

## HOUSING LICENSES

The Housing (Control of Occupation) (Guernsey) Law, 1994, provides for two principal types of licenses:-

- Those which **are** employment related; and
- Those which are **not** employment related i.e. non-essential.

There are a number of variations within each of these two main types.

### Employment Related Licenses

There are two main types of employment related licenses:-

#### Short term

Short Term Licenses are generally issued to workers in industries which have shortages of manpower i.e. whether un-skilled or semi-skilled. They can be for periods up to nine months for temporary or seasonal work or up to three years for other employment.

These licenses are issued for restricted accommodation only, i.e staff quarters, board and lodgings or living in an existing household. Short term license holders are **not** permitted to occupy a unit of Local Market accommodation in their own right.

The short-term license is for single people only. They do not allow for the accommodation of other family members. Generally, when the short-term license expires, the Law states the person has to leave the Island for a minimum period of three months before being able to apply for another short-term license and has to leave for three years before another three year license is granted.

#### Essential license

An essential license is considered if there is a shortage of skilled staff.

Essential licenses can be for any period up to fifteen years but the majority are for a term of between three and five years. Since the late 1980's, it has been the Department's policy to limit the majority of essential license holders to five years residence in support of the States of Guernsey's Population Objective, to limit the growth in population.

Essential licenses will generally enable the holder to occupy their own unit of accommodation together with, where appropriate, their immediate family. Before the grant of each license, the Department will subject each application to a thorough test of "essentiality" and will need to be satisfied that there is no suitable local person available for the employment. In considering applications for essential licenses the Department will take:-

- the advice, where appropriate, of an independent body e.g. the Commerce and Employment Department or the Guernsey Financial Services Commission; and
- into account the employer's training program.

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When the Department is convinced that the position of employment is essential to the Island and the community, it will issue a license for up to five years **unless** it has been established that the:-

- skills/expertise required for such post are scarce on a national/international basis so that the recruitment is exceptionally difficult; or
- need for long-term continuity in the post is paramount;

In these cases, the Department may grant a longer-term license.

### **Non-Essential Licenses - (Not related to employment)**

Non-essential or "compassionate" licenses are issued where the person has strong connections with the Island, particularly through an extended period of recent residence.

Situations where such licenses may be issued are, as examples only, where:-

- the breakdown of a marriage to or co-habiting relationship with a qualified resident or "essential" license holder, or
- a potential qualified resident close to having completed their qualifying period; or
- a case of genuine companionship e.g. common-law relationships where a qualified resident or essential license holder is seeking to accommodate a partner in the Local Market "en famille".

### **Legal advice**

Now that you have read this, it is very important that when you see your Advocate or Clerk (as the case maybe) that you make them fully aware of your housing situation.