



Date: 14/10/2022

Elmhurst Energy's final response to:

A Decent Homes Standard for the Private Rental Sector Consultation

Prepared for: DLUHC

1. Introduction

Elmhurst Energy are pleased that DLUHC are consulting on A Decent Homes Standards in the Private Rented Sector and as such we are delighted to respond to each question in turn.

The Consultation asked 62 questions and we have answered them all below. We hope you find the responses considered and useful for taking 'Energy Efficiency private rental sector properties' forward in a progressive manner.

2. Summary

Poor-quality housing is holding people back and preventing neighbourhoods from thriving. Damp and cold homes can make people ill, and cause respiratory conditions. Homes that overheat in hot summers similarly affect people's health.

With an estimated 4.4 million households in the private rental in England these government ambitions are an overall positive step. With over a fifth of the 4.4 million households that rent privately endure poor conditions and lack security and control over the homes they pay to live in. One focus for the Decent Homes Standard is to eliminate emissions from our housing stock.

Elmhurst generally agree with the proposal of this standard. However further clarity around the targets for the Private Rental Sector (PRS) should be considered. From an energy efficiency point of view;

- We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties.
- Energy Assessors are in a position to provide landlords with advice in relation the energy certificates and what measures can be installed to improve a property.
- The EPC must be the tool to measure the thermal comfort of a property. The majority heating systems described in criterion D would be costly to run, which would be apparent on the EPC, plunging tenants in to fuel poverty. We would encourage government align this standard with their other policies and consider whether the target is moving people away from fuel poverty, having more efficient homes, or reducing carbon emissions.
- We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of



properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

3. Questions and Answers (HEADING 1)

1. In which capacity are you completing these questions?

Industry Body – Accreditation Scheme for Energy Assessment

2. If responding on behalf of an organisation, please specify which organisation (or put n/a).

Elmhurst Energy

3. If responding as an individual, where do you live? If you are responding as part of an organisation, where are you primarily based?

East Midlands

4. Landlords and lettings agents only: Where are the properties you let primarily located?

N/A

5. Landlords only: How many properties do you manage?

N/A

6. Landlords only: Which of these options best reflects how you would describe yourself?

N/A

7. Tenant only: Is anyone living in your property under the age of 5?

N/A

8. Tenant only: Is anyone living in your property over the age of 65?

N/A

9. Tenant only: Who do you live with? (Choose all that are applicable)

N/A

10. Tenant only: Which of the following best describes how your tenancy is managed?

N/A

11. Tenant only: Thinking about the last 12 months, approximately what was your total gross household income (i.e. before tax and deductions)?

N/A

12. Do you support bringing in and enforcing the Decent Homes Standard, as set out above, in the private rented sector?

Yes, everyone has the right to live in a safe and comfy home with adequate fabric insulation, heating and ventilation.

The EPC must be the tool to measure the thermal comfort of a property. The majority heating systems described in criterion D would be costly to run, which would be apparent on the EPC, plunging tenants in to fuel poverty. We would encourage government align this standard with their other policies and consider whether the target is moving people away from fuel poverty, having more efficient homes, or reducing carbon emissions.

We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

13. How clear is the Standard as set out?

Quite clear.

The EPC must be the tool to measure the thermal comfort of a property. The majority heating systems described in criterion D would be costly to run, which would be apparent on the EPC, plunging tenants in to fuel poverty. We would encourage government align this standard with their other policies and consider whether the target is moving people away from fuel poverty, having more efficient homes, or reducing carbon emissions.

14. How difficult do you believe the Standard will be to meet?

Quite easy.

We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

15. Currently, a property will fail the Decent Homes Standard if a 'key building component' (e.g. wall, window, roof) is both old and in poor condition. Should we change the Standard to remove 'old' so only the condition is relevant?

Yes. The condition of a property is the only barometer that should be considered. A property in poor condition would allow heat to escape, making the property more expensive to run, less comfy for the tenant and would increase carbon emissions.

We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

16. Do you think that a landlord's failure to meet the Decent Homes Standards should be a criminal offence?

Yes,

We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties. MEES allows for landlords to apply for exemptions on their properties. Any exemptions would need strict governance.

17. Should local councils have the option to issue civil penalties or prosecute for Decent Homes Standard offences?

No strong opinion.

