

## **Submission – Deputy A Howell – P.40/2023 Review - 24 July 2023**

Good morning.

Since the debate I have received messages from several Landlords concerned about this proposed legislation. I hope you don't mind, but I have suggested that they contact your panel.

I have been thinking more about the issue, and wonder if your Panel may be able to clarify how the 6 Officers, currently undertaking work in this area, operate?

If Tenants approach the department for help, highlighting deficiencies in their rented homes, I wonder what the procedure is?

Do they investigate?

If the problem is confirmed, do they contact and engage with the Landlord and ask him/ her to put things right?

Can they insist that the Landlord puts things right?

If no action is taken by the Landlord, what is the procedure?

Is there currently a way that, having pursued all avenues, the tenant can withdraw from paying their rent until such time as the problem is fixed, without being asked to leave the property?

To an outsider, it would seem that Officers may be in dereliction of their duty if:

1) They are not investigating problems reported to them

(I believe they already have a power to search and investigate under the 2018 Law?)

2) If they confirm that there is a problem, and do not have a conversation with any Landlord, to ensure that problems are rectified.

3) If Tenants have reported some 115? concerns (I think this figure was mentioned by the Minister) and Officers know the addresses of the properties, why has the Department not acted?

My concerns:

1. To whom will Landlords appeal if they are concerned about any part of the Licensing Inspection process? -- It would seem that the Minister is both the Regulator and also the person to whom a Landlord can Appeal.
2. What will the process of Appeal be? Currently there is no Rent Tribunal. Yesterday, the Minister also suggested appealing to the Complaints committee- how long would this take and how would it work? How much does a Judicial review cost?(I believe the cost to be prohibitive for most people, so this method would, effectively, be ruled out,)
3. Regarding Inspections, how can the 4-stage approach be guaranteed?
4. If a Licence is withdrawn, who is responsible for the re-housing of an individual/ family? What if suitable alternative accommodation cannot be found? Is there a possibility that this legislation will render more Islanders homeless?
5. What happens if a Landlord is not able to undertake the suggested improvements to his/ her property?

6. Will just 6 Officers be enough to deal with this?
7. How can it be ensured that there is no additional 'creep' and burden on Landlords?
8. How can it be ensured that Landlords don't just sell up and reduce the number of rental properties on the market?

A few further thoughts:

1. What happens about Staff accommodation? Is this subject to this law? - Will it depend on whether rent is paid? What happens if accommodation forms part of the remuneration package?
2. The report mentions that 2 people can live 'under your roof' and then will not be subject to this law. If a family live within a main house i.e. 2 adults with children, does this licensing law then apply?
3. What happens if an individual fails to apply for a licence?

Will there be an opportunity to apply for one ? How will prosecution occur? What will the process be?