

# A Landlord's Introduction to The Population Management Law



States of Guernsey  
Population Management

19 July 2016

# What today's session will cover



- Why the Law is changing
- Terminology – what's new
- Certificates & Permits – a brief introduction
- Transition – what we are doing to help people in transition
- Offences & Sanctions
- Landlords' responsibilities
- Where to find out more – including a copy of this presentation



# What today's session won't cover



## Debate on the content of the new Law

- the Law has already been approved by the States
- the Law is due to come into force on 3 April 2017

## Operational policies

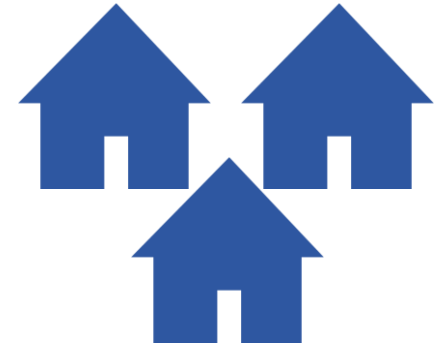
- these are still being developed with the new Committee

Time for questions from the floor at the end of the presentation

Time for 1-2-1 questions when the meeting closes



# Why the Law is changing



The Housing Control Law was a reaction to the impact of WWII

- primary focus is on controlling who can live in Local Market housing
- only a small % of the population is 'controlled' by the Law

Shift in political focus from housing to population

- Guernsey needs to have the right make-up of people to meet the States social, fiscal & environmental objectives
- the Housing Control Law isn't the right tool for the job



Guernsey's demographic challenge

- ageing population = more demand on services
- smaller working population = more financial pressure



# Terminology – what's new



## **Householder** (must be at least 16 years old)

### Local Market

- at least one person in each property needs to be entitled to be a householder
- can accommodate their immediate family members
- can accommodate other people who hold a valid Certificate or Permit

### Open Market Part A (Private family homes)

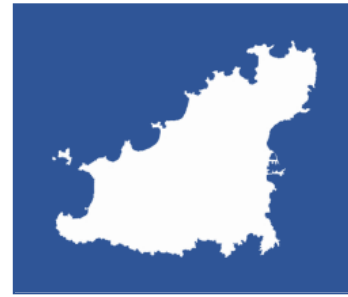
- can only have one 'Open Market' householder per dwelling
- can accommodate their immediate & extended family members

### Open Market Part D (Houses in Multiple Occupation "HMO")

- can only have one 'Open Market' householder per dwelling
- must be owner or tenant of the whole dwelling
- can accommodate their immediate family members



# Terminology – what's new



## Residence

- includes living in Guernsey whether or not occupying a dwelling

## Accommodate

- where the householder allows a person to occupy the dwelling
- excludes guests (not working and less than 90 days in any 12 months) and ad-hoc visitors lawfully housed elsewhere in Guernsey

## Recognised Break in Residence (RBR)

- an absence from Guernsey that is at least as long as the last period of residence in Guernsey



# Residence Milestones



## 1<sup>st</sup> Milestone

- 8 consecutive years' lawful Local Market residence = Established Resident
- right to remain in Local Market accommodation no longer tied to employment
- no automatic right to return to Local Market accommodation after a break in residence

## 2<sup>nd</sup> Milestone

- 14 consecutive years' lawful Local Market residence = Permanent Resident
- permanent right to live in Local Market accommodation
- right to return to Local Market accommodation after a break in residence

# Certificates & Permits



## Certificates

- holder is *entitled* to live & work in Guernsey (sometimes based on housing sector)

## Permits

- holder is *permitted* to live & work in Guernsey subject to certain conditions

## Permit conditions can include:

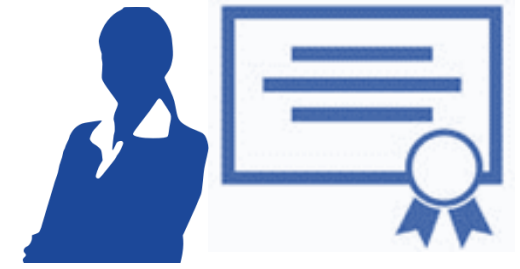
- employment in a specific post
- living and working in a specific Open Market property
- living with a named person
- living in a specific type of property (by address or property type)
- residence time limits
- ad-hoc additional conditions if necessary