18. Do you think rent repayment orders should be extended to include Decent Homes Standard offences?

No strong opinion

19. Do you think that a landlord's failure to meet their duty to keep a property at Decent Homes Standard should be included as a banning order offence?

No strong opinion

20. Do you think that local councils should have the discretion to make properties temporarily exempt from the duty to meet the Decent Homes Standard on a case-by-case basis (with regard to statutory guidance)?

Yes, for energy efficiency purposes this must be disclosed on the exemptions register.

21. In some instances, carrying out Decent Homes Standard work or repairs without permission would put the landlord in breach of a statutory obligation, such as in the case of listed buildings. We are proposing to exempt landlords where they have attempted to obtain permission to carry out the works and been refused. Do you think it would be appropriate for this exemption to the Decent Homes Standard to be set out in legislation?

No, this should not be an exemption within the legislation.

We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

A Retrofit Coordinator would advise the landlord one what are appropriate energy efficiency measures for the property taking in to consideration listed status etc.

22. Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where the landlord has bought a property with sitting tenants that does not meet the Standard?

Yes

We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties. MEES allows for landlords to apply for exemptions on their properties. Any exemptions would need strict governance

23. Do you think local councils should have the discretion to temporarily exempt the personal representatives of a landlord from meeting the Decent Homes Standard where a letting property is under probate?

Yes

We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties. MEES allows for landlords to apply for exemptions on their properties. Any exemptions would need strict governance

24. Do you think local councils should have the discretion to temporarily exempt an incoming manager from the duty to meet the Decent Homes Standard where a landlord has either lost their HMO licence or is not fit and proper, so a new company or person is managing the property?

No strong opinion

25. Do you think local councils should have the discretion to temporarily exempt someone from the duty to meet Decent Homes Standard where they are taking over the property on a temporary basis due to the landlord being incapacitated?

No strong opinion

26. Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where accidental damages have occurred (e.g. fires, floods, storms, etc.)?

No strong opinion

27. Do you have any further comments on exemptions from the landlord duty to meet the Standard?

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28. Who do you think should be responsible for a Decent Homes Standard failure? Please select one or more responses.

The immediate landlord - the person who receives the rent from those living in the property. Although this person has a direct relationship with the tenants they may not have sufficient control over the property to ensure it meets the Decent Homes Standard.

29. Do you think that landlords should use the Property Portal to register Decent Homes Standard compliance of their properties or record where there is an agreed exemption?

Yes,

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30. Tenants only: Would you find it helpful to be able to view whether your current or prospective property had been declared Decent Homes Standard compliant by the landlord or whether an exemption was in place?

N/A

31. Do you think it should be an offence to provide false or misleading information regarding Decent Homes Standard compliance and exemptions?

Yes

32. Duplicative burdens on landlords at local and national level are undesirable where they can be avoided. We want to work with local councils and other stakeholders to ensure that the transition to a Privately Rented Property Portal is as seamless as possible, including looking at how it can integrate with licensing schemes where practicable. We will also work to streamline requirements for landlords, such as by working with BEIS on synchronising guidance on minimum energy efficiency. It is imperative that the system meets the needs of landlords, tenants, agents and local councils. Please share thoughts on how we can streamline requirements and support compliance.

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33. Do you think local councils should have a duty to investigate complaints of properties that fail to meet the Standard in their area?

Yes

34. Should local councils be required to report activity related to addressing properties that fail to meet the Standard in their area?

Yes

35. If local councils were required to report their Decent Homes Standard activity, to whom should they provide the information?

Both their local community and central government

36. [For local councils only] How important would standalone enforcement guidance be to assist local councils in enforcing the Decent Homes Standard?

N/A

37. Do you have any further comments on the proposal to put a duty on local councils?

No

38. Do you think Decent Homes Standard failure awareness notices are a useful part of Decent Homes Standard enforcement?

Yes

39. Do you think local councils should have the power to serve Decent Homes Standard improvement notices?

Yes

40. Do you think local councils should have the power to undertake emergency remedial works?

Yes

41. Do you think local councils should have the power to issue Decent Homes Standard failure prohibition orders?

Yes

42. Should we amend legislation to make it explicit that a landlord does not have a right to attend inspections [by virtue of receiving notice to that effect]?

Yes

43. Do you think that there is a role for other providers (not just the local council) in providing advice to landlords on whether their properties meet the Decent Homes Standard?

