

# STATES OF JERSEY



## INVESTIGATION INTO THE ESTABLISHMENT OF A DIGITAL REGISTER OF LANDLORDS AND TENANTS

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Lodged au Greffe on 16th June 2020  
by the Deputy of St. Peter

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to request the Council of Ministers to investigate the provisions and administration of the Control of Housing and Work (Jersey) Law 2012 (in particular Articles 9 and 16) and of the Lodging Homes (Registration) (Jersey) Law 1962 in order to determine the feasibility of using this legislation to establish a digital register of landlords and tenants, with the register to cover landlords and tenants of accommodation in the following categories –
- Qualified accommodation;
  - Registered accommodation;
  - Lodging houses;
  - Lodgings in private dwellings; and
- (b) to report back to the States Assembly by 1st September 2020 with the findings of this investigation, identifying (where appropriate) prospective changes that could be made to the legislation and that would increase the feasibility of using the Laws for the purpose of establishing such a register.

DEPUTY OF ST. PETER

## REPORT

There is unquestionably a need to determine the number of rental properties in the Island and the number of occupants in each property. My understanding is that there are approximately 15,000 tenants currently in Jersey (including those with Andium Homes). Furthermore, as a society, we need to ensure that the rental properties are safe and not damaging to the physical and mental health of the tenants.

I do, however, believe that the way forward is not to introduce a licensing regime as proposed under [Draft Health and Safety \(Rented Dwellings\)\(Licensing\) \(Jersey\) Regulations 201- \(P.106/2019\)](#) but to use a register as already established in existing legislation. For this reason in part (a) of my Proposition I am seeking an investigation into the feasibility of using the [Control of Housing and Work \(Jersey\) Law 2012](#) (in particular Articles 9 and 16) and the [Lodging Homes \(Registration\) \(Jersey\) Law 1962](#) as the basis to establish a digital register of landlords and tenants. Part (b) provides a timeline for reporting the findings to the States Assembly.

My reference back was based on the potential inflationary result in rental prices. This is something that, given the already high rents in the Island, is something I would like to avoid. The Assembly accepted this argument; however, I have heard nothing in response to alleviate this fear. Indeed, all I have heard is the licensing fee will be reduced and delayed. This completely misses the point, as the fee is not the concern of the landlords. I urge members to check Hansard

One of the concerns in relation to a licensing regime is the potential increased financial burden on landlords in order to comply with licence conditions. This, in all likelihood, will result in increased rent as the landlord might pass on some of the burden to the tenant.

There is also a possibility that landlords might decide that the licensing regime is no longer financially viable, or is too onerous, and decide to remove their properties from the rental market. Landlords are businessmen – they have choices. Why have an investment returning 2.5% – 4.5% gross return with increasing costs, risk and bureaucracy when any good wealth manager will give you 6% annualised?

Some properties may be purchased by new investors entering the market who are likely to review tenancy agreements potentially to the detriment of the tenant. Other properties may be removed altogether from the rental market resulting in shrinkage in the rental market which would undoubtedly have serious ramifications.

I believe that knowing the address, landlord and tenant of every rental property is a positive move. I also believe that ensure a discrete and anonymous ‘help line’ is a far more proportionate measure to ensure the Environment Department are made aware of substandard accommodation. In the first instant, this must be considered.

There is also a major difference between a licence and a register, and I believe if adopted, will gain the support of landlords and alleviate the fear above. It will also support private landlords to continue to offer a great service to 10,000 families in Jersey.

### **Financial and Manpower Implications**

The investigation and report will require a certain amount of officer time which can be undertaken with existing resources.