforcement of the law that requires landlords to give copies of electrical reports to their tenants.
- Maintenance of properties - including communal areas - should be a priority issue, particularly cases of mould, damp, electrics, and broken windows. This is in line with the Human Rights Act. However, there should also be regulation to ensure that tenants are not contributing to issues like mould, which end up becoming the landlord's responsibility.
- The Residential Tenancy Law should better address property maintenance (gas, water, electricity, heating, sanitation etc.) and definitions of a property being uninhabitable.
- The Residential Tenancy Law should set out minimum requirements for properties' cooking appliances - all units should include an oven and a hob.
- The peaceful enjoyment rule can be in place for so long that it translates into no long-term access to a property. This can lead to a lack of maintenance and the potential that a tenant can cause harm to a property without it being uncovered until the tenant leaves.
- A higher density of lodgers in lodging houses can typically lead to landlords frequently carrying out more checks on the condition of such properties to ensure that lodgers do not cause nuisance to other lodgers, and because fire alarm system checks are required more frequently by law in Houses of Multiple Occupation. Would such checks directly interfere with the covenant of quiet enjoyment that comes with having a tenancy agreement under the RTL?
- Caring landlords prioritise the well-being of their tenants by promptly addressing maintenance issues, ensuring habitable living conditions, and respecting tenants' rights as outlined in local housing regulations. They understand the importance of clear communication, fairness in rent pricing, and reasonable rent increase policies to maintain long-term tenancies and to promote stability within the community. This does, however, require regulation to ensure that those landlords falling out of this category are brought into line with the expectations of a good landlord.
- The notion of peaceful enjoyment of a property has been described as a balancing act between landlords being able to carry out any necessary works whilst not infiltrating into the tenant's peaceful enjoyment of the property in question. A focus on levels of privacy, utilising third parties and potential claims of unreasonable access are areas which need to be focussed on.
- Landlords should benefit from tax reduction if they upgrade the premises for the tenant.
- There should be checks to ensure rental properties are fit to house people.
- A complaints procedure should be in place in case the landlord does not keep the standards.
- Damp and mould are key issues.
- Property standards need to be improved.
- Housing standards should be made clear up front.
- Housing standards need to be addressed.

Organisation comments

- Poor living conditions have detrimental effects on tenants' health, particularly children's social, emotional, and physical development.
- There should be regulations that provide for landlords' standard maintenance of properties, including the structure and exterior of properties, and electrics, water, gas etc.
- There should be statutory provisions to ensure landlords do not unjustly withhold consent for things like property decoration or pets, and to establish reasonable conditions for withholding that consent.
- There should be a rating system introduced to inspect health and safety in housing, which would help protect tenants whose landlords are resistant to carrying out property maintenance.

B. Uninhabitable premises

Tenant comments

- Landlord did not rectify a damp problem. I had to seek the assistance of my employer, who made their property available for the period it took to address the damp problem. I paid for the work and was unable to claim under insurance.
- We had to be placed into short-let accommodation over an entire winter because of re-wiring work, which was difficult as we are an elderly couple, and the replacement accommodation was not suited to our needs. We had to choose between breaking the lease on the condition that the landlord retained part of the deposit for the re-wiring work or accept the re-location to the short-let accommodation. In addition, the landlord kept one month's rent for the short-let accommodation.

Landlord comments

- Landlords should be compensated for tenants leaving properties uninhabitable.
- I support minimum standards as covered at length in the Public Health and Safety Law (Rented Dwellings) (Jersey) 2018 and of the current position in Article 9 of the Residential Tenancy Law - that a tenant should not pay rent on a property rendered uninhabitable by an event that is not the fault of the tenant.
- The survey conducted by the JLA discovered that 74% of landlords who are JLA members said that they should not provide or pay for accommodation for a tenant if a property becomes uninhabitable because of the landlord.
- A definition of 'landlord's fault' needs to be established and it needs to be made clear how long such an obligation would persist for.
- A definition of 'uninhabitable' needs to be established.
- A definition of 'tenant's fault' needs to be established for those circumstances where tenants cause problems for landlords or other tenants e.g., a leak caused by overflowing water in the bathroom of one flat within a block of flats, which then seeps into other properties.
- On proving 'tenant's fault', would the tenant then pay the landlord or other tenants affected in the scenario set out above?

- It should be compulsory for tenants to have household insurance with landlords being entitled to have a copy.
- There should be clear standards of what constitutes habitable living, which should not include several workers all sharing rooms with minimal facilities that are poorly maintained.
- The new legislation is not necessary because rental agreements have clauses offering alternative accommodation if the property becomes uninhabitable. This is covered by the landlords' property insurance.
- Uninhabitable properties should be defined more clearly, to help determine who is at fault when the property becomes 'uninhabitable'.

Unidentified respondent comments

- Landlords should not be required to provide a tenant accommodation after a rental property is deemed uninhabitable.

Organisation comments

- Support the proposal of a better-defined definition for 'uninhabitable' property, where a property, or part of a property, is unfit for tenants to occupy by virtue of its risk to health and safety.

C6. Scope

Landlord comments

- If the protections are one sided and prioritise tenants without giving them responsibilities, landlords will leave the Island.
- There is little protection for landlords, and they need to be protected when they rent out properties.
- There is little protection for landlords' investments.
- There is anger among landlords that Government of Jersey wants to protect tenants. This should not happen as some tenants leave the properties in a state requiring costly renovation.
- Worry that the RTL proposals are placing landlords in the hands of manipulative tenants and that landlords will have no protection from tenants who break laws.
- Landlords often experience bad tenants, and there are no protections in place for them.
- More protections for landlords must be introduced.
- It is reasonable to revisit the Law regarding rental properties if it is carried out fairly and protects both tenant and landlord equally.

Social housing provider comments

- The protections offered by the current RTL law do not go far enough in either direction to ensure that all tenants and landlords in Jersey have the protections they deserve.

Unidentified respondent comments

- Broaden legal protections for lodgers who can lose their accommodation without a minimum notice period.
- There should be regulation of accommodation for farm workers.
- It is important to clarify the situation with self-catering units that operate under tourism law to understand how the new RTL will affect them.
- How self-catering units fit in with proposals needs to be looked at.
- Agricultural workers and their accommodation must be exempt from the new RTL.
- Because self-catering units are typically let to tourists up to a year ahead, any right to remain in a property would not be possible as they are fixed-term arrangements.
- It is important that staff members working as part of self-catering units do not have the right to remain in staff accommodation for more than a month after they have left their job. Anything contrary to this would have huge business implications.
- The limited number of accommodation units for suitable for full year and seasonal staff in the catering and hotel industry makes it difficult to follow through the RTL proposals, as the employers are unable to secure enough staff accommodation for all the employees they require.
- Tenant and landlord should be protected equally.

Organisation comments

- Agricultural accommodation is already regulated through Immigration and Work Regulations. As the accommodation is connected to the temporary stay in the Island there is no tenancy agreements (short stay accommodation), re-assignment of the tenancies, the employees do not pay parish rates or letting fees, and the price of the accommodation is set by law.
- The agricultural sector supplying the supermarkets is regulated by Red Tractor/LEAF and/or GRASP as to the quality of accommodation offered to employees.
- In cases of gross misconduct (e.g., committing a criminal offence) employees breach Work Permit terms and are liable to leave the Island.
- Do not support bringing non-self-contained short-term lets over 3 months duration into scope of the RTL as this will cause legal conflict with other regulations that currently govern renting out this type of accommodation.
- Self-catering lets operating under the tourism law will always offer fixed-term accommodation because this is used for a short period of time, either for a stay during property renovations or as a winter let for people with fixed-term employment contracts.
- The scope of the RTL proposals should be broadened to cover additional forms of rental tenures. Currently accommodation that is not 'self-contained' does not fall within scope of the law. This leaves households who live in non-self-contained accommodation vulnerable, therefore proposals should consider things like the potential short-term nature of this accommodation, the link to employment, and the shared characteristics of some forms of lodging arrangements. Lodging accommodation should be covered by statutory

protections. Rights and obligations of tenants and landlords should be consistent across the whole rented sector.

C7. Social Housing providers and tenancies

Tenant comments

- Rent is too high, and a rental price cap is necessary.
- There is no care or focus on tenants' standard of living.
- Social housing is not policed. For example, some people living in social housing have a higher level of income than is stated or permitted by regulations.
- Standards are low and can typically be gauged by price - for example any accommodation offered under £1,700 per month is generally uninhabitable.
- The rent to income ratio is currently too high.
- Accommodation buildings are generally in need of much needed maintenance. For example, a building was painted only once in 20+ years, with no basic safety locks present, doors were damaged, there was damp, blown windows and structural issues. This affects wellbeing and the personal life of tenants, who are too embarrassed to invite friends' round to the property in question.
- There are no formal agreements between Government of Jersey and social housing providers.

Landlord comments

- Social housing rents should be set lower than those of the private market to drive down market averages.
- I hope Government of Jersey will not create housing exemptions for social housing.

Social housing tenant comments

- The sound proofing in my social housing home is non-existent and the noise is unbearable for tenants.
- Should consider expansion of Income Support.
- The management company of my social housing provider does not carry out enough checks on their properties. In one example, two families are living in one 2-bedroom apartment, and nothing is done about this. The property also lacked sound proofing, but the rent went up by 9% when the average working person only received at 5 to 8% pay rise.

Social housing provider comments

- Would like to be involved in the process of setting up a Housing Tribunal.
- I believe face to face contact with tenants is important.
- If rent safe is viewed as a way of maintaining minimum standards, then Jersey Homes Trust would be supportive of it becoming mandatory.
- If there was a sufficient supply of good quality social rented housing, Tenants would have choice, and this would bring rents down.

- The details of the complaints procedure are set by the management agent, and when the issue escalates, it is always sent to the Board of Trustees.
- Appeals from the complaint resolution go back to the Board of Trustees.
- Some social housing providers do not have any binding complaints procedure as part of the tenancy agreement.
- Rents calculation formula should be the same for all social housing providers.
- Rents should not be calculated as a percentage of the market rents.
- The Housing Gateway should be made available to young people.
- An Income Support system that processes the tenants' payments for housing should be increased.
- Increase the number of the social housing rental units to change the balance in the housing market.
- There is a need to develop a clear complaints procedure for tenants which would allow the tenant to appeal from the decision of the social housing board to a different group of people.
- Gateway management by Government of Jersey only will mean social housing providers will stop understanding tenants' issues therefore it should be a shared responsibility.
- Issues with the payment of rents to social housing providers by Customer and Local Services must be solved.
- Rebrand social housing.
- Introduce a right sizing policy.
- There is a need to create a tenants' organisation for social housing.
- Social housing providers must have the ability to work with the parishes to develop new units.
- Andium's rents are well below 80% of the market prices.
- There is a need for the statistics on breaches and type of breaches happening within housing area.
- Need to check housing infrastructure and match the increase of the social units with a possible decline of the private stock.

Unidentified respondent comments

- There should be more guidance on the definition of a social housing provider.
- Social housing needs to be ringfenced away from private sector market rents.
- Bad management in this area is causing people to leave the Island.
- Proper rent regulation can promote a higher level of community cohesion through tenants avoiding frequent relocations and thereby ensuring sustainability of place.
- Maintenance programmes are not in place with many providers, which needs to be urgently rectified.
- Social housing has an integral role within the community.
- Statutory standards are needed for social housing provision.
- A simple, appropriate and tenant focussed statutory framework is necessary.

- Communications and engagement standards should be provided for ensuring that social housing providers communicate effectively with tenants. In tandem, tenants should be given opportunities to inform and influence decision making.
- A community standard should be created to ensure that social housing providers contribute positively towards safe, well-maintained communities, which help tenants to live independently and contribute towards their health and wellbeing. This could involve support for tenants with serious medical conditions, care leavers, homeless persons, victims of domestic violence, engagement with broader policy initiatives, regeneration schemes and place-based projects and working with the voluntary and community sector.
- Performance monitoring and reporting requirements should be placed on social housing providers to ensure that they achieve standards in practice. This would not need to be an intensive regulatory process but could provide a basis for social housing providers to conduct an objective and evidence-based assessment of their performance. This could be made publicly available to demonstrate the achievements of the social housing sector and the outcomes it delivers. To this end, it is worth noting the Scottish Social Charter and Scottish Social Housing Charter (Scottish Government, 2022), which clearly establish standards and outcomes that social landlords should aim to achieve when performing housing activities.
- Although the management of the Affordable Housing Gateway should stay with the Government, Andium or Jersey Homes Trust should be managing their own distribution of affordable units.
- Social housing should be limited to locals who have the correct housing status.
- The Affordable Housing Gateway should not be mandatory for social housing provision in legislation e.g., parish homes should be for parishioners only.
- The Gateway is not always the best option. Each of the housing providers, such as Andium and Jersey Homes Trust, should be managing their own distribution of affordable housing to their clients, without it having to go through the Gateway. It takes away a provider's knowledge of all the facts and who those people are who live in their homes, when records are distributed and held at the Gateway. I understand why it was initially set up, but these same providers spend lots of time having to seek information from the Gateway to assist their own clients who are asking for help. I believe it should be left to the providers to manage and distribute their own stock.
- Instead of supporting Andium Homes the Government of Jersey should build council houses so that rents in private market can go down.
- Social housing should be for key workers.
- There should be a stricter screening for the social housing access for unemployed people.
- Employ unemployed people in the public sector to limit the stress on social housing.

