



## Energy Efficiency in the Private Rental Sector

From the 1st April 2016 new laws came into effect which directly impact domestic private landlords.

2016	<b>1</b>	MEES (Minimum Energy Efficiency Standards) is now law
	<b>2</b>	According to the government data 25% of properties in England and Wales have an E rating or below
	<b>3</b>	From April 2016 tenants were able to request a landlord make improvements to a property and, if this can be delivered at no upfront cost, then the landlord cannot "unreasonably refuse".
2018	<b>4</b>	From April 2018 a landlord cannot grant a new tenancy of the property with an Energy Performance Certificate with a rating below an E.
2020	<b>5</b>	From April 2020 a landlord cannot rent any property with an Energy Performance Certificate with a rating below an E.
2025 ONWARDS	<b>6</b>	The government has declared their wish to raise those standards further such that that the minimum standard is likely to rise to a D by 2025 and a C Rating in 2030.

# Key Facts

## Tenants' Energy Efficiency Improvements

2016

### What are the reinforcements to tenant rights?

From the 1st April 2016 all domestic tenants have the right to request energy efficiency improvements for the properties they rent.

### Can a residential private landlord refuse a tenants request for Energy Efficiency Improvements?

Yes. Your tenant must show that improvements can be installed with no upfront cost to the landlord. Don't forget there is likely to be a scheme available, such as ECO or Green Deal, which is intended to facilitate energy efficiency without the need for upfront costs.

### Who does this apply to?

This new regulation applies to domestic properties let under a longer term assured and regulated tenancies.

### Are there any exemptions?

If the building is exempt from an EPC then you are not required to provide consent. Landlords are also exempt if required third-party consent, such as planning, for work cannot be obtained.

### Are there any penalties for non compliance?

Yes. If a tenant considers that a landlord hasn't complied with the regulations, they can take the case to a First-Tier Tribunal General Regulatory Chamber.

## Minimum Energy Efficiency Standards (MEES)

2018

### What are the Minimum Energy Efficiency Standards?

From the 1st April 2018 it became unlawful to let residential properties with an Energy Performance Certificate (EPC) with a rating of F or G.

### What are the key dates?

**April 2018-** the regulations will apply to certain triggers such as granting a new tenancy (for further information see BEIS domestic private rented property minimum standard document)

**April 2020-** The regulation will apply to ALL privately rented property which is required to have an EPC.

### Are there any penalties for non-compliance?

Yes. Failing to comply with a compliance notice could result in a fine up to £5000.

### Why is it being enforced?

This new legislation attempts to ensure that all tenants enjoy a right to live in an energy efficient home. It also contributes to the UK legislative targets of reducing CO2 emissions for all buildings to around zero by 2050.

### Are there any exemptions?

Yes landlords are exempt if:

- All relevant energy efficiency improvements for the property have been made.
- A measure cannot be wholly financed at no cost to the landlord
- A third party e.g. chartered surveyor, confirmation of a measure is not appropriate If third-party consents are not available (consent from tenants, planning authority etc).

Exemptions should be registered on the PRS register.

## What Next?

Given the risks to landlords it is clear that a full understanding of energy efficiency is required for your property assets, in order to see if you are meeting MEES.

Elmhurst Members can assess a property's energy efficiency and produce an EPC to ensure you have an understanding of your properties energy efficiency rating .

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