



HAMBLETON DISTRICT COUNCIL

THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015.

Introduction

The energy efficiency (private rented property) (England and Wales) Regulations 2015. introduces legal requirements on all landlords renting out property or renewing tenancies after April 2018 to ensure that:

- The property meets a minimum level of energy efficiency which is an energy performance certificate (EPC) rating of band E

This regulation will also apply to properties with existing tenancies from April 2020.

Since 2008 an owner or landlord has, on sale, letting or construction of a property been required to make an EPC available to the prospective buyer or tenant.

Where a landlord wishes to continue letting property which is currently 'sub-standard', they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E or register a valid exemption with the national PRS Exemptions Register.

Regulations apply to domestic privately rented properties in England and Wales which are:
a, let under certain types of domestic tenancy and
b, which are legally required to have an Energy Performance Certificate.

The Regulations do not apply to the Social Housing Sector.

Enforcement

Where the Local Housing Authority has reasonable grounds to believe that:

1. a property is sub-standard and has been let on a new tenancy or let as a result of an extension or renewal of an existing tenancy.
2. a landlord has registered false or misleading information on the PRS Exemptions Register
3. landlord has failed to comply with a compliance notice.

The Local Housing Authority will enforce compliance with the domestic minimum level of energy efficiency in accordance with the services enforcement policy.

Where the local authority is satisfied that a property has been let in breach, the Regulations state that it may serve a notice on the landlord imposing the following financial penalties.

Infringement	Penalty
Providing false or misleading information to the PRS Exemptions register.	£1,000
Failure to comply with a compliance notice	£2,000

Renting out a non-compliant property (only 1 can apply)	Less than 3 months non-compliance £2,000	3 or more months non-compliance £4,000
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Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000

Penalty Charge Principles

The penalty charge for the various infringements does not place an excessive burden on a landlord, however the lack of compliance directly transfers the financial burden onto the tenants and society in general.

Substandard properties result in higher tenant energy bills and for many the likelihood of living in fuel poverty. The health effects of living in cold homes can include cardiovascular and respiratory disease, especially in older people. This can lead to excess winter deaths and ill health associated with excess cold, costs to the NHS for treating the above diseases or time of work.

It is recognised that the imposition of the maximum potential fine, being £5,000 under the regulations, can present an excessive financial burden but this is balanced against the risk of living in a substandard property. The offence will be dealt with in accordance with the [Environment, Leisure and Communities Enforcement Policy](#) and an opportunity will be afforded to comply prior to any penalty charge being levied.

In line with the legislation, a discount of 40% is offered on payment within 14 days of the charge being issued. This discount shall not apply when:

1. The person / company served on has obstructed the Authority in the carrying out of its duties; and / or
2. The person / company has previously received a penalty charge under this legislation;

The discount shall also only apply to the first non-compliance if a number of remedial notices have been served covering a number of premises under the persons / company control.

A minimum charge of £500 will be levied. (This is seen as appropriate to cover the cost of the initial investigation into compliance) The Environmental Health service will determine the penalties that will be imposed for each case based on the hourly rate of officer time taken to investigate and process each matter. This will be in accordance with the Council's arrangements for its fees and charges.

Appeals in relation to a penalty charge notice

The landlord has a right to seek a review of the penalty charge notice by writing to the Authority (details on the Notice) within 28 days of the Notice being issued.

On consideration of any representation and evidence, the penalty charge notice can be confirmed, varied or withdrawn. This decision is confirmed by issuing a decision notice on the landlord. If varied or confirmed, the notice shall state a further appeal can be made to a Residential Property Tribunal and details given. The Tribunal may quash, confirm or vary the penalty charge notice.

Any representation shall be considered on its individual merit, and be in line with any concession policy approved by the Council.

Recovery of Penalty Charge

The Local Housing Authority may recover the penalty charge as laid out in the regulations. Due to costs incurred by the Council, any penalty charge notice shall be pursued for payment.

Review of Statement

This Statement of Policy shall be reviewed and amended to reflect any change in legislation, Corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation. A review shall take place annually should no other change have occurred.

The Authority may also publish details of the breach on the National PRS Exemptions Register