

Energy Efficiency (Private Rented Property) Regulations 2015

Part 1 and 2 – tenants’ energy efficiency improvements

From 2016 landlord cannot unreasonably refuse a tenant’s request to make energy efficiency improvements

Part 3 – minimum level of energy efficiency

From 1st April 2018, landlords will not be allowed to start a new tenancy if the EPC rating is below the minimum grade of E. Existing tenancies must end by 1 April 2020 (domestic – section 23) or 1 April 2023 (commercial – section 27) unless grade E achieved.

Exemptions

- All energy efficiency improvements have been made or there are none that can be made
- Tenant refuses to consent to improvements being made
- Energy efficiency improvements would result in devaluation of the property by more than 5%

Enforcement authority

Domestic property – local authority ie Environmental Health (Private Sector Housing)

Commercial property – weights and measures authority ie Trading Standards

Enforcement process

From 1 April 2018, a compliance notice can be served under section 37 if it appears a landlord has breached the requirements of Part 3 (“a section 23 or 27 offence”). Compliance notice requests such information as is necessary to enable compliance to be established, ie do any of the exemptions apply and have they been registered with DCLG.

Penalties

Offence under sections 23, 27 or 37 (failure to provide information under a compliance notice) – a financial penalty or a publication (on the DCLG Exemptions Register) penalty or both. Financial penalty recoverable as a debt to the enforcement authority.

- Misleading information £1,000; Non compliance with Compliance Notice £2,000; Renting non-compliant premises £2,000 to £4,000.

Appeals can be made to First Tier Tribunal (Property Chamber) 10 Alfred Place, London WC1E 7LR which can be contacted on 0207 446 7700 email: rplondon@hmcts.gsi.gov.uk. The Residential Property Tribunal staff will advise

The National PRS Exemptions Register

Where a landlord believes that an F or G EPC rated property they rent qualifies for an exemption from the minimum energy efficiency standard, an exemption must be registered on the National PRS Exemptions Register by e-mail to the BEIS minimum standards team at

PRSregisteraccess@beis.gov.uk

Cost cap

Government proposes to protect landlords against excessive cost burdens with a cost-cap where domestic landlords would only need to invest in improvements to an EPC F or G rated property up to the value of £2,500 per property. A range of additional, alternative, cap options are set out in the consultation which ran from December 2017 to March 2018.

<https://www.gov.uk/government/consultations/domestic-private-rented-sector-minimum-level-of-energy-efficiency>