

# Peter Lucas tweet via Binky

27 November 2023

10:44

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**Binky** ✓

@TheOnlyGuru

...

Landlord Licensing Scheme

#jerseyci✗

I've had sight of a really good, albeit in-depth letter sent to the Minister regarding P.40 which will be debated next week.

Well worth reading @StephanieCons11 @ChooseRowland @sandragene @mpw\_ @StatesAssembly

Dear Deputy @JonathanRenouf

I would like to clarify my position on the licensing scheme ("LS"). Although I am pleased to hear that it will not be inspection-led, that does not mean that I am for it. Indeed, I think that it will achieve very little in terms of protecting tenants.

I totally agree that Environmental Health ("EH") inspecting everything would be a poor use of taxpayers' money. However, if EH is not going to pro-actively inspect properties, the onus will remain on tenants to 'out' bad landlords and substandard accommodation. The question is, will the introduction of the LS make tenants more likely to complain? I do not think that will be the case.

I believe that the two main motivations for the LS are (a) difficulty in prosecuting bad landlords under the current system and (b) a belief that the only thing holding back tenants is fear of revenge eviction and that the cover of 'random' inspections will be enough to embolden them to come forward.

On the first point, I feel that imposing potentially life-changing verdicts should be the job of the courts rather than bureaucrats. And if it is too difficult to prosecute offenders then I suggest that you change the law to

lower the bar.

On the second point, it was my belief that this issue is more complex than generally thought, and I now have evidence to that effect. I had a lengthy conversation with the acting Children's Commissioner who shared with me a list of reasons given by tenants for not complaining from actual case studies (in no particular order):

Fear of revenge eviction

Lack of choice

Moving fatigue

Can't afford better

Don't know rights

Language problems

The slow, clunky and impersonal nature of the EH complaints procedure

Remember this is not a list of her views or theories, these reasons have been derived from actual tenant case studies.

The LS will do nothing to address issues 2-7 (I have to admit that 7 made me smile). Furthermore, I suspect that landlords who are inclined to revenge-evict will correctly interpret 'random' inspections as cover for a complaint. And even if they don't, I think that tenants will be sufficiently concerned that they might that they will continue to suffer in silence.

In my view the best way to help tenants is by addressing their concerns head-on, for example (in the same order as above):

Open-ended tenancies (landlords might not like them but I would argue they are a lesser evil than the LS) and/or an effective use by the courts of existing 'anti-revenge eviction' powers in landlord tenant legislation  
Promote more property development (removing the 3% stamp duty on

second homes\* would help to foster investment)

Help with furniture removals for low income families

More social housing and widened entitlement.

Clearer leases with a list of helpful telephone numbers. Regular adverts in the press and social media publicising tenants' rights and the EH hotline.

Translation services to assist landlords and tenants to communicate more effectively (e.g. foreign language leases)

I'll leave you to sort that one out!

11:41 AM · Nov 25, 2023 · 2,099 Views





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**Binky**  @TheOnlyGuru · Nov 25



\*It is my belief that the property market would have overshoot with or without buy-to-let purchases. When interest rates were as low as they were it was considerably cheaper to buy than rent, and prices were likely to keep rising until that was no longer the case, with or without...

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**Sandra Genée** @GeneeSandra1234 · 11h



Thanks Binky. A great letter



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