



# LANDLORD AND TENANT BILL

*Public Consultation Summary and Next Steps*



THE AFFORDABLE BERMUDA AGENDA  
*Building a Strategy to Address the Cost of Living*



GOVERNMENT OF BERMUDA  
**Ministry of Home Affairs**

# Landlord and Tenant Bill

## Public Consultation Summary and Next Steps

Ministry of Home Affairs  
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### Introduction

The Ministry of Home Affairs extends its sincere thanks to all stakeholders who participated in the public consultation on the draft Landlord and Tenant Bill. We received valuable feedback from landlords, tenants, real estate professionals, legal practitioners, advocacy groups, municipal representatives, and concerned residents.

This document summarizes the key themes we heard and outlines how your input will shape the next iteration of the Bill and inform our policy direction.

### What We Heard

#### 1. Scope and Application

##### Your Feedback:

- Concerns that the Bill applies too broadly, capturing commercial properties, condominiums, and long-term statutory leases alongside residential and agricultural tenancies
- Requests for clarity on boarding houses, room rentals, and short-term accommodations like Airbnb

**Ministry Response:** The current Landlord and Tenant Act 1974 has always applied broadly to various property types, including commercial properties and condominiums. The new Bill maintains this comprehensive approach while providing enhanced protections through clearer contractual provisions. We recognize the need for better guidance on specialized accommodation types and will provide clearer definitions and scope parameters in the revised Bill, particularly distinguishing between tenancies (which fall under this Bill) and licenses (such as boarding house arrangements, which are regulated separately under health legislation). Short-term vacation rentals will continue to be governed by the Vacation Rental Act 2018 and related legislation.

#### 2. Standard Form Tenancy Agreements

### **Your Feedback:**

- Mixed views on mandatory lease templates
- Real estate professionals support minimum standards but want flexibility to add property-specific clauses
- Requests to include provisions covering common disputes (occupancy limits, business use, pets, service animals, smoke detectors, landscaping)

**Ministry Response:** We will move away from a rigid mandatory template approach. Instead, the revised Bill will establish clear minimum content requirements while allowing parties to customize agreements based on property type and circumstances. We will develop model templates as guidance tools rather than mandatory forms, and will incorporate provisions addressing the most common sources of landlord-tenant disputes.

## **3. Tribunal System and Enforcement**

### **Your Feedback:**

- Strong support for independent dispute resolution, but concerns about cost, capacity, and duplication with existing courts
- Suggestions to enhance Magistrates' Court capacity instead of creating a new body
- Urgent calls for real enforcement powers, particularly for unsafe and illegal rental operations

**Ministry Response:** The feedback highlights a critical gap: enforcement. While stakeholders debated the merits of a tribunal versus enhanced Magistrates' Court sittings, there was consensus that the current system lacks effective enforcement mechanisms. The revised Bill will strengthen enforcement powers for the Rent Commissioner to address violations before matters escalate to court. We will also work with the Chief Justice's office to improve procedures for landlord-tenant matters in the Magistrates' Court, ensuring clearer direction on the application of the Act. The question of establishing a dedicated tribunal or enhancing existing judicial infrastructure will be further examined in light of resource considerations and the need to avoid backlogs.

## **4. Balance of Rights and Protections**

### **Your Feedback:**

- Landlords expressed concern that the Bill is too tenant-focused and lacks efficient remedies for non-payment and eviction delays
- Tenants seek greater accountability for harassment, unsafe conditions, discrimination, and exploitative practices
- Both sides emphasized the need for clearer, predictable timelines

**Ministry Response:** The existing legislative framework (Rent Control Act and Landlord and Tenant Act 1974) provides a natural balance, with each protecting different interests. The new Bill aims to modernize this balance while maintaining fairness. We will ensure the revised Bill includes:

- Clear, enforceable timelines for notices, arrears recovery, and appeals
- Reciprocal protections and responsibilities for both landlords and tenants
- Stronger sanctions for breaches on both sides, including harassment, property damage, and non-payment
- Practical remedies that avoid excessive bureaucracy

## 5. Rent Control and Affordability

### Your Feedback:

- Significant confusion about how the Bill integrates with the Rent Increases (Domestic Premises) Control Act 1978
- Concerns about conflicting provisions (e.g., security deposit amounts)
- Calls for clarity on Annual Rental Value (ARV) thresholds and fair market reassessment

**Ministry Response:** Many stakeholders expressed preference for keeping the two Acts separate to maintain clarity. We recognize the confusion created by attempting to consolidate provisions with different purposes. The revised approach will clearly define the relationship between general landlord-tenant law and rent control protections, including explicit repeal and savings provisions. Part 7 will be restructured to preserve core rent control protections including security of tenure, permitted grounds for termination, and exemptions that currently exist under the 1978 Act. We will also improve transparency around ARV calculations and their application to rent determinations.

## 6. Security Deposits and Late Fees

### Your Feedback:

- Support for codifying security deposit rules, but concern that three months' rent is excessive for low-income tenants
- Current practice under Rent Control Act allows only half-month deposits, creating confusion
- Concerns that daily late fees are punitive and will disproportionately harm vulnerable tenants

**Ministry Response:** We acknowledge the tension between protecting landlords' interests and ensuring housing remains accessible to lower-income families. The revised Bill will establish clear, consistent deposit requirements that balance these concerns. For late fees, we will reconsider the daily accumulation model in favor of a more reasonable approach that encourages timely payment without creating insurmountable debt, particularly for tenants facing

temporary hardship such as job loss or illness. Late fees should not become a barrier to housing stability.

