



Community Services

**Energy Act 2016**

**Implementation of Minimum Energy  
Efficiency Standards (MEES) in Privately  
Rented Homes**

## **Background**

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 came into effect on 1st April 2018 and introduced minimum standards of energy efficiency for private rented property. From 1 April 2020 these rules apply to all rented property regardless of a change in tenancy:

The regulations require: -

- that landlords must provide an Energy Performance Certificate (EPC) containing information about the property's energy use and costs and how to reduce these to the tenant whenever they grant or renew an assured shorthold tenancy.
- that all privately rented homes must have at least an E-rating on the property's EPC or have spent a minimum of £3,500 on trying to achieve an E rating.
- The regulations include exemptions for properties where all the "relevant energy efficiency improvements" for the property have been made (or there are none that can be made) but the property remains sub-standard and the property has been entered on the PRS Exemptions Register together with supporting evidence.

## **Non-compliance with the Regulations**

A local authority may check for different forms of non-compliance, including one or more of the following:

- from 1 April 2018, a property is let in breach of the Regulations
- from 1 April 2020, a property is continued to be in breach of the Regulations
- A landlord has registered any false or misleading information on the PRS Exemptions Register

## **Enforcement and Penalties**

The Council is the "enforcement authority" for their area, and responsible for enforcing compliance with the minimum level of energy efficiency provisions within their geographic boundaries.

If a local authority believes a landlord may be in breach, they may serve a compliance notice requesting information to help them decide whether a breach has occurred. They may serve a compliance notice up to 12 months after a suspected breach occurred.

A compliance notice may request information on:

- the EPC that was valid for the time when the property was let
- the tenancy agreement used for letting the property

- information on energy efficiency improvements made
- any Energy Advice Report in relation to the property
- any other relevant document

If a local authority confirms that a property is (or has been) let in breach of the Regulations, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months. Local authorities can decide on the level of the penalty, up to maximum limits set by the Regulations.

The maximum amount of fine per property is £5,000 in total

When the Council are satisfied that an offence has been committed, they may decide to impose Financial Penalties up to the limits included in the following table.

<b>Infringement</b>	<b>Penalty (less than three months in breach)</b>	<b>Penalty (three months or more in breach)</b>
<b>Renting out a non-compliant property</b>	Up to £2,000, and/or Publication penalty.	Up to £4,000, and/or Publication penalty.
<b>Providing false or misleading information on the PRS Exemptions Register</b>	Up to £1,000, and/or Publication penalty	
<b>Failing to comply with a compliance notice</b>	Up to £2,000, and/or Publication penalty	

The limits apply per property and per offence.

Officers are delegated to enforce the regulations by reference to the preceding table, equal to one third of the relevant maxima for a first offence, two thirds of the relevant maxima for a second offence and the maximum amount for any subsequent offence committed within any five year period and to impose publication penalties.

### **Publication Penalty**

A publication penalty means that the enforcement authority will publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. The enforcement authority can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months. The information that the enforcement authority may publish is: • the landlord's name (except where the landlord is an individual); • details of the breach; • the address of the property in relation to which the breach occurred; and the amount of any financial penalty imposed.

Detailed guidance to the regulations is available at [The domestic private rented property minimum standard \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/external-consultation/open-consultation-on-the-domestic-private-rented-property-minimum-standard)