

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	Public Health & Safety (Rented Dwellings)(Licensing)(Jersey) Regulations 2023: Rent Safe Refunds
Minister	Environment
Signatory	Select Signatory.
Lead Department	Infrastructure, Housing and Environment (IHE)
Lead Directorate	Regulation (IHE)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Robert Cragg
Date of Report	22/07/2024
Supplementary Report Title <i>(If applicable)</i>	
Supplementary Report Author <i>(If applicable)</i>	
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report. Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	P.40/2023
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Public Health and Safety (Rented Dwellings)(Licensing)(Jersey) Regulations 2023

Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Introduction

The rent safe scheme was operational since 2018. The Minister brought this scheme to a close as of 31st March 2024 by MD-ENV-2024-251.

The Minister has made a commitment to refund the application fees for persons who applied for a rent safe prior to the scheme closing.

Detail

In P.40/2023 – Draft Public Health and Safety (Rented Dwellings)(Licensing)(Jersey) Regulations 20- : lodged on the 5th of June 2023, there was the below statement in regard to a link with the Rent safe scheme:

“Relationship to Rent Safe

The voluntary non-statutory Rent Safe scheme allows landlords to become accredited if they meet certain standards. Under the licensing scheme, three-, four- or five-star accredited properties would still need a licence and should apply for one but, recognising that they have already been inspected, and also in recognition of the efforts that landlords have made to improve their properties, the licence fees for these properties would be waived for the two-year period of the first licence (if the property had been certified under Rent Safe on or before 1 May 2023.) Non-accredited properties (zero, one or two star) will not be subject to this first fee waiver.”

The Minister was minded to honor this comment made by the previous Minister. The Housing & Nuisance Team (H&N) and Regulation Improvement and Licensing (RIL) have defined the process to facilitate this.

A key point of note in the process is it must be a refund rather than a waiver. After consulting with the Law Officers Department, the distinction is made as there is no legal basis within the Public Health and Safety (Rented Dwellings)(Jersey) Law 2018, nor subordinate legislation to allow for a waiver of the fee.

Recommendation

It is recommended that the Minister confirm that the scope of the refund will be:

- The refund needs to be requested by the person in control of the dwelling or the person who applied for the licence.
- The property needs to have a rent safe inspection and have achieved a 3, 4 or 5* rating. The rent safe application needs to have been made before 31st March 2024, in line with Ministerial decision MD-ENV-2024-251•
- Where someone applied for a rent safe between and 1st January 2024 and 31st March 2024, and an inspection was not completed, they will be offered an inspection at this time, and if they meet the requirements of the rent safe scheme be eligible for a refund.

Information to be provided to the public in relation to how to access the refund

1. Responsible Person applies for licence for the rented dwelling using the online form or bulk uploads facility.
2. The responsible person requests a refund by emailing to renteddwellings@gov.je with a list of dwellings that have believe to have been rent safe accredited.
3. H&N Team, confirm that these dwellings were rent safe accredited. SLA for this validation is 1-5 days depending on portfolio size.
4. Refund request sent to licensing team to process.
5. Licensing team request refund from treasury and inform customer that the refund has been submitted.
 - a. Customer advised that the refund has been submitted.
 - b. Treasury advise Licensing team that refund has been carried out.
 - c. This process may take between 3-7 days to action however, is largely outside the control of Regulation as the process is with the Treasury.
6. Licensing team keep record of refunds that have been carried out

Key points to note:

- The refund needs to be requested by the person in control of the dwelling
- The property needs to have a rent safe inspection and have achieved a 3, 4 or 5* rating
- Where someone applied for a rent safe between and 1st January 2024 and 31st March 2024, and an inspection was not completed, they will be offered an inspection, and if they meet the requirements the dwelling may be eligible for a refund.