Yes

Energy Assessors are in a position to provide landlords with advice in relation the energy certificates and what measures can be installed to improve a property.

We would encourage that this standard adopts PAS2035. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

A Retrofit Coordinator for domestic properties would advise the landlord on what are appropriate energy efficiency measures based on different scenarios for criterion D.

44. Do you think local councils have a role in providing advice to landlords on pre-emptive work to prevent properties failing to meet the Standard in the near future?

Yes

Energy Assessors are in a position to provide landlords with advice in relation the energy certificates and what measures can be installed to improve a property.

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A Retrofit Coordinator would advise the landlord on what are appropriate energy efficiency measures for criterion D.

45. Where local councils provide this advice, should they be able to charge for this service?

No Strong opinion

46. Should the Decent Homes Standard apply to all privately rented accommodation let on a tenancy?

Yes,

We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties.

47. Should the Decent Homes Standard apply to residential temporary accommodation provided by local councils to homeless households?

No strong opinion

48. Should the Decent Homes Standard apply to purpose-built student accommodation (e.g. halls of residence owned by universities or other providers)?

Yes

We would encourage that this standard adopts PAS2038 for non-domestic building such as HMOs. This will enable clear energy efficiency measures to be installed based on the condition of properties. Ultimately working with fabric first, then moving on to improving the heating system(s).

49. Should the Decent Homes Standard apply to property guardians, where empty buildings are temporarily used for accommodation to provide security?

No strong opinion

50. Should the Decent Homes Standard apply to lodgers, where a tenant lives in the property with the landlord?

Yes

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A Retrofit Coordinator would advise the landlord on what are appropriate energy efficiency measures for criterion D.

51. Should the Decent Homes Standard apply to non-traditional accommodation such as house boats or caravans?

No strong opinion

52. Should the Decent Homes Standard apply to 'tied' accommodation, which is where an individual is required to or has the option to live in certain accommodation for the purpose of their employment?

Yes

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A Retrofit Coordinator would advise the landlord on what are appropriate energy efficiency measures for criterion D.

53. Should the Decent Homes Standard apply to farm business tenancies and agricultural holdings?

Yes, providing the property is for domestic use

54. Do you have any other comments on the scope of the Decent Homes Standard, including other types of accommodation that you think should or should not be included in scope?

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55. What do you think will be the main impacts from bringing in a Decent Homes Standard in the private rented sector for both tenants and landlords? Please provide any evidence and further comments on impacts in the free text box.

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56. There are risks that bringing in the Decent Homes Standard means landlords exit the market or that they pass costs on to tenants. Which of the below would you support to mitigate the risks of any negative impacts of introducing a Decent Homes Standard in the private rented sector? Choose as many as you would like.

- Cost caps
- Extended implementation timeline

57. To what extent would you support bringing in a cost cap on criteria B, C and D of the Standard (e.g. on the non-safety elements of the Standard)?

- Quite supportive

58. Do you think there should be a transitional 'grace' period before the Decent Homes Standard becomes a requirement, and when enforcement action can be taken?

Due to current economy and issue with gaining access to construction materials we agree that a phased approach to allow landlords to make improvements is sensible.

59. If there were to be a grace period, what length of grace period should there be before the Decent Homes Standard becomes a requirement?

We would encourage government to publish the results of the Minimum Energy Efficiency Standards (MEES) as soon as possible to allow landlords to begin implementing improvements measures the their properties.

Any grace periods should match that of MEES.

60. Do you think that we should phase in parts of the Standard. For example, to bring in criteria A and B in the first instance, before including criteria C and D at a future point

No, all elements of the Standard should come in at the same time.

61. If elements of the Standard were to be phased in, please rank the order you would want them to be brought in from first to last.

1. Criterion B: It is in a reasonable state of repair
2. Criterion D: It has a reasonable degree of thermal comfort
3. Criterion C: It has reasonable facilities and services
4. Criterion A: It meets the current statutory minimum standard for housing

62. If elements of the Standard were to be phased in, how long would you like to see between phases?

There should not be any phasing



Contact Details

Should you require any further clarification please contact us at:



Elmhurst Energy,
16 St Johns Business Park,
Lutterworth, Leicestershire,
LE17 4HB



01455 883 250



enquiries@elmhurstenergy.co.uk



www.elmhurstenergy.co.uk