C8. Codes of practice

Tenant comments

- The provision of white goods and other appliances differs significantly across rental properties, and there should be guidance as to what a landlord should offer for certain rents.

Landlord comments

- If a rent tribunal is to be introduced, there should be Codes of Practice for landlords to keep records of repairs and maintenance costs.
- It has been mentioned that lodgers need greater protections, as they are often excluded from legislation that covers tenancy agreements. Codes of Practice for landlords and Lodgers could enhance these protections; they are particularly beneficial for vulnerable groups whose rights are not as well-protected by law.
- There should be more guidance around tenancy agreements and best practice for both landlords and tenants, stipulated in Codes of Practice.
- There should be more clarity as to what would be covered by Codes of Practice.
- Codes of Practice should be produced following due process, and in conjunction with all other provisions covered by the Residential Tenancy Law to avoid any uncertainty.
- Codes of Practice should support tenants, landlords and agents in understanding their rights and what is required of them, which will benefit all.
- There should be clear guidelines as to how to establish in an objective way to assess who is at fault when a fault develops in the property.
- The States Assembly should approve the Codes of Practice.

Unidentified respondent comments

- The implementation of good Codes of Practice should be a priority, albeit there is a risk that this might result in further administrative burdens.
- Codes of Practice that ensure respect and maintenance of a landlord's property will secure good relations between landlords and tenants.
- There should be guides as to the required condition of the property.
- There should be guidelines for the tenants and landlords for the process of submitting property faults to landlords.

Organisation comments

- Lettings agencies already have Codes of Practice in place, and we support government-produced Codes of Practice, and have previously offered advice to the Government on the creation of their own Codes of Practice, specifically for tenants and landlords.
- Information about housing like Codes of Practice and landlord's and tenant's rights and obligations, must be available for the enforcement of housing rules to be efficient. The guidance should be easy to use, available online and in several languages.

C9. Establishing new Housing Tribunal

Tenant comments

- Rents should be independently assessed. Tenants should have a right to challenge them, and independent person should adjudicate.
- The existing court procedures dealing with tenants' issues are sufficient. Creating a new body may lead to growth of unnecessary bureaucracy and cost to taxpayers. If the tenants disagree with the Tribunal decision, they may need to go to court anyway as happens in case of the Employment and Discrimination Tribunal.
- It is essential from a tenant's perspective to understand the process of appointing the members of the Tribunal.
- Tenants should be part of the Housing Tribunal team as only they can understand the tenants' cases. The Housing Tribunal team should also have a representation of landlords, private Homeowners, and private sector renters. Without a multidisciplinary team, a lot of housing matters may be overlooked.

Landlord comments

- A Housing Tribunal will not work as it will simply delay the court process.
- A Rent Tribunal would be a positive step to determine if a rent being charged is fair for the property provided. The Tribunal would ensure that properties are maintained in good order. Proportions of the rent charged should be set aside for maintenance as necessary.
- There should be an effective and comprehensive Housing Tribunal in place.
- All disputes are settled by the MyDeposit team.
- There will be a new department (Housing) created that will be run by UK experts.
- Landlords in UK are selling their properties because they cannot refuse tenants with pets and children. Concerned that this Housing Tribunal may play a role in making local landlords take a similar decision in Jersey.
- Housing Tribunal will not help evict difficult tenants in favour of landlords in cases of non or partial rent payment.
- Aware there may be a minority of landlords and rogue tenants that should be brought to account, but the Tribunal team should be balanced and include tenants, landlords and a property lawyer.
- Many tenants are not ready to go to court because they fear publicity, therefore a Housing Tribunal may be more appropriate.
- There must be more details on setting up the Housing Tribunal, frequency of sitting, types of documents that need to be produced by both parties. There should be the timetable for issuing judgements as well as details of the appeal process.
- Most landlord concern comes from the fact that the current court system process is lengthy. The Housing Tribunal would need to be a lot quicker in delivering justice, more efficient at hearing cases and render reasonable judgments to be considered a success.
- There is a concern that the new Housing Tribunal may be biased; such accusations were made in case of the previous Housing Tribunal.

- Tenants are reluctant to go to court because they know that there is a lack of supply, and they may not be able to find another accommodation.
- A Housing Tribunal is not necessary because there is a mediation service offered by the MyDeposit Scheme.
- Rogue landlords should be fined through courts.
- Going to the Tribunal is a problem because it means landlords will need to deliver evidence to take the matters further. A Tribunal may be able to consider anti-social behaviour, but may have unintended consequences, preventing tenants from renting properties again.
- Would like to know what protections there will be when handling difficult tenants.
- It is unclear if the Housing Tribunal will be better or more cost-efficient than the current court system in delivering justice to parties. Some people would want to hire advocates so it could be a costly process.
- The Minister of Housing and Communities must publish a cost-benefit analysis to prove that the Housing Tribunal is a better solution. He must also promise that the Tribunal will hear cases quicker (and in a prescribed time frame) than the court.
- Unsure sure if a landlord will need to go to Housing Tribunal if they want to increase the rent above RPI.
- Evictions must go through court only.
- A Housing Tribunal is an attempt to lower the bar and diminish the role of the courts and it is unclear if a Tribunal will be independent of Government, upholding the courts' standards and remain unbiased.
- A Housing Tribunal should not have a power of ordering an eviction.
- Access to a Housing Tribunal will be costly because of the volume of cases if open-ended tenancies become a law.
- It is unknown who will be paying the costs for the party that will require representation, especially in cases when the outcome of the dispute could be achieved in a different way.
- There is a concern about the introduction of a rent capping procedure that will be inflicted on landlords who do not raise rents often.
- The Housing Tribunal should be replaced by the Property Court that would deal with terms and conditions of rental agreements, evictions, and other matters.
- The Housing Tribunal processes will be biased in favour of the tenant.
- The JLA understands that the Housing Tribunal may have powers to:
 - determine fair rents.
 - look at whether rents have increased by too much.
 - deal with disputes about property condition.
 - levy fines on landlords.
 - arbitrate on disputes arising out of the relationship between landlords and tenants.
 - deal with Public Health issues
 - act as an appellate body for disputes about fines
 - evict tenants. Concerning evictions powers, JLA is against any draconian decisions such as ordering eviction of the tenants.
- There is uncertainty whether the appeal from the Tribunal's decision will lead the claimants to Petty Debt Court and then Royal Court.
- The rent review procedure must acknowledge the costs of property upkeep and take account that some tenants that will require more property maintenance than others.

- Would rather see the independent property Court as a subdivision of Petty Debts Court, dealing with disputes on terms and conditions of leases, evictions, etc.
- Would like to know how many staff the Tribunal will employ.
- Creation of a Housing Tribunal is typical for a dictatorial regime where too many powers are held by too few people.
- Recruit salaried and legally trained judges for the Housing Tribunal.
- Recruiting officers conducting work for the Tribunal will be expensive.

Social housing provider comments

- Support establishing a Housing Tribunal and will be happy to participate in a process of creating a proportionate and sensible remit as well as the details of how the Tribunal will operate.
- I support a Housing Tribunal but not 'rents tribunal'.
- I support a Housing Tribunal but opposed to the idea of Housing Ombudsman because a Social Housing Provider is not a public organisation.
- A Housing Tribunal cannot fulfil an appeal function from the decisions of a social housing provider, and it should not have a prior knowledge of the case before it is heard.

Unidentified respondent comments

- Establishing a Housing Tribunal maybe problematic as it could be accused of serving some vested interests. Therefore, creating an Office of Housing Commissionaire with powers to sanction, regulate and monitor would be better. It could also fill the role of the Housing Ombudsman.
- There is a need to have a Housing Tribunal with real power to enforce. This will help to kickstart the local economy as some of the money that goes towards rent payments could be put towards purchasing other products and services if rents are restrained.
- The disputes between the landlord and the tenant must be handled by the Housing Tribunal.
- There should be a quality control body that is independent and matches the rent prices with the property standard.
- I would like to know who the government officials are appointed to run Housing Tribunal.
- Concerned that some behaviours may remain unseen to third parties [Housing Tribunal]. The tenant may make some false allegations, in which case the landlord will waste a lot of time and fees to go through a Tribunal hearing. With no proof the Tribunal will not offer the resolution to the problem.
- There is a concern that the running cost of a tribunal processing housing issues will be very high. The Tribunal will require appointment of government officers for the Tribunal as well as those who will enforce its decisions.
- There is a concern that landlords will have to spend a lot of time preparing the paperwork and attending hearings to solve matters that are a simple abuse of tenancy agreement and are simple to resolve by the landlord himself.
- There would be a burden of proof to the landlord if the case is brought before the Tribunal and this is often impossible to achieve in many situations.
- I am concerned about who will be appointed to the Housing Tribunal and in what way.

- I am concerned about how conflict of interests can occur and how they will be handled when a tenant takes a case before the Tribunal.
- I would like to ask the Minister for Housing and Communities who will sit on the Housing Tribunal? A strong voice of tenants is needed, and I am imagining the Tribunal as a collective of individuals who will bring the tenants' perspective to the table.
- I am worried that the Housing Tribunal may only consist of landlords. In these circumstances, a clear conflict of interests would occur when a tenant presents their case before the Tribunal. If one sided representation is not addressed the whole policy will fail.
- Tenants and landlords being required to act through the court is disproportionate because of time and costs that can be involved in taking legal action. This creates a significant risk that tenants do not feel empowered to assert their rights.
- There should be a Tribunal-like body, but it should include all the parties participating in the process of renting the property.

Organisation Comments

- Support the idea of creating a Housing Tribunal to determine tenancy related matters, including rent referrals and appeals relating to breach of tenancy agreements.
- Housing Tribunal offers less costly, more informal, and fast process in comparison to the current court procedures.
- The Alternative Dispute Resolution (ADR) service provided by My Deposit Scheme should inform the development of Housing Tribunal and both should be closely aligned.
- The matters relating to rents should be reviewed and adjudicated by a Housing Tribunal.
- Recommend working alongside a Housing Tribunal, signposting clients after unsuccessful mediation process.
- The Housing Tribunal should have a procedure to review the fees and charges the tenants may be asked to pay by the landlords, letting and managing agents.
- The Housing Tribunal will offer a better process for resolving tenancy related disputes. The Tribunal should offer customer centric procedures to handle the cases as face-to-face and paper-based procedures increasingly move online.
- There is a lot to learn from experiences of MyDeposit ADR procedures of handling tenant – landlord disputes.
- The cost of Tribunal referrals may be a deterrent to some people to bring their cases forward, therefore the access to Housing Tribunal services should be free.
- There should be a procedure that would determine which cases are more suitable for mediation and which should be passed to the attention of Housing Tribunal (case triage process).

C10. Regulations and orders

Landlord comments

- Substantive consultation should take place before any regulation is put into primary or secondary legislation.
- Secondary legislation should not be used for Standard Tenancy Agreements, fundamental definitions, discrimination and homelessness, Housing Tribunal powers and emergency powers. This should all be set out in primary legislation. Order making powers give Ministers too much power and should be avoided. The government should instead focus on enforcement of current legislation.
- The proposals for ministerial orders and regulations unfairly give too few people power over the many.
- A lot of details should be included in primary legislation to prevent introduction of the changes to housing supply, conditions reports and tenancy agreements in the secondary legislation that has no oversight of the Assembly.

Organisation comments

- Regulation-making powers should be included in the RTL to establish maximum occupancy levels for rented properties to prevent overcrowding.

C11. Offences and penalties

Landlord comments

- Extra ministerial powers to investigate and prosecute are a cause for concern.
- There are excessive offences being set out in laws, with all landlords facing criminalisation due to a select few who may have abused their rights. Tenants could also fall into this trap, particularly if subletting is made an offence.
- It appears that landlords or tenants could commit offences under multiple different laws, for what would otherwise have been one offence.
- Private landlords should not need to go through the court process for civil penalties, due to the costliness of this. Likewise, administrative appeals should replace judicial reviews.
- Tenants should expect a certain level of disturbance.
- The authorities should go easy on punishing tenants/landlords.

Unidentified respondent comments

- Offences and the penalties will hopefully be resolved quickly and not linger in a government run authority, as many things do.
- The punishments for lack of property maintenance should be harsher.
- Minimum safety standards should be in place and fines given out if the standards are not adhered to.

Organisation comments

- There should be financial penalties for landlords who fail to protect their tenants' deposits, up to three times the deposit value as in the UK.

C12. Rental deposit scheme

Tenant comments

- There are examples of tenants paying deposits that have not been placed in the rental deposit scheme. Instead, the landlords have claimed that the deposits were rent in advance despite the absence of a lease agreement when they have taken this action.
- Every tenant should enjoy the protection of paid deposits.
- The 14-day period available to the landlord or lettings agent to contact the deposit protection scheme to confirm the full return of a deposit is too long. This is further exacerbated by the statutory time available to pay back the deposit, which is up to an additional 5 working days.
- The fee of £21 should be paid by the landlord and not the tenant.
- The management company did not pay the deposit to MyDeposit Scheme and had been fined for not doing that.
- There can be problems reclaiming the deposit because of a strained relationship with the landlord or Lettings agency.
- No deposit should be taken for unfurnished accommodation.

