

Minimum Energy Efficiency Standards (MEES): residential property

The **Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015** require landlords of domestic property to carry out energy improvement works to properties with an Energy Performance Certificate ('EPC') rating of F or G in order to let or continue to let these properties unless an exemption applies.

What changes are happening and when?

1 April 2016



Already partially in force – tenants of domestic properties can request landlord consent (not to be unreasonably withheld or delayed) to carry out energy efficiency improvements.

1 April 2018



It will be unlawful to grant a new lease of residential premise with an EPC rating of less than E.

1 April 2020



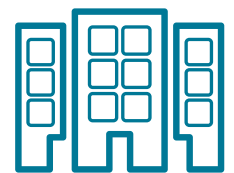
The prohibition is extended and it will be unlawful to continue to let residential premises with an EPC rating of less than E.

What tenancies are affected?

All domestic properties, which have:

- An EPC; and
- Assured tenancies, including ASTs and Regulated Tenancies i.e. Rent Act tenancies and domestic agricultural tenancies.

The Regulations **do not apply to licences and social housing sector.**



How do tenants request landlord consent?

Stage 1

A tenant may serve notice on a landlord requesting the landlord's consent to the making of one or more relevant energy efficiency improvements. Any request should be

accompanied by evidence of funding (or confirmation the tenant will fund the works) and enclose a report setting out the recommended improvements.



Stage 2

A landlord must within 1 month from the tenant's request:

- Consent to the improvements
- Refuse consent with reasons for refusal accompanied by supporting evidence

- Serve an initial response - this is used if superior landlord consent is required or the landlord wants to obtain advice or check if the works are subject to an exemption, or they want to serve a counter notice



Stage 3

If an initial response is served, a full response must be served no later than 3 months after the date of the tenant's request, or a counter-proposal must be served no later than 4 months from the date of service of the tenant's request.

If a landlord does not respond or unreasonably refuses its consent a tenant can refer any dispute to the First Tier Tribunal.

Reasonable grounds to refuse consent could include:

All domestic properties, where:

- In the last 6 months, another tenant has made a request in respect of the same property and the landlord complied with the Regulations in respect of that request.
- Notice has been served terminating the tenancy.
- The improvement is the same or substantially the same as an improvement that the landlord proposed in the last 6 months, but which the tenant refused.
- Third party consent or devaluation exemption applies.

What are the penalties?

Financial penalties:

- A breach of **up to 3 months** – up to a maximum of £2,000
- A breach of **3 months or more** – up to a maximum of £4,000

Landlords in breach can also be subject to a publication penalty. The local authority can review its decision to serve a penalty notice at any point.

What are the exemptions?



All relevant improvements have been made, or none can be made, but the property remains sub-standard



Cost of the improvement



Unable to obtain third party consent



Devaluation of at least 5%



Solid wall insulation



Temporary exemption – 6 months

 An exemption must be registered on the PRS Exemptions Register.

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