

23.11.07

9 Deputy R.J. Ward of the Minister for Housing and Communities regarding support for private tenants in damaged homes (OQ.219/2023)

Will the Minister advise what financial and other support is available, if any, to private tenants should their homes be damaged and become uninhabitable or partially inhabitable?

Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):

I thank the Deputy for his question. The Residential Tenancy (Jersey) Law has provision in place to cover the sort of scenario, in the event of a residential unit becoming uninhabitable then the tenant is not required to pay rent or another amount payable under the agreement at any time when the unit is uninhabitable. Members will perhaps know already that the Council of Ministers paid for temporary hotel accommodation for displaced residents affected by the recent storm. Any further financial support will be on a case-by-case basis. As always, the Housing Advice Service is ready to support tenants with their housing needs. Indeed, they have been working hard with other teams across government to support the displaced residents at this time. I would just like to show my bit of appreciation to both the Connétable of St. Clement and Deputy Barbara Ward who have been actively assisting their particularly hard-struck residents.

2.9.1 Deputy R.J. Ward:

I just wanted some reassurance for private tenants ... there are a number of tenants who have been affected by this, particularly in the private sector, who effectively will not have extra money to deal with these situations. Can I ask the Minister, what will you be doing to ensure that the tenancy agreements and those issues of loss of rent because it is uninhabitable are adhered to and there will not simply be any evictions, for example, because it is more convenient to do that? That is a worst-case scenario, but if we plan for the worse then we know how to deal with the best. What is in place that the Minister has put there to ensure safety of these tenants and that they can be supported in that way.

Deputy D. Warr:

I thank the Deputy for his further question. What we are currently doing is we are, as I said already, dealing on a case-by-case basis and we are asking tenants - that includes landlords as well and private owners as well - to contact the Housing Advice Service. I come back to the point of this is a case-by-case basis because there is nothing set in law, apart from the one thing I have mentioned in the residential tenancy agreement. It is actually about treating people as human beings, which I am a great advocate of. I think in answer to the question, the support through our Housing Advice Service done on a case-by-case basis. Our intention is to make sure that we have as much protection in place as possible. We are aware that there is inconsistency in the support being given, in terms of where the trusts sit against Andium Homes, but, as I say, we are learning from this experience. The other thing I would also add is that as we have the Residential Tenancy Law out for discussion coming up next year, we will be using what we are experiencing at this moment in time to help inform how our new Residential Tenancy (Jersey) Law looks like in 2024.

2.9.2 The Connétable of St. Brelade:

I was made aware of some St. Clement residents in an Andium property who have been forced to squeeze in with parents during this difficult time. Could he outline to Members what the approach from Andium is, as the States central housing provider, what their approach is to those displaced tenants?

Deputy D. Warr:

I thank the Constable for his question. Andium Homes endeavour to rehouse. At this moment in time, I know they are struggling with the amount of additional accommodation available to rehouse individuals. Therefore, they are using hotel accommodation as a plan B. Where they can house people appropriately, they will. That is an ongoing process for them to be dealing with. But I am very reassured that Andium take huge care in how their tenants are dealt with.

2.9.3 The Connétable of St. Brelade:

Does the Minister have a timeline on the reconstruction of the St. Clement properties yet?

Deputy D. Warr:

No, I do not at the moment.

2.9.4 Deputy S.Y. Mézec:

The Minister referred to the part of the Residential Tenancy (Jersey) Law, which allows tenants to withhold rent if their property becomes uninhabitable. The storm occurred on the 2nd day of the month, the day after most tenants will have already paid their rent for the month. Are they entitled to a refund?

Deputy D. Warr:

I thank the Deputy for his question and I will go back and ask that question. I do not know personally myself, so I will happily come back to you with an answer later on.

2.9.5 Deputy S.Y. Mézec:

In the absence of that knowledge then, will the Minister confirm that every private tenant who finds themselves in a situation where they are financially destitute because they are living pay check to pay check because of the extortionate cost of rent in the Island, that he and his Government colleagues will step in to make the financial arrangements available to those people so that they are not made destitute until their homes become habitable again?

Deputy D. Warr:

I thank the Deputy for his question. Absolutely, we are adamant that no one would be made homeless in this process. So that is an absolute objective of my Government. As I said before, this is done on a case-by-case basis. One thing that we just have to be very aware of is that there are rules around insurance. Individuals do need to make sure that they are properly insured. I just need to remind people of that because I think there is a sense that Government is the backstop in all of this. So I just want to point that out. But in terms of actually assisting people who are in very desperate situations, it is absolutely the intention of this Government to support them.

2.9.6 Deputy R.J. Ward:

I am just pleased to hear the Minister say that he is an advocate of treating people like human beings. Slightly Partridge-esque there. Can I ask the Minister whether he believes that because this case by case, this should actually be part of the law? This level of protection should be built into a law and, if so, will he be bringing that forward and supporting that if it does come forward?

Deputy D. Warr:

I thank the Deputy for his question. The problem with laws is they have to be standardised and they cannot be for every single case. What we have to recognise is we build the best possible laws out and then when circumstances change, and we are faced with situations like the storm, we react accordingly and, as I said, treat people as individuals rather than under a law where it is a generic response.

2.9.7 Deputy R.J. Ward:

So is that a no, can I just check, to my question, which was quite clear I thought? I think chair of P.P.C. would like an answer to that question.

Deputy D. Warr:

I made the point is that laws are very standard responses and have to be by nature, so I think that is just the law. That is how laws work, as far as I understand. So I am not quite sure what you want me to say. Do we adjust laws to ... sorry, if you could clarify your question, Deputy Ward.

Deputy R.J. Ward:

Absolutely. Does the Minister believe that a protection for people if their home becomes uninhabitable in these circumstance should be in law: yes or no?

Deputy D. Warr:

I think what we will do is we will put ... sorry, I think we will put that in consideration of the new Residential Tenancy Law. I think that is probably the best response I can give.

Deputy R.J. Ward:

Is that a no, then?

The Deputy Bailiff:

I think you have had a reply from the Minister.