Landlord comments

- There are very few deposit disputes. Therefore, the entire landlord and tenant sector is being penalised by obligatory nature of the deposit protection scheme.
- The deposit protection scheme does not protect lodgers by law.
- The deposit protection scheme is a good measure that promotes landlords looking after tenants' interests.
- The deposit protection scheme exists to generate more income for the scheme itself.
- The introduction of the rent deposit law may have protected some tenants but also meant that no tenant now gets their full deposit back, and when they move on and require a deposit for their new home the existing landlord is unable to return the deposit early to help them with their cash flow.
- The administration fee means that tenants do not have their full deposits returned and therefore deposits are not fully protected.
- One month's deposit does not cover the renovation costs because of the damage caused during a tenancy.
- Lodgers do not pay deposits as a rule.
- Lodgers do not have the money to pay deposits nor the time to wait to have the deposit returned.

- There is a wait for the return of deposits to tenants, sometimes taking weeks. This can cause problems for tenants who are moving out.
- The deposit protection scheme works reasonably well but is a source of 'red tape' and suitable only for those who know how to use a computer.

Social housing provider comments

- Jersey Homes Trust does not take deposits from its tenants and has not enrolled in the Rent Safe scheme, applying its own property standards.
- Andium Homes does not take deposits from tenants and has been enrolled in the Rent Safe since 2019.

Unidentified respondent comments

- The last month's rental payment should be made obligatory and not taken out of the deposit unless there is written permission from the landlord. The deposit is the only security that a landlord must cover themselves against damage.
- The deposit protection scheme should be brought back to Jersey and use the International Finance Centre to run it.
- Would like to see the payment of the last month's rental written in law as the tenants tend not to pay it and expect that it will be covered from the deposit. In the case of the tenant leaving the Island, any damage costs are difficult to pursue.
- In case of any damage done to the property they only have one month deposit to fall back.
- Caps on deposit amounts would be welcomed.
- A tenancy deposit loan scheme should be introduced as in the UK.
- Jersey MyDeposits protection scheme should be reformed.

Organisation comments

- The Government should consider similar measures like those introduced by The Housing Act (2004) (Housing Act (2004), Part 6, Chapter 4 'Tenancy Deposit Schemes'. These involve permitting the court to order, where a landlord has failed to protect a tenant's deposit money in an approved tenancy deposit scheme the landlord to pay the tenant compensation of not less than the amount of the deposit and up to three times the amount of the deposit if the landlord failed to protect tenant's deposit.
- Abandoning the deposit protection scheme would stop the current practice of charging the tenants 'double rent' when they move into a property (one month rent and deposit of one month rent upfront).

C13. Definitions and interpretations

Tenant comments

- Clarification is necessary on the exact definition of RPI.
- Landlords can have disregard for the privacy of tenants, which has led to police being informed. This links in with the prospective definition of 'peaceful enjoyment of the property'.

Landlord comments

- There is very little mentioned by way of a specific 'no wear and tear' definition, despite there being references to maintenance and basic levels of care.
- 'Revenge evictions' and 'no fault evictions' are brought up many times in the White Paper, but there is no definition of what this means ... or the scale of the issue.
- A definition of 'unhabitable property' should be introduced for the purpose of renting.

Social housing provider comments

- No objections in seeking to define a 'social housing provider' in law if it is helpful to do so. It is self-evident who the social housing providers are, as listed in the Income Support legislation.

Unidentified respondent comments

- There should be a removal of the 'self-contained' definition and a replacement with rental units. Further to this, those who own lodging houses have expressed doubts as to how the "removal of self-contained restriction" and making "provisions applicable to all units within lodging houses" will be managed and whether this should apply to them at all.
- Definitions of relevant terms in residential tenancies need to be made clear.

C14. Powers of investigation

Tenant comments

- The proposed changes will be welcomed by many tenants who currently find it difficult to get redress for complaints about anti-social behaviour where they live. Tenants must often assume responsibility for mediation with the perpetrators of anti-social behaviour, without support from landlords or the police.

Landlord comments

- If the Government of Jersey has data on the number of 'bad' landlords in Jersey, it should use this information adopt a more targeted approach against this group as opposed to the broad approach being proposed.
- Broadly supportive of efforts to increase landlord compliance on minimum standards and tenancies. But proposals on powers of investigation, together with introduction of new offences and civil penalties, are gradually criminalising the role of landlords to deal with a minority of bad landlords.
- 83% of JLA members disagree with the proposed new landlord offences being created and Government officers having new powers of investigation, with an ability to fine landlords.
- More clarity needed on documentation required of landlords and lettings agencies to set up the tenancies. These should be subject to public consultation as the provision of documents is part of the discovery process in civil or criminal proceedings.

- Correct checks and balances needed in the procedure to establish whether a landlord is guilty of an offence. Supportive of portfolio action as part of efforts to increase compliance by landlords, as long as done in a light touch manner.
- Enforcement should be more efficient.

Unidentified respondent comments

- Support the proposals to give officials delegated investigation and enforcement powers over tenancy matters, and to carry out portfolio action where there is reason to believe a breach of tenancy has occurred across multiple properties. But more consideration still needed to ensure that tenants feel empowered to assert their rights.
- Power of investigation is important when tenants misbehave. The new Powers of Investigation will be welcomed by law abiding and respectful tenants.
- Create enforcement of property standards regulation.
- Create an independent authority to police the technical state and technical standards of the properties.
- There must be a way of recovering outstanding rent from tenants who are outside of Jersey.

C15. Homelessness

Tenant comments

- Basic sheltered accommodation could be offered for homeless people.
- Homelessness is often unseen, with sleeping on sofas and camping out commonplace.
- A proper definition on homelessness and more support for those aged 16+ is necessary.

Unidentified respondent comments

- An Assistant Minister for Housing and Communities should be appointed with political responsibility for Homelessness.

Organisation comments

- Tackling homelessness will prevent negative impacts on Islanders and their families, reduce government spending on the negative consequences and bring benefits to economy.
- Given that many people facing homelessness are likely to be renters, the proposed changes to Residential Tenancy Law are supported, in principle.
- But is essential that these changes are considered carefully on an evidential basis, lest the most vulnerable become disadvantaged because of unintended consequences.
- Despite the existence of the definition of homelessness since 2022 there is not a clear picture of its scale. Without an assessment of homelessness, it is difficult to understand how any changes can be proposed.

C16. Other

A. General

Tenant comments

- RTL proposals may lead to an increase of the rental process, and in general affect the quality of tenancies offered by the landlords. The increase of rents may cause homelessness and balancing the housing needs of residents with foreign workforce demand for businesses should call for new immigration rules.
- Proposals will cause difficulty for landlords purchasing private stock considering the recently introduced 3% stamp duty on the buy-to-let properties.
- Landlords may sell their properties, which will diminish the housing stock and limit the number of units available for rental due to too much red tape.
- Proposals will lead to the improvement of the whole industry through regulating elements of the system that are causing housing issues for tenants and may alter the balance of power between landlords/letting agencies and tenants.
- Proposals will lead to revision of the Control of Housing and Work regulations that often force Islanders to live in substandard and expensive accommodation for 10 years. If that control is removed it would change the current imbalance of supply and demand on the rental market.
- Jersey has an unregulated housing market. Landlords are free to increase the value of their investment by increasing rental prices at the expense of the working class. Conflicts of interest existing in the States Assembly (Deputies being landlords) prevents changes to this situation.
- The new legal system should not add any costs or delays to cases brought before the Courts by tenants who are already in the difficult financial situation. The Petty Debts Court works reasonably well.
- There should be landlord and tenant registers.
- The whole system is weighted in the landlords' favour and is vulnerable to poor practice and landlord/agent negligence.
- There is no standard complaints process and no Ombudsman to regulate rent increases.
- There should be much better legislation for tenants in Jersey, and an effective means of reporting landlords who do not meet their obligations.
- There is currently no regulatory body to offer guidance to tenants and landlords.
- Managing agents are employed only to source tenants and have no ongoing management responsibilities.
- The measures set out in the White Paper would be detrimental to the rental market, by driving landlords out.
- The fault lies in the lack of regulation and in poorly drafted law.
- There should be much better legislation for tenants across Jersey, and a way to effectively report when landlords do not meet their obligations.

- There are too many changes proposed at once. Additional research about these residential tenancy changes is needed because they are like those introduced in Scotland, which resulted in landlords in Scotland selling off properties at a loss to the economy.
- Scope of changes to tenancies will affect large number of rental properties.
- All accommodation contracts should be protected by law.

Landlord comments

- The RTL is a sledgehammer attempt to influence the industry and it is too much for small landlords.
- The RTL does not address the complexity of property types available in Jersey.
- The RTL proposals will lead to fewer rental properties being developed by landlords in Jersey.
- The RTL will lead to a mass sell-off of properties due to the red tape, deteriorating investment outlook, and lack of funding for implementation of the legal changes.
- Introduction of all changes to the housing market will increase the process on the available units hence rents will go up.
- There is little commercial thought in the RTL proposals.
- The RTL will create unintended consequences that will affect the whole market.
- The RTL proposals undermine landlords' investment strategies.
- RTL proposals could be too much if the landlords' properties are sold to managing agents who will raise rents.
- The impractical aspects of the RTL proposals means that rental administration will increase, resulting in Government of Jersey having too much power without participation of the unbiased courts, illustrated best by the new civil penalties and list of new offences.
- The proposals are too broadly cut and should instead address bad landlords instead of affecting the whole community of landlords.
- The best course of action will be to go back to the housing committee's system as this was better at enabling tenants to make complaints when appropriate.
- The RTL will change the situation of lodging houses landlords who will be at the mercy of tenants using the RTL laws against them.
- There is high risk that low-income groups in society who cannot afford mortgages of £300K or £50K mortgage deposits, will suffer the most as the properties around £1K a month may completely disappear from the market.
- I do not like to be told by States Members what to do with my properties.
- I will give notice to tenants who do not sufficiently look after the property or cause nuisance to neighbours as it will be relatively easy to evict tenants before the introduction of the RTL proposals. Ultimately, I may stop being a landlord and sell off my rental properties.
- Expect a high cost for implementing the new laws.
- Inherited properties with potential to be family homes in the future should be treated differently than properties purchased as pure investment.
- Government of Jersey is not aware of how many types of landlords operate in the rental market, therefore the ways of ending tenancy agreements are limited. This lack of awareness and one size fits all solution will result in more properties to buy than rent.
- Cannot see the information that would justify such changes.

- The RTL proposals resemble the changes from the 1950s and 1960s that resemble the 'communist way' of going about the business.
- Recommend withholding implementation of proposals for few years as they may lead to de-population of Jersey.
- The RTL proposals are just a political interference as the 'evil landlords' do not exploit tenants. Some landlords do not recognise any issues mentioned in RTL paper; hence they do not think that changes are needed.
- In general, landlords have already implemented many proposed changes. Just some elements need polishing.
- There should be clear guidelines in place, capped rental prices, rental housing categories and a Housing Tribunal which is fit for purpose that can act quickly and avoid lengthy and costly court cases.
- It is important for any regulations to be balanced so that neither tenants nor landlords are disadvantaged.
- Additional regulation affecting all landlords and tenants is too burdensome, will cost a great deal of time and money to regulate and create additional time delays in the renting of property.
- There should be a comprehensive register of landlords, which is traceable to the actual owner. There needs to be clearer guidelines around lodging houses.
- Most tenants are good overall. But it is useful to bear in mind that there are tenants who misbehave.
- Landlords should be registered and regulated to abide by certain standards.
- Landlords are not profiteering in general.
- There should be a Housing Inspector role created to investigate all issues relating to and affecting landlords and tenants.
- Jersey housing regulations must be maintained, and loopholes eradicated.
- The few property owners who take advantage of vulnerable tenants are known. The system as it stands functions well.
- Concerned about the RTL proposals as so many other regulations like Rented Dwellings Regulations and the Carbon Neutral Roadmap have been introduced and they are a considerable burden to landlords.
- There is no tangible justification for regulating the housing market.
- It would be helpful for landlords for statistics to be published showing the number of tenants who experienced a problem with renting in comparison to the number of rented properties. This would show the size of the problem.
- Would like to see the evidence that setting up a tenancy comes at a high cost.
- Solicitors will start charging a lot of money for changing tenancy agreements once new legislation is in place.
- The next consultation should be on specific regulations. A public consultation must be held on documents required to set up the tenancy. A separate consultation must be held on the structure of the civil and criminal penalties.
- A Tenants' registry and a landlords' registry would be useful to gauge good and bad feedback in both categories considering the data protection issues.

- Prevent the damage to the market in form of two rental tiers, one for social housing and second private market.
- The responsibilities of the Letting agencies toward the landlords should be clearly defined.
- There should be education available for the landlords and tenants.
- There is a lack of laws to regulate standards of landlord/agency behaviour, and likewise there is a lack of complaints procedures.

Social housing provider comments

- Agree with the scope of the changes set out in the RTL paper. A lot of the proposals are already implemented and work well.

