

**Residential rented accommodation – legislative framework**

The following table sets out the legislation that regulates the letting and management of residential rented accommodation in Jersey:

<b>Legislation</b>	<b>Description</b>
Control of Housing and Work (Jersey) Law 2012	Establishes residential and employment statuses for people in Jersey, and the categories of accommodation (qualified or registered) that can be occupied by individuals depending on their status.
Dwelling Houses (Rent Control) (Jersey) Law 1946	Provides a means for private sector tenants to appeal to the rent control tribunal to have their rent reviewed where they consider the amount payable to be excessive. The tribunal may reduce the rent if it determines the amount is unreasonable compared to the open market.
Dwelling Houses (Rent Control) (Standard Tenancy Agreement) (Jersey) Regulations 1993	Provides a standard tenancy agreement to use when letting a property. Includes provision for rents to increase annually by no more than RPI.
Loi (1919) sur la Location de Biens-Fonds	Applies to leases that commenced before May 2013 prior to the introduction of the Residential Tenancy Law.  The law establishes notice periods for leases based upon the rental value, size and type of property.
Loi (1946) concernant l'expulsion des locataires réfractaires	Applies to leases that commenced before May 2013 prior to the introduction of the Residential Tenancy Law.  The law prescribes the jurisdiction of the Court in relation to the cancellation of a lease and eviction of tenants.
Lodging Houses (Registration) (Jersey) Law 1962	Establishes the registration criteria and application process for lodging houses. It is anticipated the law will be repealed if the licensing requirements of the Public Health and Safety (Rented Dwellings) Law are introduced.
Public Health and Safety (Rented Dwellings) (Jersey) Law 201-	The law will introduce minimum health and safety standards in respect of rented dwellings, and provide an enforcement mechanism where such dwellings fail to reach the required standards.  The law will also enable through regulation the introduction of a licensing scheme for rented dwellings.

	Currently, the Statutory Nuisances (Jersey) Law 1999 allows officers to ensure rented accommodation is <i>wind and water tight</i> and the Loi (1934) sur la Santé Publique has provision for closing houses under certain very serious circumstances.
Residential Tenancy (Jersey) Law 2011	<p>A framework of rights and responsibilities for landlords and tenants. Establishes a legal requirement for parties to enter into a tenancy agreement when letting residential premises, and provides for the contents of such agreements.</p> <p>Provides statutory notice periods for periodic tenancies, and the procedures that apply where a landlord wishes to seek the eviction of a tenant. Law also establishes the jurisdiction of the Court to rule in tenancy-related matters.</p>
Residential Tenancy (Condition Reports) (Jersey) Order 2014	Requires a landlord and tenant, at the beginning and end of a tenancy, to inspect and complete a report in respect of the repair and maintenance of a property.
(Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014	<p>Legislation to bring into effect a tenancy deposit scheme for the protection of tenants' deposit money.</p> <p>Establishes the requirement for a landlord to pay a tenant's deposit into the scheme when one is in force, as well as the processes and procedures for paying in, holding and paying out a deposit, including where a deposit is in dispute.</p>
Residential Tenancy (Supply of Services) (Jersey) Order 2013	Controls the re-sale of services supplied to rented premises (electricity, gas, water, etc.), and provides that tenant must not be charged more than the sale price for services where a landlord recharges a tenant for the supply.
Fire Precautions (Jersey) Law 1997	Makes provision for the protection of persons from fire risks, including provision to designate the classes of premises that must hold a fire certificate. The Fire Precautions (Designated Premises) (Jersey) Regulations 2012 designate the classes of premises required to hold a fire certificate under the law.

It is important to draw a distinction between these pieces of legislation and the proposed statutory framework for social housing. Social housing providers are subject to the legal requirements governing the rented sector. They must, for example, comply with the Residential Tenancy (Jersey) Law 2011 and establish tenancies in accordance with the provisions of that law. Moreover, they will be subject to the Public Health and Safety (Rented Dwellings) (Jersey) Law 201- when it comes into force. However, it is not anticipated that there will be duplication between the above laws and social housing regulation.

Foremost, social housing regulation is an overarching framework to oversee the performance of social housing providers. In this respect, regulation goes beyond housing standards – it also includes matters such as communication and engagement with tenants, support for vulnerable persons and making sure that social housing providers contribute towards enhancing the local community. Regulation also takes into account financial management and governance arrangements to ensure a sustainable and viable social housing sector.

Where social housing regulation does touch upon matters such as tenancy management and standards of social housing, it will not replace the existing legal requirements. Instead, these legal requirements

are focused on how social housing providers conduct their everyday business activities, whereas social housing regulation focuses on the strategic and cross-sectorial aspects of social housing performance.

A performance standard set under social housing regulation may, for example, state that social housing providers must “*provide good standard homes*” or “*offer tenants appropriate security of tenure*”.

In order to achieve the standards, social housing providers will need to demonstrate they comply with their legal obligations under relevant laws. In relation to the maintenance of homes, an indicator may be how many dwellings meet the Decent Homes Standard under the Public Health and Safety (Rented Dwellings) (Jersey) Law, along with other issues such as the time taken to respond to tenants’ requests for repairs. Likewise, in respect of security of tenure, a performance standard may relate to how many evictions were carried out each year in accordance with the Residential Tenancy (Jersey) Law 2011.

As such, the above legislation is intended to regulate the business activities of social housing providers in individual cases, whereas the proposals for social housing regulation will provide a broader system for monitoring, assessing and reporting on the performance of the sector as a whole.

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