

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th September 2022

Proposition No. P.2022/70

Committee for Employment & Social Security

The Prevention of Discrimination (Guernsey) Ordinance, 2022

AMENDMENT

Proposed by: Deputy S P Haskins

Seconded by: Deputy D Mahoney

At the end of the Proposition add: “, subject to the amendment indicated below”.

In paragraph 43(2)(b) of the Schedule, at the end of the paragraph, insert - "inscribed in Part D of the Open Market Housing Register".

Rule 4(1) information

- a) The proposition contributes to the States’ objectives and policy plans as it is in line with the States strategic objective of introducing legislation to prevent discrimination.
- b) In preparing the proposition there have been discussions and communications about the amendment with the President and Members of the Committee for Employment and Social Security and Committees Officers.
- c) The proposition has been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the proposal into effect.

Explanatory Note

The July 2020 policy letter stated:

“Accommodation provided in someone’s home (no. 42)

*It is proposed that if a person is providing accommodation in a premises where they or a near relative live (i.e. where this would affect their private or family life) then they are exempt from this legislation and may choose who they wish to accommodate. It is intended that this would cover accommodating family members or **friends in spare rooms or letting a room in a family house to a lodger where the premises remains primarily an individual’s or family’s home**. It is not intended to exempt persons running guest houses or houses of multiple occupation or letting a separate and self-contained wing or apartment from the requirements of the legislation.”*

The definition on the States of Guernsey website currently states *“A house in multiple occupation generally means a house **lived in by more than one person** who is not an immediate or extended family member (or household staff) of the householder.”*

The intention of exempting a live-in landlord from offering rooms to friends (or lodgers) is not fully met by this law. It only applies to a live-in landlord offering a single room to a single person. Under the definition above, a live-in landlord who seeks to let a room in their own house would not be exempt from this Ordinance if they were to let a room to a couple i.e. more than one person. Some live-in landlords let multiple rooms in their premises, and to more than one person.

It is our belief that the wording of a ‘house of multiple occupation’ was intended to only cover properties on the Open Market D register- not for those sharing multiple spaces in the live-in landlord’s primary home, i.e a house share.

The reasonable intention to allow a person living in their own family home who lets out a room or two to choose freely whom they would like to share their home with should be upheld. One way of doing this would be to remove the house of multiple occupation from the ordinance. This would, however, mean that a house of multiple occupation in Part D of the Open Market register would not be covered, unless they are a separate unit. This amendment would then merely add clarification that HMOs fall within Part D of the Open Market register.

A house of multiple occupation is not currently defined in this law. To make sure the intention is fully met it is useful to explicitly state that a house of multiple occupation is only in relation to the Open Market Part D Register.

The assembly is asked to support this amendment to make sure the ordinance is meeting the original intention of exempting a person offering multiple rooms to friends (or otherwise) in their own home. Keeping the wording as is could lead to hesitancy by live-in landlords to let rooms and withdrawal of one or more of their rooms for rent, causing a further strain on housing, and negatively affecting the financial situation of some landlords.