Unidentified respondent comments

- The RTL proposals work against people who want to buy rental properties and pay them off to place themselves securely on a property ladder. In situations when the first purchased property is rented out while staying with parents to pay the property off, the additional burden caused by RTL may make it impossible.
- Lack of impact analysis of the RTL proposals will influence the housing market in a way that is difficult to foresee.
- There are many faults with the published RTL paper such as insufficient cross referencing to the licencing scheme, lack of background analysis on consequences of the policy intervention, and the way the proposals were published, which prevented people from accessing the RTL paper.
- Government of Jersey should create incentives for the landlords and then introduce the RTL proposals over next few years.
- There should be provision in place to regulate tenants as well as landlords.
- If letting a property becomes too onerous, conditions may get worse for tenants.
- The Housing Health and Safety Rating System could be the basis of any housing legislation attached to common sense protections for both the tenant and landlord. This must be enforceable but also open to challenge in the courts – or by an independent ‘Commissioner for Housing’.
- Anything which creates more disposable income to be spent in the local economy is a positive.
- There should be a landlords’ register, and all should be regulated properly. Landlords who fail to provide tenants with fit-for-purpose housing should be banned. There should be more regulations around the number of landlords who own multiple properties.
- The RTL drafting instructions will put landlords’ investments at a higher risk. In response to the new RTL, landlords should be offered legal support.
- There should be protections provided for landlords against tenants who break laws or lease agreements.
- A new law ought to cover all tenancy-related issues to make compliance easier for tenants and landlords.
- The Petty Debts Court intimidates tenants and any proceedings there make them concerned about the fallout from potential negative publicity.
- Concerned about Data Protection being observed during the landlord-tenant relationship.

- The technical condition of rented accommodation should be regulated by an independent authority.
- Tenancy laws and rent regulations provide necessary safeguards to protect vulnerable tenants, such as low-income families, elderly individuals, and individuals with disabilities.
- Rent regulations help preserve affordable housing stock by preventing unjustified rent increases.
- Stable and affordable housing contributes to social stability and community cohesion. By implementing rent regulations, tenants can avoid frequent relocations due to unaffordable rents. This stability fosters a sense of belonging and encourages community engagement and long-term neighbourhood investment.
- Rent regulations help address the inherent power imbalance between landlords and tenants.
- Unregulated housing markets can experience significant fluctuations in rental prices, leading to housing instability and financial stress for tenants. Rent regulations provide stability.
- Rent regulations can have positive economic effects by ensuring that a significant portion of tenants' incomes is not consumed by housing costs.
- Tenancy laws and rent regulations provide tenants with security of tenure, allowing them to plan for the long term and invest in their homes.
- Rent regulations promote responsible and ethical behaviour among landlords by preventing excessive rent increases and promoting fair treatment of tenants.
- There must be an impact analysis on the Jersey Housing market and comparative analysis of impacts on the markets where similar RTL measures were introduced.
- Move away from private rentals.
- Estate Agents are not included in RTL proposals. There should be guidelines as to how they should operate and how their operations are controlled.
- The ministers who rent out properties should not be allowed to vote on rental matters.
- States Assembly members should not be landlords.
- Politicians should not consider what Reform Jersey says about the rental market.
- There should be registration of landlords and controlling landlords.
- Introducing regulation to the private sector will have negative results - such as investor flight.

Organisation comments

- Hope the Housing and Regeneration Team will engage with Violence Against Women and Girls to ensure that RTL reflects the needs of those affected by domestic violence.
- There is a need for developing awareness through educational campaigns, empowerment, and an advocacy process for tenants.

B. Landlords

Tenant comments

- Landlords and those who own multiple properties on the Island should be subject to higher taxes and regulation.

Landlord comments

- Despite social media misinformation and negative connotations of the profession, many landlords are 'good' landlords, and benefit tenants.
- Landlords often need to deal with high interest rates, rent arrears and other issues which affect their business.
- It is important to recognise that many landlords rely on their properties to generate passive income for their pension.
- Private rental sector reforms and other initiatives which have been proposed will decrease landlords' profit margins to the point that they will invest less in their properties or even leave the sector, with service charges and other elements already making things difficult. There are claims of anecdotal evidence of this happening already. It will also make landlords more vulnerable to tenants who know how to manipulate them.
- Insuring and renovating rental accommodation is expensive, and renovation costs are rising which are difficult for landlords to meet. There is a lack of a recovery system for large sums paid by the landlord for damages done by the tenant.
- Landlords and tenants should be offered education and guidance so all people in this sector know their rights and responsibilities.
- Landlords are angry about politically led negative social media accusations portraying them in a negative light compared to tenants. The misrepresentations are tantamount to slander, laying blame externally instead of taking responsibility. Housing's regeneration of its own stock has been poor, it has mismanaged its own funds, and its lack of population controls and joined up data have caused many problems.
- Landlords and potential landlords should be offered legal/business training to be clear on property standards and tenancy agreement requirements.

Unidentified respondent comments

- Having an interest in generating income/profits in a business is a legitimate desire that many businesspeople have, and it should be no different for landlords. However, they must ensure that their properties are fit for purpose and allow tenants a good quality of life.
- There should be tighter fiscal control over landlords. For example, empty homes should be taxed after a certain period, so landlords would pay tax when a property is vacant of a tenant for a specified period.
- Landlords are being subject to more regulation and rising costs/red tape.
- Landlord training is needed to help them to be more professional and to train them how to operate a rental business.
- Bad landlords should be banned and brought in line with the good landlords.

C. Tenants

Tenant comments

- Tenants who continuously break rules should not be allowed to stay in properties. It should be 'three strikes and you are out'.

Landlord comments

- Private landlords as a whole, have worked very hard to maintain their tenanted homes, wanting their tenants to be happy living there and, with a need to pay their rent, look after and quickly report any problems arising within the home. With all the best intentions this is not always followed through by some tenants nor some landlords for various reasons, but it is strived for. The welfare of tenants is respected.
- The emotional scarring that some tenants leave behind will make people consider if they wish to risk repeating the experience. Such tenants fail to communicate, are late paying rent, fail to pay rent, do not take care of the property, do not look after the minor maintenance of the property as required under the lease and see themselves as having all the rights of ownership.
- Some difficult to house tenants degrade property deliberately with the intention of calling in environmental health in the hope that the property will be declared unfit for habitation, and they will therefore receive social housing preference.
- Some landlords have let units remain empty, following occupation by a bad tenant: (units that have been let to happy tenants at affordable rents for many years), due to a mix of a very bad tenant experience and inspection regulation requirement, meaning that a power supply cable, that has happily been performing its function for 30+ years no longer meets standards.
- Tenants sometimes trash accommodation and cause a mess.
- What protection do landlords have when tenants leave properties in a filthy condition, fail to pay the rent or cause damage?
- Overall, most Tenants are good but there are tenants who do not behave - hence the need to spell out unacceptable behaviours and notice to leave at a shorter notice period and or take them to Petty Debts for recovery of monies (rent and damage repair/ maintenance costs).
- There must be tenants' checks involving personal history.

Unidentified respondent comments

- There should be a register of bad tenants.
- Proper checks and due diligence should be carried out on prospective tenants and people coming into the Island.
- Some tenants lie and conceal things from honest landlords with disregard for the home but demand other rights when required.
- Dealing with nuisance caused by other tenants should be left to the tenant by the landlord.

D. Children

Tenant comments

- There is a lack of child friendly accommodation. Tenants who are expecting children must move out of the property when the tenancy agreement stipulates that the accommodation is not suitable for children. To add to the problem many properties offered say that they do not accept children or pets.
- Families with children move to UK looking for more favourable housing options. The minority communities like Portuguese and Polish also leave Jersey for the same reasons.
- Every property should be able to house children up to age of 18 years old.
- When tenants are expecting children, it is very stressful because the landlord may tell them to leave the property or not renew the tenancy agreement.
- Some landlords trick tenants especially with children by giving them lease extensions at the very last moment with unfavourable lease conditions leaving them too little time to move out.
- The tenants should be allowed to pay extra money on deposit to be able to have pets or children within the property.

Landlord comments

- The law that allows the single bedroom flats to be offered to families with children should be repealed.
- It will be beneficial to establish the age until which children/young people can live with their parents in a property. Age of 18 is too young as families could find themselves being forced to move out from the long-term accommodation in the middle of A-level year.

Unidentified respondent comments

- The issue of having children can cause threat of eviction.

Organisation comments

- Poor living standards of accommodation impair development, health and wellbeing of children who live in them.
- Poor housing conditions like damp, mould, noise, and inadequate light are connected to poor physical and mental health.
- Lack of security tenure, overcrowding of properties leads to children feeling increased stress and anxiety, and feeling of a lack of control.
- Children living in overcrowded properties attain worse results at school and at greater risk of experiencing behavioural problems.

E. Pets

Tenant comments

- Pets in many places are not welcome and they would be great for children.
- Many properties specify that children and often pets are not welcome.
- 'No pet' seem to be stated in a lot of rental advertisements. Interesting to understand why this restriction is permissible.
- There should be no discrimination against Renters who have pets, and this should be legislated for. An exception would be if a property is unsuitable for a pet. Tenants would be willing to pay a higher deposit for this right. My dog has been extremely important for my mental health and dogs are therapeutic for many people, including children.
- Tenants should not be restricted from having pets. Loneliness being a big issue for people in society, a pet can bring a lot of joy. If a tenant is paying a deposit, there should be no restriction on having a pet. UK law has changed to say a landlord cannot refuse a tenant on grounds of having a pet and Jersey should follow suit. Many people suffered mental health issues post-Covid, and they should be allowed to have a pet suitable for the property they are in. This would be consistent with government initiatives on mental health services in Jersey.
- Every tenant should have the right to have a dog or cat. Discrimination around this issue cannot continue. Pets are important for emotional well-being, and not being allowed to have one reduces you to a second-class citizen. An extra deposit could reasonably be requested to cover against any animal related damage.
- Having pets should be allowed.

Landlord comments

- I personally have no problem with tenants having pets. But barking dogs are not popular with other tenants. Pets need proper care and not left to bark all day. Pet dogs are not suited to a small first floor flat unless someone is home all day.

Unidentified respondent comments

- Unclear why landlords do not want pets in rental properties even if tenants are willing to repay the damage caused by pets.
- If the pets are allowed in the property this should be reflected by the tenancy agreement and the tenant should be obliged to take additional insurance.
- It was almost impossible to find a rental property if you own a dog. I had to appeal to a landlord to accept my pet to have the property leased to me.
- The new law needs a well-defined provision for landlords not to ban pets as part of the tenancy agreements. In the private rental sector hardly any landlords accept pets, making it impossible for pet owners to secure a new Tenancy agreement. I am aware of families who had to move away from Jersey because they could not find rental accommodation that would permit their cats or dogs. This issue has become particularly acute since the pandemic. Pets are considered by their owners to be much loved members of family. It is well documented that pets are beneficial to mental health. To reassure landlords, the law

could be clear that any damages resulting from pet ownership would fall under the responsibility of the tenant to fix.

- Just as the tenant has the right to choose to have a pet, a landlord should have the right to choose not to rent their property to somebody with a pet.
- Landlords should have the right to ban tenants from keeping pets. A lot of properties are not suitable for animals. Keeping a dog in a flat with no access to outdoor space is cruel to the animal. Also, it is not fair to expect a new tenant to move into a property that smells of dog.
- Renters who own pets face difficulties. At present, landlords and agents can refuse tenants with cats or dogs. This makes it difficult for tenants to find a property in an already squeezed rental market. The Housing Minister should consider making it mandatory for all tenancy agreements (with some exceptions) to allow pets with the consent of the landlord unless the landlord reasonably refuses. The landlord would need to give or refuse consent in writing within 42 days of receiving a written request. As a compromise, a condition of giving consent, landlords could require tenants to have insurance that covers the risk of pet damage.
- Pets must be allowed in properties and tenants cannot be punished for keeping pets.

Organisation comments

- Consideration should be given to situations in tenancy agreements where consent of a landlord is required for a tenant to do something e.g., to have a pet. It is important for tenants to be able to form an attachment to a home. Statutory provision to ensure that a landlord cannot withhold consent unreasonably should therefore be considered, with a duty placed on the landlord (if they refuse consent) to show that the refusal is reasonable, or to justify the reasonableness of any conditions placed on the tenant as a basis for that consent. This would be consistent with The Renting Homes (Wales) Act 2016 (sections 84 to 86) (Renting Homes (Wales) Act 2016).

F. Economic climate

Tenant comments

- The current conditions in the private rental market are potentially forcing landlords to sell up, thus making homelessness worse by properties being taken off the market.
- Cost of homes need to be capped. For example, a 2-bedroom home should be no more than £450,000. First-time buyers are often being asked for over £650,000 which is unrealistic. Erecting flats all over the Waterfront and Westhill is not the solution. Looking at the population is. Population affects every aspect of island life, not just housing.
- New houses are not being built so poor supply is driving demand. It has become unaffordable to live and work in Jersey, with low and middle earners being squeezed unsustainably.
- My family have rented for five years, and the costs are astronomical. Over this period our rent has gone up by £400 per month. How do families who do not earn much cope with

this? Many of my work colleagues have struggled with the challenge of rents going up - some by up to 20%.

