



POPULATION MANAGEMENT LAW UPDATE

OCTOBER 2016

On the 3 April 2017, the new Population Management (Guernsey) Law 2016 and the Open Market Housing Register (Guernsey) Law 2016 will become effective.

Having put my ear to the ground in the property circles in which I operate there remains a fair amount of misconceptions around houses in multiple occupancy, occupied by unrelated persons (HMOs) and what will happen to them, how many people can occupy them and for how long.

Despite Housing having done a good job in informing the public in a variety of ways of what the changes will mean to each individual, the interplay with planning issues has been less well highlighted.

Whilst each authority – Housing and Development and Planning - have different obligations under differing legislation, one thing is clear that as far as HMOs are concerned, a joined up approach is required for the benefit of the end user.

From a housing perspective, if an open market house was being used as an HMO as at 10 May 2013, remains so immediately prior to 3 April 2017 and remains inscribed on Part A of the Open Market Register as at 3 April 2017, then it shall be transferred to Part D – the provisions for lodging houses. If at some point in the future, the owner gains possession and then decides that it should be used as a family home, it can be moved back to Part A. All quite easy in practice.

The position from a planning perspective is not so simple as it is all about use. If an HMO is housing 6 or more people, it is properly classed as a lodging house for planning purposes under Use Class 6. I guess that many HMOs which house 6 or more people are still classified in planning terms as a standard residential unit under Use Class 1. If that's the case, the choice is to regularise the position with a change of use application or reduce the number of occupants to less than 6. A change back to Part A from Part D for a house classified in planning terms as a lodging house will also need change of use at that stage.

It's a shame that the powers that be have not, to date, clarified these points to the public as for the man on the street, it would have simplified things considerably. Its now important that owners of Part D properties fully understand the planning implications by taking advice now before properties get moved across in April next year.

WE ARE OFFSHORE LAW

BVI // Cayman // Guernsey // Jersey // London





FOR MORE INFORMATION PLEASE CONTACT:



JASON GREEN

Partner // Guernsey

t:+44 (0) 1481 734216 // e:jason.green@collascrill.com

WE ARE OFFSHORE LAW

BVI // Cayman // Guernsey // Jersey // London