All conditions will be clearly shown on the Certificate / Permit





# Employment-related Permits



## Short Term Employment Permit (STEP)

- Duration: up to 1 year - annually renewable up to 5 years' aggregate residence
- Accommodation: Local Market shared (is not householder = can't house others)

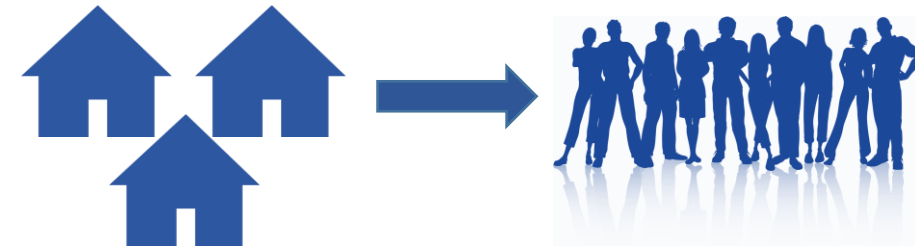
## Medium Term Employment Permit (MTEP)

- Duration: up to 5 years, must take a RBR between Permits
- Accommodation: any Local Market dwelling (is householder = can house immediate family members)

## Long Term Employment Permit (LTEP)

- Duration: up to 8 years - Established Resident status after 8 years' continuous residence
- Accommodation: any Local Market dwelling (is householder = can house immediate family members)

# Transition



- All current Housing Control documents remain valid:
  - until their expiry date
  - until a condition is broken
  - until the holder leaves Guernsey – must get a new Certificate/Permit on return
- Personalised transition information included with all Right to Work documents issued since 1 May 2016 if that document takes them into 2017:
  - ask tenants to show you the letter if you/they are not sure about their status in transition
- Look-up guide – for any person not sure about what transition means for them:
  - English, Latvian, Polish & Portuguese: [populationguide.gov.gg](http://populationguide.gov.gg)



# Open Market – Houses in Multiple Occupation



Currently approx. 220 Open Market family homes (Part A) operating as HMOs

- The States have agreed:
  - groups of unrelated ‘Open Market’ adults will no longer be able to live in Part A homes
  - from 3 April 2017 Open Market HMOs will form Part D of the Open Market Housing Register
  - New Part D lodgers will be limited to 5 years residence
  - 172 Part A homes can be moved to Part D if the owner wants to & 130 owners have already confirmed their property will move to Part D
- Housing Control has already:
  - issued a Certificate to display to tenants in all Open Market HMOs moving to Part D
  - written to all tenants in homes where we know the owners can’t/aren’t transferring
  - (some landlords have not told us their plans yet...)



# Offences and Sanctions



- It's an offence to cause or permit another person to occupy a dwelling in contravention of:
  - the Population Management Law
  - a condition of their Certificate or Permit
- Sanctions can include:
  - discretionary financial penalty – on a scale up to £2,000
  - criminal conviction – fine on a scale up to £10,000 and up to 6 months imprisonment
- Landlord's mitigation:
  - that you can demonstrate that you have taken all reasonable precautions to avoid the offence

# Landlords' Responsibilities



You must ensure that your tenants occupy your property in accordance with the provisions of the Population Management Law

- Certificates & Permits will be electronic documents – tenant can give you an email with a link so you can view their Certificate or Permit
- if Certificate or Permit is address-specific, you will be asked to complete part of an electronic application process to confirm the tenancy or lodging agreement
- you should insist on seeing a copy of a prospective tenant's Certificate or Permit before housing them
- there should never be a situation where a person who is or is about to become resident can't show you a valid Permit or Certificate (or their Housing Control document during transition) within 3 days of their arrival



To find out more visit :

[www.gov.gg/populationmanagement](http://www.gov.gg/populationmanagement)



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