- Rents are rising and Income Support is not in line with the present-day rents. It helps though but still leaves little to live on. Frightening to think where we will end up.
- We pay ridiculous prices for an apartment here. The cost of living in Jersey means it is becoming increasingly difficult to make ends meet here.
- Our wages are not covering the cost of living, it is becoming increasingly harder to stay on this Island year on year. I am a working parent not on income support and my rent is now practically 80% of my take home pay.
- The rent is going up every year and I am concerned that the increases will totally outweigh pay rises, which in my view is not sustainable.
- Neoliberalism has destroyed Jersey. Profits and business first, society second. The tax system allows the wealthy to get richer by buying up all housing stock, using it as investment and totally screwing up the rental and housing market. No other young person I know has any intention or desire to stay in Jersey. It is not viable to get on the housing ladder unless there is assistance from 'the bank of mum and dad'. David Warr, shame on you for stating that young people should look to their parents to be able to afford a home. If something is not done about rent and property control, expect the population of Jersey to be made up of entirely of elderly people and wealthy millionaires who have moved here to avoid tax.

Landlord comments

- The increase in stamp duty and changes to flying freehold tenure have brought buy-to-let investment to an abrupt halt, particularly against a background of higher interest rates which undermine the commercial viability of the buy-to-let model in Jersey. These residential tenancy proposals are highly off-putting to anyone thinking of investing in a new buy-to-let property or renting out an existing one.
- In addition to a serious supply-demand imbalance in housebuilding, the other reason for high accommodation costs is historically low interest rates - the correlation between valuations and real interest rates has been 80%+ since 1985. The change in rental prices relative to other index measurements (see chart on page 32 of the Ministerial White Paper), clearly shows the correlation between house price purchase cost and rent increases. If a landlord must pay more to buy a property, he will need to rent it out for more to cover cost and get a return, hence the correlation between the rise in property prices and rent. The current rise in interest rates will start to resolve the problem of excessive property prices and rentals and this has already started to happen.

Social housing tenant comment

- Levels of rent across private and social sectors do not consider things like living expenses, pensions, tax, social security, and child-related costs such as school uniforms, food, activities etc. Once these costs are deducted there is little left to pay private landlords, who only care about the bottom line and not about the tenants' situation. Landlords continue to thrive in Jersey, with the likes of Jersey Development Company selling properties to off Island investors who then charge high rents and push up the rental market. Any rental property under £1,700 per month is not in a liveable condition, which results in negative outcomes for

low-income tenants and their children. I am not sure how these proposals will help because it will make landlords increase rents if they must follow more regulations.

Unidentified respondent comment

- Many landlords are finding they need to sell their investment property because they can no longer afford high interest rates. The buy to let market is no longer as attractive for investors who need to borrow, and I am concerned more legislation will make it even less attractive.
- There could be fewer rental homes available if prospective landlords no longer wish to invest. It should be remembered that many landlords are voluntarily not raising rents by the cost of living because the cost of living is so high.
- If new proposals become law, there will be big decline in property for rent. My son is looking for a house and up to 45% of the property he has seen has been on the rental market for a long time because landlords do not wish to invest because they do not want to be portrayed as "the bad guy". Lots of people with rental properties are putting them up for sale and the situation is becoming unsustainable.
- The only way to control prices is to reduce demand and/or increase supply.
- Standard of housing in Jersey very poor compared to European standards. Despite the low average quality, the rental costs are ridiculously high making Jersey increasingly uneconomic and unattractive to live in.
- There are massive increases in fuel inflation, which the majority of the Island's workforce are penalised for with wage increases well below the cost of living.

G. Wider housing issues

Tenant comments

- The average property in Jersey is very expensive compared to rents offered in large UK and European cities. Short-term lets facilitate yearly increases of the rents making Jersey unattractive.
- The cost of housing in Jersey continues to escalate and is not helped by the two-tier housing system and lack of basic compliance by landlords and agents with Property Mark standards.
- There is an issue of poor supply driving demand.
- In addition to a rent cap, there should be a cap on the cost of buying houses, due to the cycle of rents being too high to save for a mortgage to buy, as properties are too expensive.
- Jersey Development Company is selling properties to off-island investors, which then pushes up prices in the rental market.
- Due consideration needs to be given to right-sizing, how this happens, how the community ties built up by a family can be maintained, and how the emotional and financial hurdles relating to this can be overcome.
- Provide more supply to force a downward trend in rental values.
- There is no standard regulation adherence and no Property Mark scheme in place for all agents (although some better agents have signed up via the Jersey Estate Agents Association).

- There should be dedicated key worker accommodation or rental subsidies for licenced workers.
- More support is needed for registered tenants who do not have 10 years residency.
- Cap the cost of homes.
- There must be a scheme developed that will allow the tenant to save money towards deposit for home ownership.
- More homes must be built to make the housing affordable.
- The increase of social housing supply will bring private sector rents down.

Landlord comments

- The right to buy property in Jersey based on the length of time people have lived in the Island needs to be maintained. Loopholes such as those for 11k persons and investment purchases should be stopped.
- Housing stock needs to be more rigorously controlled.
- More affordable family homes should be available for first time buyers and a States Grant Scheme should be put in place to help people get on the property ladder.
- There should be a much tighter regulation on people buying properties as investments who have no connection with Jersey. Tighter regulation in this area is also needed for Jersey residents because there is a shortage of affordable properties on the Island, with some residents buying up housing stock and driving up prices as rental investments simply because they have the means to do so.
- Restrictive planning proposal processes are of major detriment to new homes being built to meet housing demand on the Island.
- Proper key worker accommodation needs to be made available for medical staff, essential workers and to accommodate the workers that the Island requires.
- Rental prices are directly connected to house price increases. This being the case, the permanent imbalance between supply and demand in housing caused by the Government influences the rental prices making them very high.
- Modelling needs to take place to predict the likely outputs of the proposals e.g., the effects on tax relief.
- I have no objections to landlord registration scheme providing that it is a simple list and cheap to maintain.
- There is a need for a landlord register that can show who owns properties.
- If the occupancy limits are not set this could lead to housing shortages as rented dwellings tend to be occupied and over occupied rather than underoccupied.
- Establishing limits on the number of people allowed to occupy individual premises would prevent overcrowding. This occurs especially in lodging house occupancy.
- Any additional cost for licensing or registration will have the effect of increasing rent or being an additional non-recoverable cost to the landlord.
- Estate agents are not regulated, and they are not helpful when problems start to happen with the tenant they recommended. They completely absolve themselves from any responsibility when it comes to light that the tenant, they recommended, has mental health issues.
- There is a need for more housing supply to sort the balance between supply and demand.

- Overcrowding needs stronger regulation as the current law allows families to rent one-bedroom units.
- Regulating overcrowding could have unintended consequences.
- A landlords register is a 'yes' but with simplified administration.

Unidentified respondent comments

- There is no correlation between the rental prices and the amenities, standards, and space that Jersey properties offer. You can find 1-bed and 2-bed properties in a very similar price range. The price differences between 2-bed properties can be as much as £1,000.
- Do not see how the landlords licencing scheme will directly contribute to meeting the minimum housing standards as the RTL report states that the fines will be given only to the landlords who do not have a licence. There is a concern about licensed landlords not fulfilling the minimum standards.
- Build more homes by making it easier to get planning permission. Have fewer strings attached regarding parking density.
- There is a lack of regulation of Estate Agents, which can result in substandard properties on the market.
- Any unused or empty property in the ownership of government on behalf of the taxpayer should be brought back into use and could be handed over to the Island's charity sector who already manage the shelters in whatever form they may take.
- There should be clearer laws around the accidents and injuries that may happen in properties.
- There should be clearer laws on home injuries and on what happens when floods and gas leaks occur.
- In rapidly developing urban areas, unregulated housing markets can lead to gentrification and displacement of long-time residents.
- Empty houses should be taxed, perhaps at a suggested rental amount. After a prolonged period, such properties should be evaluated.
- The current tenant should enjoy right to buy if the property is goes for sale.
- Regulation should be in place on the condition of properties and capacity - or this should at the very least be better enforced.
- There should be more comprehensive laws introduced to cover all the housing market.
- Housing and work qualifications should be removed.
- Working rights (licenced) are encroaching on housing rights and ability to purchase and rent property.
- Introduce limits on the number of owned properties by individual people.
- Introduce tax on vacant homes if they are not leased after 2 years of staying vacant.
- Improve the fiscal control over landlords.
- Stop tax increases on buy-to-let scheme.
- Set limits on buy-to-let properties.
- Develop a shared equity scheme; develop rent-to-buy for keyworkers.
- Introduce partial ownership of property.
- There must be a programme of social housing building.

- There must be more homes built and the planning process must become easier.

Organisation comments

- It is disappointing that the RTL proposals excludes addressing letting and estate agents as there is an urgent need for this to change.

Appendix D: Postcards: General statistics and responses

D1. General statistics

The responses to post cards have been included in the analysis that generated the thematic summaries set out under [Appendix C](#).

The postcards were intended to be more accessible to tenants, offering them an avenue to voice their key residential tenancy issues. It was therefore considered important to present data specifically from postcard responses in a separate section of the report.

A total of 71 post cards were returned. Not every question on a postcard was answered and a small number of answers did not correspond with the question asked and therefore were considered 'not valid'.

Table 6 and Figure 11 below provides the breakdown of returned postcards by language used in submissions. Some members of minority language communities decided to complete postcards in English, therefore the true number of respondents from minority language communities will be higher. For example, it is known that some members of the Romanian language speaking community returned postcards in English.

Languages	Number of returned postcards	Percentage of returned cards
English	63	88.7
Portuguese	5	7.1
Polish	3	4.2
Romanian	0	0.0
TOTAL	71	100.0

Table 6 - Returned postcards by language

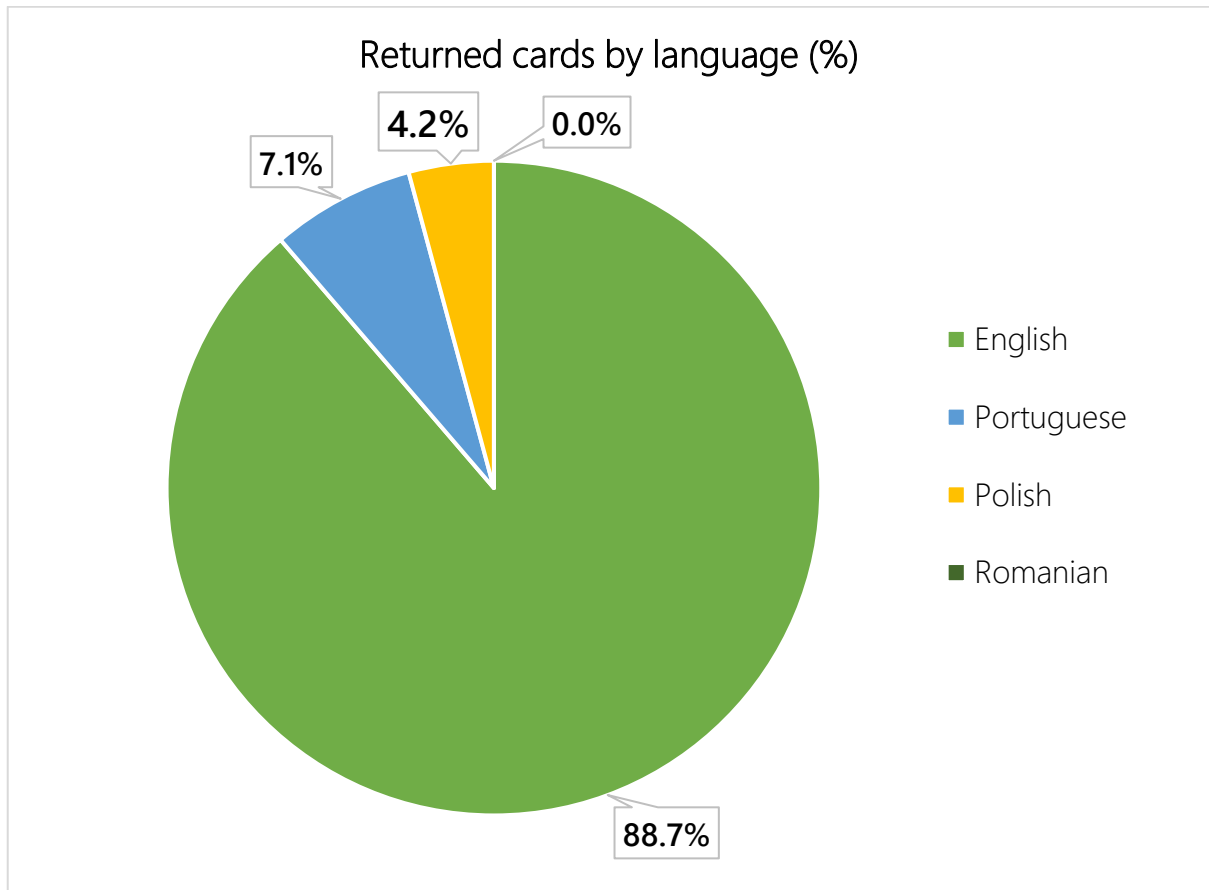


Figure 12 - Returned postcards by language (%)

D2. Responses to specific postcard questions

The statistics for the responses collected through the postcards have been presented in tables below. Responses to Questions 1 to 3 list four main options each according to the information provided by the cards. Responses to Q4 list more options due to the open-ended nature of that question.

Question 1 - What is your opinion about limiting the amount and frequency by which rents can be increased by a landlord?

