

Environmental Health
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Information for Landlords/Managing/Letting Agents and Other Interested Parties

Please note these are brief guides and the full laws can be viewed at www.jerseylaw.je. If you require any guidance or additional information please contact Environmental Health on 01534 445808 or environmentalhealth@gov.je

Residential Tenancy (Jersey) Law 2011

The Residential Tenancy Law (Jersey) 2011 came into force on 1 May, 2013 and applies to all tenancy agreements in respect of residential units only* . The law applies to fixed tenancies for a term of 9 years or less or periodic tenancies made after the Law came into force. It also applies to those tenancy agreements made before the Law came into force only if varied or renewed AFTER the Law came into force, but doesn't apply to the natural continuation (also known as 'tacit re-conduction') of a residential tenancy agreement. The law aims to clarify legal rights and responsibilities for the landlord and tenant.

*A residential unit is self-contained accommodation used only by the occupants. It does not have shared facilities (i.e. bathroom/kitchen) and must contain all of the following:-

- A bath or shower
- A washbasin
- A kitchen (kitchenette etc)
- A place to sleep
- A toilet

Certain lodging houses may fall within the law i.e. if a unit is self-contained within a lodging house.

It should be noted that since the introduction of The Control of Housing and Work Law on the 1st July 2013 residential property is now classed as Entitled (previously qualified), Licensed (previously J category) or Registered (previously unqualified). Leases are now available to persons who wish to rent in the Entitled, Licensed or Registered sector.

Under the Residential Tenancy (Jersey) Law 2011 a tenant has the right to:

- get a signed copy of the lease and any new versions of it, as well as a copy of the fully signed lease
- get a receipt for any deposit paid
- enjoyment of their accommodation without the landlord interfering
- not have to pay full rent if part of the accommodation becomes uninhabitable (as long as the tenant didn't cause the problem)
- at least one working day to review the lease before signing

The law also stipulates in Schedule 1 what an agreement must specify and in Schedule 2 provisions that an agreement must contain.

For landlords in respect of existing leases made prior to the 1st May 2013 it is not necessary to replace them but they should ensure that new or varied/renewed leases comply with the law.

Failure to provide a receipt for a rental deposit or a signed copy of a lease could result in a fine. The Petty Debts Court now has exclusive jurisdiction over any matter to a residential tenancy regardless of the level of rent. It has the power to make orders relating to payment of rent, damages, adjusting the rights between the parties or terminating the tenancy.

For Periodic Tenancies: This applies in cases where a lease has expired or alternatively where an existing Lease has no fixed term/expiry date. The law introduces new notice periods of at least 3 months from landlord to tenant and at least 1 month from tenant to landlord.

A fixed-term tenancy e.g. start and end date e.g. 1st January 2019 to 31st December 2019 with no expectation that the lease will continue. Notice periods can be added into fixed-term tenancies but they must be reasonable. Otherwise a fixed term tenancy cannot end without both parties agreeing.

A Standard Template is available from Environmental Health upon request.

The Residential Tenancy (Supply of Services) Jersey Order 2013

This order came into force on 1st October, 2013. Under this law a tenant is entitled to a breakdown of any services that they are being charged for. A Landlord can't charge overcharge or profit from the charge of the re-supplied service. A reseller who collects from a tenant an amount in excess of that which the reseller is, under Article 2, entitled to charge must refund the excess within 14 days of collecting it.

Residential Tenancy (Condition Reports) (Jersey) Order 2014

The Order imposes a legal obligation on every landlord under a residential tenancy agreement to produce a condition report at or before the commencement of the residential tenancy regardless if they have taken a deposit or not. The reports are compulsory and record the condition and state of repair of a property at the start and end of a tenancy. The order applies to all new residential tenancies from 31 October 2014 and to varied or renewed tenancies after this date.

If at the end of the tenancy the landlord wishes to make a claim against the tenant on the basis of deterioration in the condition of the residential unit, the landlord must again produce a condition report.

A Condition Report Template is available from Environmental Health upon request.

The Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014

From Monday 2 November 2015, any deposits placed to rent a home must be protected in the Governments' approved tenancy deposit scheme - My Deposits Jersey. It applies to all residential agreements which are entered into, varied or renewed after this date. Parties to existing tenancy agreements will also have the ability to opt into the scheme.

Further information can be found at: <http://www.mydepositsjersey.ie/>

Control of Housing and Work (Jersey) Law 2012

Any person who moves to an address in Jersey and is expected to be resident at said address for 3 months or more, must notify the Minister and provide relevant information. As a landlord it is your responsibility to check tenant's residential status on their registration card before they move into your property.

Further information can be found at:

<https://www.gov.je/working/contributions/registrationcards/pages/landlords.aspx>

Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018

The Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 came into force on 1st October 2018. Subsequently the above order came into force 1st December 2018. In brief, the Law was brought forward to allow the Government to ensure housing provided through the rental market was safe for tenants and visitors and unlikely to be the cause of ill health.

The Law allows the introduction of Minimum Standards for all tenures of rented dwellings through Hazards and Harm outcomes.

There are proactive measures which cover the prevention of harm and they are now requirements. These are;

- Article 5 – Detection of Smoke Etc
- Article 6 – Gas Safety
- Article 7 – Electrical Safety

Essentially each dwelling should have a minimum of:

- Smoke detection on each storey regardless of if there is a habitable room
- Carbon monoxide detector in each habitable room where there is a facility for the combustion of oil, gas, wood, coal or any similar fossil fuel
- An annual gas safety inspection carried out by a person who is registered on the United Kingdom Gas Safe Register (regardless of if the supply is in actual use)
- An Electrical Installation Condition Report (EICR) (by a competent engineer as defined in Article 7.8 as having a certificate of competence from NAPIT, NICEIC or BRE) prior to the tenant taking occupation for ant new tenancies or renewals from 1st January 2019. In the case of long term periodic tenants where there is no renewal this needs to be completed by no later than 31st December 2024. These inspections are valid for 5 years. Once you are in possession of an EICR upon any renewal or change of tenancy a Landlords Interim Checklist should be completed and a template is available from Environmental Health.

There are also 29 hazards prescribed in Schedule 1 where there is a risk of harm which should be considered.