## 7. Definitions and Technical Drafting

### Your Feedback:

- Multiple inconsistencies and undefined terms creating enforcement ambiguity
- Need for plain-language definitions of key concepts like "premises," "rental unit," "occupant," "tenant," and "vacating"
- Missing or incorrect cross-references

**Ministry Response:** We accept that clear, consistent terminology is essential for effective legislation. The revised Bill will include comprehensive definitions, harmonized terms throughout all sections, and corrected cross-references. We will ensure the language is accessible to lay persons who must understand and comply with these requirements.

## 8. Landlord Conduct and Tenant Protection

### Your Feedback:

- Strong calls for sanctions against harassment, illegal lockouts, and utility interference
- Proposal for a public registry of landlords and rental units
- Landlords want recognition of tenant breaches (overcrowding, unauthorized subletting, property neglect) as grounds for termination

**Ministry Response:** The revised Bill will include stronger, enforceable sanctions for landlord misconduct, particularly harassment and illegal lockouts which are currently difficult to address. Tenant breaches such as overcrowding, unauthorized subletting, and property damage are already recognized as grounds for termination under existing rent control provisions and contract law; this will be maintained and clarified in the new legislation. Regarding a public registry, we must balance transparency goals against privacy considerations under PIPA legislation, but we will explore options for improving compliance monitoring through better integration of existing government systems.

## 9. Vulnerable and At-Risk Tenants

### Your Feedback:

- Requests for specific protections for families with children, seniors, and disabled tenants
- Need for dedicated support through a Tenant Advocate role
- Better coverage of boarding houses and rooming arrangements
- Concerns about Financial Assistance clients facing eviction

**Ministry Response:** Protecting vulnerable tenants is a core policy priority. The revised Bill will explore mechanisms to provide enhanced support, including potential representation rights for vulnerable tenants in dispute proceedings, clearer standards for boarding and rooming arrangements, and protocols that consider the particular circumstances of Financial Assistance recipients. We will work across government ministries to ensure housing protections align with social support systems.

## 10. Process and Administrative Reforms

### Your Feedback:

- Support for accessible mediation before formal legal action
- Calls for digital modernization (email notices with read receipts)
- Need for centralized data linking valuation, registration, and dispute information
- Desire for cross-agency enforcement coordination
- Request for public education materials

**Ministry Response:** The Ministry recognizes that effective implementation requires modern administrative systems and public understanding. We will:

- Encourage alternative dispute resolution through accessible mediation options
- Modernize notice and service provisions to reflect current communication practices
- Work toward better data integration across government departments, recognizing that different IT systems present challenges that require phased solutions
- Clarify the enforcement roles and powers of various government agencies (Consumer Affairs, Planning, Health, Land Valuation, and the Rent Commissioner)
- Develop comprehensive public education materials explaining rights, obligations, and processes under the new Act

## Questions Raised During Virtual Meeting

We also received specific questions during our virtual consultation meeting that merit response:

**Invasive/discriminatory screening questions:** The revised Bill will provide guidance on permissible tenant screening practices that balance landlord interests with anti-discrimination principles.

**Disabled tenant eviction for caregiver:** Situations involving eviction for landlord's own use must be carefully balanced. The revised Bill will clarify grounds for possession and provide appropriate protections against discriminatory eviction.

**Renovation provisions:** We heard the concern that provisions allowing termination for renovations (currently in rent control legislation) appear to be missing from the draft. These will be restored in Part 7's restructured content.

**Security deposits and late fees:** As addressed above, both will be reconsidered to ensure they are reasonable and do not create undue hardship.

**Enforcement mechanisms:** The revised Bill will provide the Rent Commissioner with clear enforcement powers and establish meaningful consequences for operating illegal or unsafe rentals.

**Tribunal resourcing:** Should we proceed with a tribunal model, we commit to proper resourcing including qualified members with relevant expertise, clear performance targets, and annual reporting to ensure consistent, timely decisions. The consultation feedback suggesting 44-day resolution times (compared to current 6-month averages) will inform our operational planning.

**Protections for families, seniors, and disabled tenants:** As noted above, these will be specifically addressed in the revised Bill.

**Commercial lease expectations:** If commercial leases are ultimately excluded from the new Bill's scope, relevant provisions of the 1974 Act will be preserved through savings clauses to maintain existing legal expectations.

## Next Steps

Based on your consultation feedback, the Ministry will:

1. **Restructure Part 7** to clearly preserve rent control protections, including security of tenure, permitted termination grounds, and exemptions
2. **Strengthen enforcement provisions**, particularly Rent Commissioner powers and penalties for operating illegal or unsafe rentals
3. **Clarify scope and definitions** to eliminate ambiguity about what tenancies are covered and what terms mean
4. **Revise deposit and late fee provisions** to balance protection with affordability
5. **Add explicit repeal and savings provisions** to clearly show what is changed, what is preserved, and how transitions will be managed
6. **Enhance protections for vulnerable tenants** including families, seniors, and disabled persons
7. **Improve technical drafting** to fix cross-references, inconsistencies, and undefined terms
8. **Develop implementation plans** for enforcement coordination, public education, and system modernization

The revised Bill will be developed with these priorities in mind and will return to Cabinet for consideration before being tabled in Parliament.

## Thank You

Your participation in this consultation has been invaluable. The diversity of perspectives from landlords concerned about protecting their investments, to tenants seeking safe and stable housing, to professionals navigating daily implementation challenges, has given us a comprehensive understanding of what the legislation must achieve.

Modernizing landlord-tenant law is complex work that affects every resident of Bermuda. We remain committed to getting it right, and your voices have been essential to that process.

For questions about this summary or the consultation process, please contact:

**Ministry of Home Affairs**

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*This summary reflects feedback received during the public consultation period and indicates the Ministry's policy direction. It does not constitute final government policy or legislative text. The revised Bill will be subject to Cabinet approval and Parliamentary process.*



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