Postcards responses	Number of answers	Percentage of answers
Limit amount & frequency of rent increases	32	45.1
Do not limit amount & frequency of rent increases	8	11.3
Limit amount but not frequency of rent increases	9	12.7
Limit frequency but not amount of rent increases	16	22.5
No answer/Not sure	6	8.5
TOTAL	71	100

Table 7 - Postcard comments on Q1 frequency and amount of rent increases

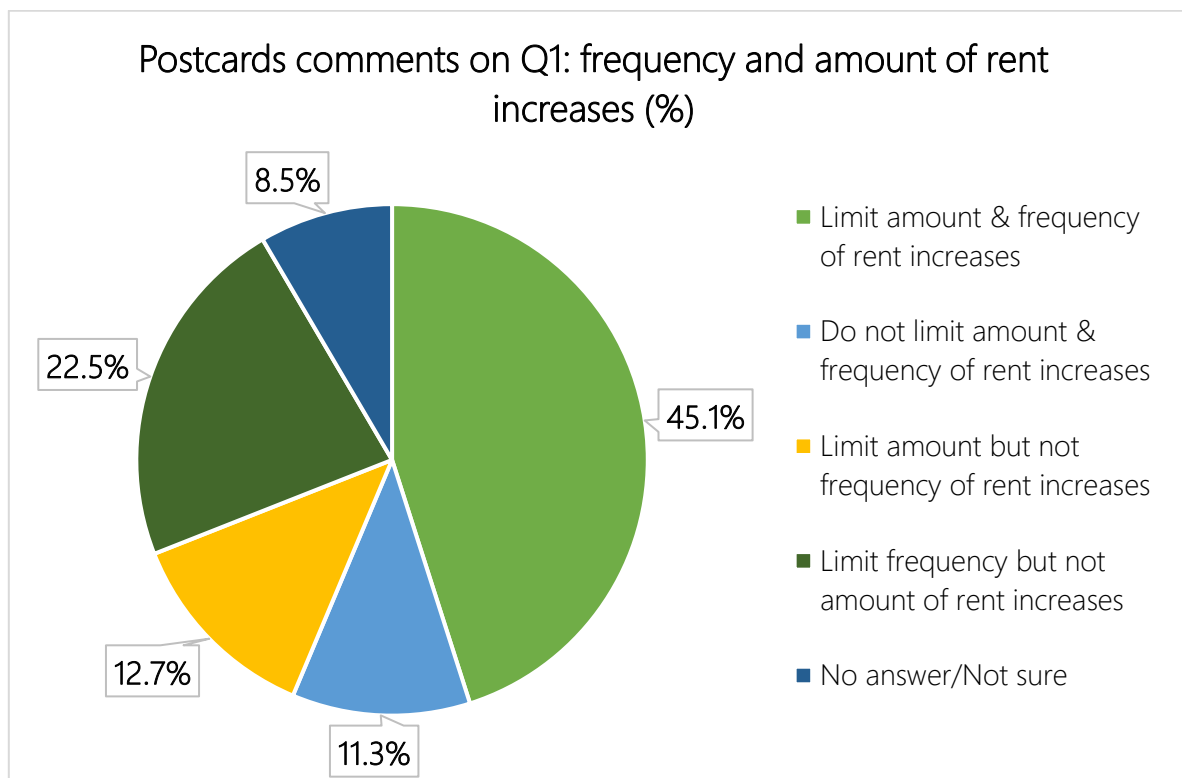


Figure 13 - Postcard comments on Q1 frequency and amount of rent increases (%)

Question 2 – Do you think it is better for tenancies to have a fixed end-date, or no specified end-date, and why?

Postcards responses	Number of answers	Percentage of answers
Tenancies should have a fixed term length	42	59.2
Tenancies should have an unspecified term length	12	16.9
It depends on the situations of both landlords and tenants	13	18.3
It does not matter providing that there is adequate notice or there is a chance to renew.	2	2.8
No answer	2	2.8
TOTAL	71	100

Table 8 - Postcard comments on Q2 fixed-end date or no specified end date

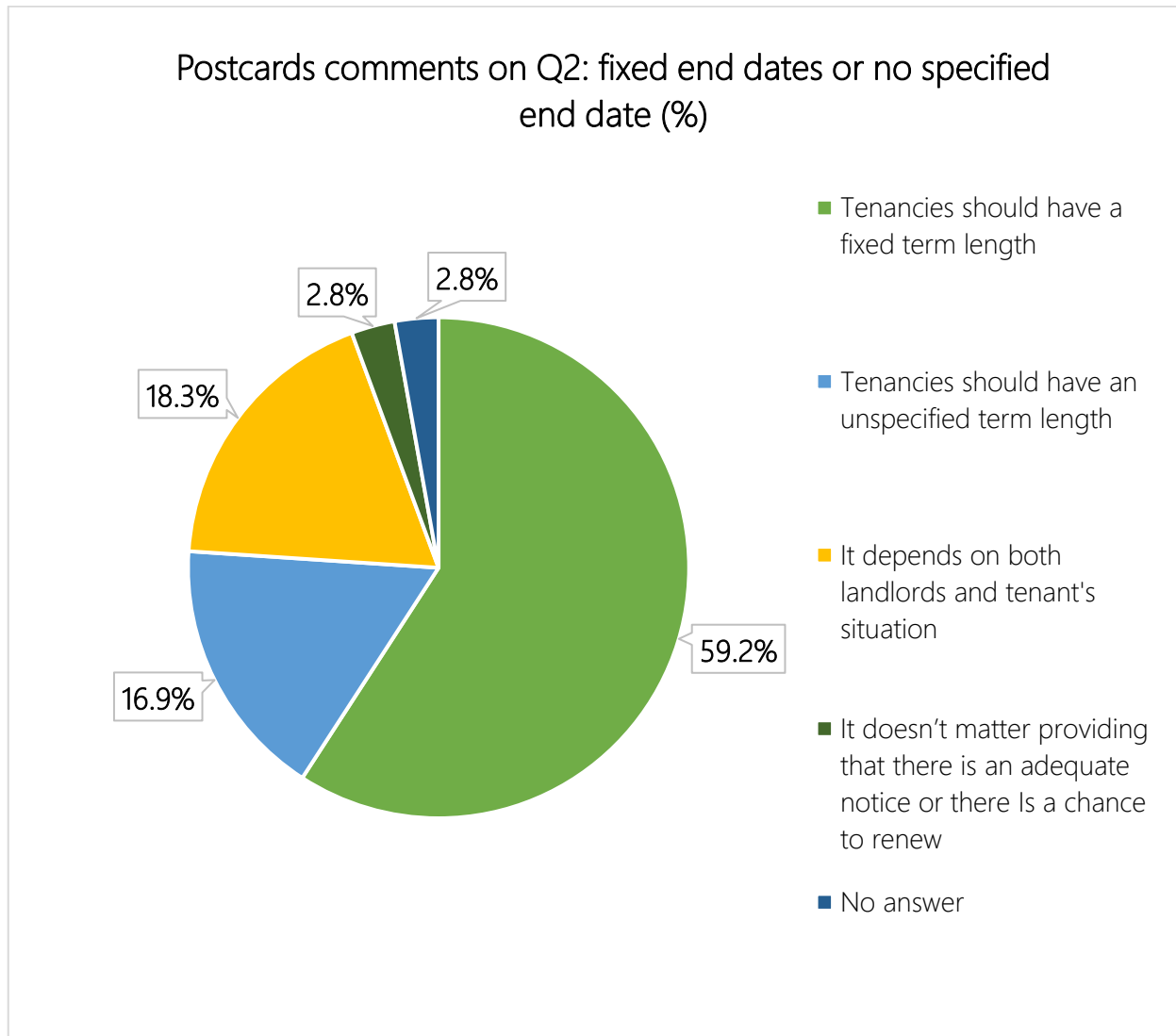


Figure 14 - Postcard comments on Q2 fixed end dates or no specified end date (%)

Question 3 - Do you think a landlord should be able to give notice to end a tenancy without giving a reason?

Postcards responses	Number of answers	Percentage of answers
The notice to end a tenancy should be given without a reason	31	43.7
The notice to end a tenancy should be given with a reason	32	45.1
Notice without a reason is fine providing it is sufficiently long	3	4.2
No answer/No valid answer	5	7
TOTAL	71	100

Table 9 - Postcard comments on Q3 provision of reason for notice when landlord wants to end the tenancy

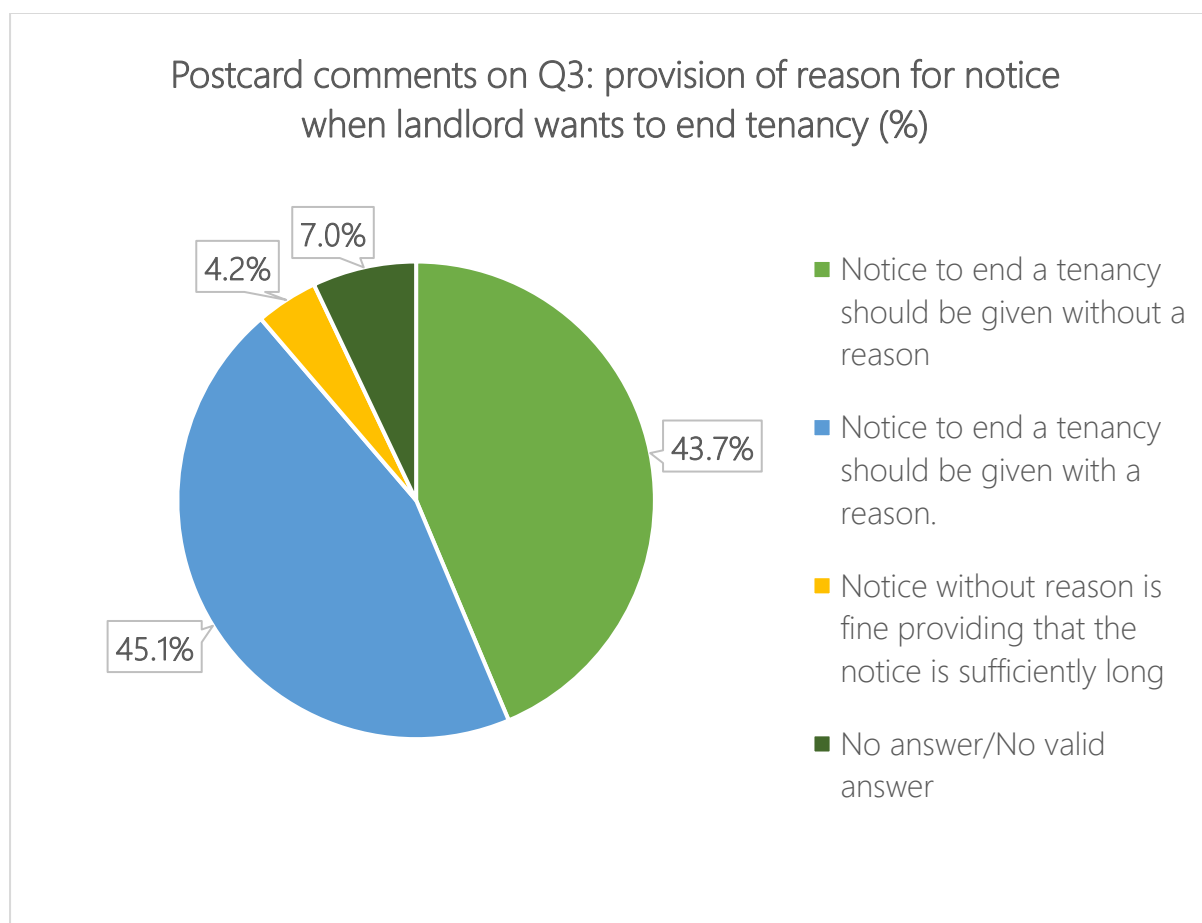


Figure 15 - Postcard comments on Q3 provision of reason for notice when landlord wants to end tenancy (%)

Question 4 - Is there anything else about renting properties in Jersey that you think should be addressed as a priority?

Postcard responses	Number of comments	Percentage of comments
Housing should be more affordable	11	14.7
There is no need for changes/The housing situation is good	8	10.7
More protection needed for tenants and landlords	7	9.3
Housing standards should be improved	7	9.3
Maintenance should be a priority	4	5.3
Codes/guidelines of practice should be introduced	3	4.0
Rents are too expensive	2	2.7
Deposit agreement lacks explanation in writing	2	2.7
Prevent concentration of property ownership	2	2.7
Tax empty properties	2	2.7
Build more homes	2	2.7
We should move away from private rental	1	1.3
Ban bad landlords	1	1.3
Remove housing qualifications	1	1.3

Unintended consequences if there is interference with the housing market	1	1.3
Landlords should be registered	1	1.3
Data protection	1	1.3
Tenants should undergo financial and reference checks	1	1.3
No additional stamp duties on buy-to-let properties	1	1.3
Introduce fair Housing Tribunal	1	1.3
Help for keyworkers in rent-to-buy scheme	1	1.3
OTHER		
Remove States Members conflict of interests when voting on housing issues	3	4.0
Limit political influence on housing	1	1.3
No answer/Not valid	11	14.70
TOTAL	75	100

Table 10 - Frequency ranking of answer categories to Question 4

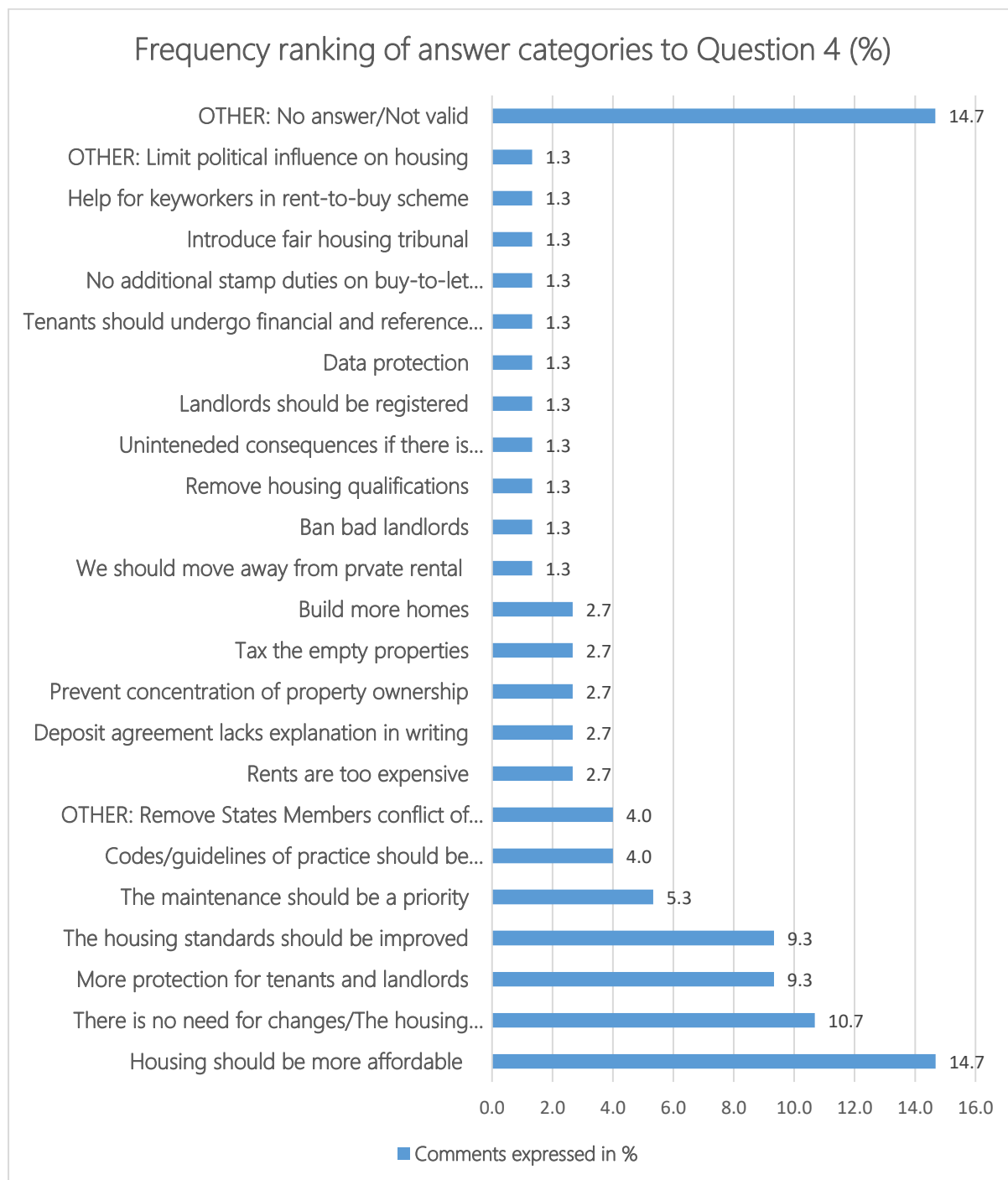


Figure 16 - Frequency ranking of answer categories to Question 4 (%)

Appendix E: Residential Tenancy Law Reform Proposals: In committee debate summary

A States Assembly in-committee debate took place on 2 and 3 of May 2023. The debate was intended to give States Members the opportunity to have their say on the proposals published by the Minister for Housing and Communities on 14 April 2023 in his paper entitled '[Improving Residential Tenancies in Jersey - Residential Tenancy Law Reform proposals](#)'.

The debate was supported by guidance to help States Members structure their contributions and ensure there was an opportunity to cover key residential tenancy issues addressed in the Minister's paper. The guidance proposed a maximum of four hours to be allocated to the debate, with the time available allocated equally to the following areas:

1. Tenancy types, notice periods and termination (1hr)
2. Rents and charges (1hr)
3. Minimum expectations for provision of social housing (1hr)
4. Powers of investigation, offences and penalties, and creation of a Housing Tribunal (1hr)

The Minister opened each of the four topic areas with a speech. The tables below provide a summarised version of States Member comments. The Minister's speeches and the full unabbreviated comments of States Members are available in the Hansard record of the debate²³.

Tenancy types, notice periods and termination
Members comments:
<p>Members expressed a range of views in relation to tenancy types, notice periods and termination, as follows:</p> <ul style="list-style-type: none"> • An open-ended tenancy would provide good security for tenants and landlords alike, provided the list of reasons why notice can be served is clear and evident. • What is considered reasonable noise should be set out in this tenancy law - a 'three strike rule' might be applied to a tenant creating a noise complaint - in these circumstances 3 months' notice might be appropriate.

²³ The full Hansard record of the in-committee debate can be accessed via the following links:

- 2 May 2023: [https://statesassembly.gov.je/assemblyhansard/2023/2023.05.02%20states%20-%20edited%20\(kl\).pdf](https://statesassembly.gov.je/assemblyhansard/2023/2023.05.02%20states%20-%20edited%20(kl).pdf)
- 3 May 2023: [https://statesassembly.gov.je/assemblyhansard/2023/2023.05.03%20states%20-%20edited%20\(rg\).pdf](https://statesassembly.gov.je/assemblyhansard/2023/2023.05.03%20states%20-%20edited%20(rg).pdf)

- If a tenant is significantly/obviously damaging a landlord's property, the tenant should be issued with notice to leave - in these circumstances 1 months' notice might be appropriate (although caution required to understand circumstances of mental health or whether homelessness a risk).
- Landlord should be responsible for reminding the tenant that their tenancy is coming to an end and should do so with 3 months' notice.
- In terms of adequate reasons for termination: wishing to sell property for downsizing for retirement, landlord re-occupying property, or family member wishing to move into property (e.g., after university) should all require 6 months' notice to tenant.
- Consideration should be given to a landlord taking responsibility for re-accommodating a tenant should they need to move out because a property is being renovated. Or, in these circumstances 6 months' notice could be required – or a flexible approach where a shorter notice period is given (3 months' notice) in return to tenant having their deposit returned in time for use in a new tenancy. Clarity is needed in these types of issues.
- Rental agreement should make the law between the parties, with parties being free to make their own contract – government should be slow to interfere here.
- Vast majority of economists concluded that rent control was a bad thing because: supply of rented property fell as landlords pulled out of the market or did not develop land for renting because not economically sensible; quality of housing deteriorated because there was no incentive to make improvements to property.
- Limiting rent increase by the RPI will encourage landlords to take what they can in case Government later restricts the increase.
- Better to deal with issue of supply of rental property so the market moderates rent levels.
- The trouble with open-ended tenancies is that there are bound to be exceptional circumstances of which no one has thought when the legislation is drawn up – landlord needs to be able to regain access to their property – ultimately property belongs to landlord.
- The Minister should consider making landlords give longer notice to quit if a tenant is in possession of the property for a long time - 6 months if a tenant in place for 5+ years or even one year if tenant in place for 10 years. Nothing to prevent parties from agreeing to either a longer or shorter period depending on circumstances. Notice could be longer for corporate entity landlords.

- Have not come across a case of 'revenge eviction' but accept that it is possible. Do not think they happen frequently but one is too many. Opened-ended tenancies, however, are not the answer to prevent them. Rather amend Articles 14 and 15 of the RTL to allow for stays of eviction as appropriate in cases of revenge eviction.
- Should have freedom of choice in Jersey so open-ended tenancies should not be default. Whilst we can have open-ended tenancies, we should also have periodic tenancies because parties will know what to expect at outset of agreement.
- Support introduction of open-ended tenancies but not the overarching policy direction itself because not enough detail in white paper. Need clear list of reasons available that a landlord can give to serve notice. This list of reasons needs to strike a balance between security of tenure for tenants and flexibility for landlords in serving notice.
- Not clear if periodic tenancies are being abolished. Also, there was a lack of a clear problem statement for bringing in these changes. Unclear how many 'revenge evictions' there are. Important not to produce "revenge legislation" but rather legislation that is proportionate to the problem.
- Social housing and the planning system are the areas that need to be addressed.
- Uncomfortable with proposal to force the landlord to provide alternative accommodation for gross misconduct while a matter goes to court (which it might not).
- Parameters for discriminatory treatment needs to be considered more.
- Welcome the idea of tenancy agreements, including content on the rights of the tenant and Housing Tribunal as means of recourse.
- Unclear on how many properties are non-self-contained and whether that just refers to lodging houses. More housing data is needed.
- Many reasons for someone wishing to legitimately (depending on values/principles) and somewhat illegitimately, find a way to end an open-ended tenancy. The idea that we are trying to protect tenants using an open-ended tenancy does not address the fact that we all want to ensure that a landlord does not have an easy route to an easier tenant or a higher price in their tenancy.
- White paper mentions three types of rent control, with Minister favouring Type 3 (controlling rent increases within tenancies). But Type 2 (rent controls between tenancies) should also be considered, which will prevent landlords finding a reason to end a tenancy so rent can be readjusted to market.

- Agree with removing 'no fault' eviction but confused by reference in paper of 'no reason' eviction – always a reason.
- Six months probationary period in open ended tenancies would be regressive for tenants' rights – temptation for higher level of scrutiny on a tenant during this period.
- Need greater controls on commercial landlords (e.g., with 5 to 100 properties) – their landlord ship has the most impact in rental market.
- Need to consider how to deal with rent increases for rents that are below market. Paper references Norway where rents can be re-set to market every 3 years and we should not forget this.
- Ideology of market fixing the problem is incorrect. Requires leadership from Government and from States Assembly through legislation.
- In order to consult everybody must be consulted - there are 22,000 renters in St Helier. What is a valid number of responses for a genuine view? How to compensate for levels of literacy? What if the answer received is not the preferred answer? Without a proper consultation there will be skewed answers.
- If landlords are renting to families, they may need to accept that there will be longer-term tenancies – which is acceptable given rent and asset value appreciation for landlords. However, as soon as that level of investment is not quite as good, landlords increase rents, which is an unsustainable model for housing on the Island.
- At what point do we say rent increases need to stop? Incomes are static.
- The Minister should bring legislation directly that can be scrutinised, rather than wasting time with an in-committee debate.
- We can control social housing. We should de-couple social rent from market rate. Funding model for our social housing provider needs to be looked at. There should be a moratorium on Andium's government return for 3-5 years, which can be ploughed back into building homes.
- Landlords or renting is mentioned 28 times across 28 different laws. We would support putting everything together in one package.

Rents and charges

Members comments:

Members expressed a range of views in relation to rents and charges, as follows:

- Post-war liberal maxim is “as much market as possible and as much state as necessary”. But we need to examine our appetite for the free market and for the state. Housing market in Jersey is broken and the free market is not solving fundamental problems but making them worse. Affordability problems now means rental accommodation (and not just home ownership) is beyond Islanders.
- In a recession, at times of severe inflation, when mortgage prices go up, there is a group in society who always wins – they have large property portfolios and large amounts of cash available and can buy up property when house prices fall. Renters who can afford their rents get social security to help them, with government effectively subsidising landlords. Ideology of not interfering with the housing market is not credible when other interventions in the wider market are accepted. For example, regulation of taxi fares and milk imports in Jersey to protect customers and Jersey milk industry respectively? We should be able to protect tenants through rent controls.
- During WWII occupation of Jersey, even the Nazis regulated access to butter so that all Islanders had some butter. This can be used as an analogy for the housing market, and we need to investigate whether it is acceptable for a landlord to own 100 properties with such limited supply.
- We need to look at the housing qualification system in operation in Jersey, where the 10-year residency rule has created an underclass of unqualified people. Why should rent increases be linked to inflation? Why should rents be fixed to a guaranteed income for landlords? We put obstacles in the way of people, to the benefit of the few, which means there is not actually a free market in operation in Jersey. We need what appear to be radical policies as to how many properties you can own and what you can charge for those properties.
- Housing Minister’s speech [on rents and charges] is absurd because his party whip did not whip the party to vote in favour of yesterday’s proposition and avoid wasting our time with this discussion today. Cost of rents is nothing new, with this discussion ongoing since 1970s.
- Deputy Tadier’s speech seemed, in part, to be against mass property ownership. I should point out that a proposition has not been brought against this [mass property ownership]. I would like to invite Deputy Tadier to join me in exploring how my Parish can produce an assisted housing scheme in this term, which could produce real results.

- I support much of the Minister's speech, which he would have made yesterday had the Assembly not been distracted by a proposition that was saying the same thing as the Minister's paper being discussed today.
- The Assembly has accepted that there should be some sort of intervention in the rental market, but the discussion has focussed on the nature of the intervention i.e., some form of blanket provision, with negative unintended consequences. During debate on the various problems for parishioners I had contemplated the need for a rent freeze, but that could lead to some landlords exiting the market and exacerbating the problem.
- I could be a landlord but am not a landlord because when I have looked at the data, I am not convinced it is the most reliable way of making money. Unless you have a managing agent as a landlord, which is a cost that eats into your return, you have a lot of management responsibilities. Landlords have maintenance costs to consider, which have increased. Global economic issues have caused local construction firms to fold.
- I maintain that tenants need to be protected against an abuse of power. But we cannot have "revenge legislation" [against landlords in general in response to some tenants who are unfortunate to suffer some sort of abuse of power or greed.
- There is a proposal on page 17 of the paper for rental increases not to exceed R.P.I. or other measures, with disregards for things such as refurbishment. I agree with others about the danger of being too rigid on the issue of R.P.I. increases. There are landlords not applying R.P.I. at all and are very conscious that their tenants are getting wages that are not keeping up with that.
- The Island's economy has been shrinking in real terms. Many people cannot afford to pay these wages and we are looking at our own economic crisis. I want to thank the landlords who have been responsive to that but point out that landlords have expenses they sometimes cannot anticipate.
- Page 29 of the report made the statement: "Tenants are not expected to replace items that have deteriorated due to reasonable wear and tear." But where should the burden of cost fall? This issue should be treated separately to maintenance and needs more thought.
- There is a section in the white paper on restricting charges on the creation of tenancies. Why would there be a charge to any tenant on the creation of a tenancy? I think any standard activity on creation of tenancy should not generate a charge for a tenant.
- The white paper proposes no changes to deposit management. Currently tenants pay for My Deposits management, I think £29. This penalises a tenant who moves

more than another tenant. That charge should probably sit with the landlord, perhaps incorporated in the rent. The idea we are making a tenant pay for how their money is secured is unusual.

- We should not need guarantors for tenants, just better standard contracts and the one provided on the government website is not sufficient, so a better one is needed.
- Discussion yesterday on social housing not coming with fitted carpets is a hidden charge for tenants, which needs to be addressed in the paper.
- We need a progressive taxation on ownership of property because it is a constrained market and you do not treat it as any person's right to own as much as they like of anything. This may not be in scope of the white paper but an issue that does need looked at.
- Deputy Tadier indicated Social Security pays whatever landlords demanded. I want to remind Members that all private sector rents are capped for income support purposes and about half of private sector income support tenants will get their full rent covered. The other half will need to meet the balance of the rent costs themselves.
- Jersey has more people than houses, so supply is an essential item in this debate. I do not believe Deputy Tadier's assertion to be the case; that there are people in Jersey with £100M in the bank buying up hundreds of properties. There is no single type of landlord, including those who own one property which is part of their pension plan. There are many good landlords in Jersey who do not exist to exploit their tenants. There are tenants in Jersey who can afford to pay [high] rents, although they are more limited in number but are likely to have a more equal relationship with their landlord.
- Need to be careful on rent controls as it is what they are trying in Scotland, but it is not having the desired effect. London and Manchester have found rent control does more harm than good. What we need to do is to look at the nature of property and tackle sub-standard accommodation - not a new problem. It is understood that the qualification system exists to protect Islanders from rich people moving to Jersey from all over the world and preventing Islanders getting on the property ladder. But we also cannot have immigrants, including seasonal workers, living in sub-standard accommodation, and paying high prices for it. This is what Deputy Renouf's plans are trying to address and once it has been addressed, we should return to rents.
- There are a group of people living in our Island paying below market rate but accepting substandard accommodation. I have a family member who was in this situation, who had lived in a property for 25 years and moved out last year. The rent trebled after they moved out. I want the Minister to be aware of that as we

move forward when we look at how we start introducing these things and to avoid the unintended consequences, and how it interlinks with the work that the Minister for the Environment is progressing on private rented dwellings. I encourage the two Ministers to work together very closely on this.

- There are a few very bad landlords. There are a few very bad tenants. But they are a small percentage of both, and I think we need to have more focus on searching out the bad landlords and bringing them to task. Landlords must have enough powers to justify the rent for the bad tenants and do something about them if they misbehave and trash their premises.
- The housing market is not fixed but fluid. No matter what you do to tinker with the market, it will find its own way. So, if you fix rates for the landlord, they will find their way around it. We must be very careful with the amount of legislation we put across.
- If changes imposed quickly (with deadlines) in legislation, then landlords who have not been charging the going rate for premises for the past three years are going to have to catch up. You could suggest by a scale of charges what you might charge for one bedroom, two bedroom etc. But the other problem is that no 2-bed premises are the same. There are no houses the same, and all the conditions are different. What you must do for tenants is make sure the quality is a reasonable standard and no health hazards to do with damp, or nuisance problems. I abstained from the vote yesterday because we needed to hear comments from others [in the Assembly] and through the public consultation before we make decisions on legislation.
- Too much legislation will drive landlords away because interest on stock will be less than interest at the bank or private lenders. Too much legislation is going to lead to less landlords, which we need. I think less legislation is better, with emphasis to protect the tenants with everything that we already have. Allow landlords to balance their return with the amount of money that they expend.
- Do not think tenants should be charged for My deposits, as a scheme as it benefits both parties. I think we should adapt off-the-shelf UK-based scheme which accrues a lot of interest and keeps money in Jersey and used for investment purposes. Could be run in-house by Minister or at arm's length, possibly tied to eventual Housing Tribunal.
- Housing Tribunal voted for yesterday may come back for vote again and it might not be sort of tribunal we want.
- We have heard problems about the length of time it can take to access deposits back from My Deposits, which is unsatisfactory.

- It is ridiculous that social housing is renting accommodation unfurnished, as it affects most vulnerable in our society who do not have enough money for the basics.
- Need to move beyond good and bad landlords and tenants. Even if all tenants and landlords were perfect the problem is systemic in terms of availability, affordability and with quality control.
- There is much good in the [existing] Residential Tenancy Law, but the problem is the resolution mechanism – having to go to housing division of Petty Debts Court to raise an issue. A lot of issues do not get to court because of the bureaucracy is off-putting. [From personal experience] court is reluctant to use its powers as it is precedent setting. Courts do not like to intervene against provisions in contracts between two parties as a matter for the parties to resolve. So, it is important that we make fundamental protections an automatic part of a tenancy agreement.
- Need to ensure all parties know about their rights so I think the education programme around that is important.
- I would like to see information provided for rental properties (and properties in general) in Jersey that is provided as standard in Europe e.g., square meterage of property or energy efficiency for comparison to other advertised rentals.
- I want to challenge the mantra of landlords selling up if there is too much intervention in the market. So, what if the landlords sell up? The houses remain – someone will just buy the house to live in or another landlord will buy it and rent it out. If landlords leave rental properties empty, then empty property taxes can be looked at.
- As part of the consultation, the Minister for Housing could look at repairing rents (leases) because I do think for some people those are quite hard because they are having to pay their rent and they are also having to pay for all the maintenance and repair of the roof and the downpipes.
- Many countries and jurisdictions have already introduced first, second and third generation rent controls. It has had different impacts in different jurisdictions and some members of Scottish Parliament I have met have expressed concern on how they introduced rent control. We need to examine many different examples, not just UK, to understand what is right for Jersey. I suggest third generation rent control is probably the softest of the rent controls that there is, so I am fully supportive of starting there. Maybe Jersey could come up with a fourth-generation version.
- In other jurisdictions who have introduced rent controls you do not see landlords moving out of the market. We need to be as ambitious as possible but also ensuring that it is fair for all and has appropriate monitoring and enforcement.

- If landlords sell because of these measures, there will be plenty of properties to buy. But who is going to buy them? I do not think it will stop the exodus of locals who cannot afford to buy because of bank lending criteria. Maybe other people can afford to buy the properties, but there is no guarantee they will rent properties as law makes it unattractive to do so.
- With respect to concerns raised about repairing leases, they are rare, but I agree that it would be helpful to educate tenants on these matters.
- Jersey is a very different jurisdiction to European jurisdictions on rent controls and in its planning regime.

Minimum expectations for provision for social housing

Members comments:

Members expressed a range of views in relation to minimum expectations for social housing as follows:

- Although not strictly relevant to the scope of white paper, it is worth reminding the Minister that people living in social housing should have adequate outside space and space for cars – as a particular consideration for St. Helier - and this should be addressed in legislation.
- Be careful that in delivering more social housing that you do not create ghettos, causing social problems in the long term. Minister needs to consider consequences of social housing development.
- I am concerned at the focus on providing small apartments for social housing. We also need to take care in the quality, and I am concerned at lack of choice of social housing provider people have. With that in mind, I am very surprised to learn the Minister is not proposing to regulate social housing providers. They are being given essentially a free real estate service whereby they have tenants on an ongoing basis provided through government gratis. Government is subsidising both the rents and the providers.
- There are also special provisions and letters of security around loans that social housing providers take out. Taking all these things into consideration should mean social housing providers are regulated.
- We need to look at how much of the social housing provision is within the public ownership.

- I would urge the Minister to look at how the current regulation of lodging houses could be updated and reviewed. I have noticed that dwellings that should be registered as lodging houses may not be. So, I would urge the Minister to bring forward proposals for how we can ensure lodging houses are adequately regulated or I will do so myself.
- When looking at housing associations, I would also like the Minister to consider sheltered housing because many of the parishes do provide sheltered housing, with a view to allowing people in sheltered housing to stay in their communities – on a points-based system as operated in parish of St. John.

Powers of investigation, offences and penalties, and creation of a Housing Tribunal

Members comments:

Members expressed a range of views in relation to powers of investigation, offences and penalties, and the creation of a Housing Tribunal, as follows:

- Housing Tribunal is a good way forward and should be capable of considering evictions - taking pressure off courts and reducing risk of 'revenge evictions'.
- Employment and Discrimination tribunal would be a great model for Housing Tribunal.
- Housing Tribunal should be composed of 3 independents, 3 landlord representatives and 3 tenants' representatives, with Chair coming from independent group.
- Mediation services should be offered early in the process to reduce chances of lengthy tribunal process.
- Tribunal members will need to be remunerated proportionate to amount of effort they put in - again Employment and Discrimination tribunal a good model.
- Important tribunal members are remunerated as they will be held accountable for the decisions they make.
- Important that independent members should not be landlords or landowners.
- If the panel five-strong, then a landlord should be on a panel but also a charity sector representative, representing tenants. These types of requirements may limit certain people being able to be on tribunal but important to be fair and balanced across all areas.

- On offences and penalties, it is better to focus more on landlord and tenant agreements – create a mandatory landlord/tenant agreement which everyone must complete or risk penalty and enshrine agreements in law.
- We need to look at other jurisdictions, not just UK such as USA and Belgium.
- Recalling UK legislation of 40 years ago, tribunal legislation applied only to properties with a certain rateable value figure, with presumption that if a tenant is on higher rent, they could afford to take care of themselves.
- Civil penalties are less draconian and therefore more effective than criminal penalties.
- Cautious about tribunal members being drawn from landlords or tenants, which negates independence of tribunal. Want independent personnel on tribunal such as surveyors.
- Minister for Housing should ensure members of Housing Tribunal are impartial, governed by code of conduct. Impartial people applying rules correctly.
- Tenants and landlords should not be on the tribunal – must be remembered lots of people out there who have vested interests.
- Need to understand whether tribunal is in whole/partially replacing jurisdiction of Petty Debts Court Housing Division.
- Some good articles already exist under the Residential Tenancy Law and Government departments such as Environmental Health and the Strategic Housing Unit should retain regulatory powers. Need to guard against replacing one bureaucracy with another - things that do not currently go to a Housing Tribunal should continue not to need to go to a Housing Tribunal.
- Most tribunals benefit from having qualified legal personnel serving on it. Chairperson should be legally qualified or at least having a good understanding of law. Important that a Housing Tribunal is comprised of people who understand the relevant issues. Therefore, it is not problematic to have someone who is a tenant or who is a landlord.
- Housing Tribunal needs 'teeth' based around clear guidelines.
- Tribunal needs to be very supportive of people who bring an issue and needs to be adequately resourced to do this. Environmental Health needs more resources to enforce the Law.

- If the tribunal has larger remit, it will need members with appropriate skills/experience, which will require remuneration – tribunal may be more expensive than expected.
- Housing Tribunal needs to be mindful of people living with disabilities who face discrimination whilst searching for rental accommodation and once in accommodation.
- Petty Debts Court should retain responsibility for evictions. It is qualified to make these sorts of judgements and has depth of experience in using mediation.
- Housing Tribunal is a good weapon in armoury to have against small minority of bad landlords and bad tenants.
- Independents on tribunal should outnumber landlords and tenants – mitigate against tensions/divides in decision-making.

At the conclusion of In-Committee debate the Minister for Housing and Communities commented that people watching the debate from outside the Assembly would have become better informed on the issues. The Minister thanked States Members for their time and the comments they had made. The Minister identified the following key points he had taken from the debate:

- 1) Importance of transparency.
 - 2) There were fears about open-ended tenancies. It may be that a bespoke Jersey solution was needed.
 - 3) Need to take care not to “throw away the baby with the bathwater”.
 - 4) There was a need for a well-resourced Housing Tribunal “with teeth”.
 - 5) Need to be careful about how much “red tape” is introduced into what is a fluid housing market.
 - 6) Tenants need clarity on charges expected of them at outset of tenancy.
 - 7) Remuneration of Housing Tribunal members is an important consideration.
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