

- Registering false or misleading information on the PRS Exemptions Register: £1,000;
- Failing to provide information to the council demanded by a Compliance Notice: £2,000.

The total amount of financial penalty imposed by the council in respect of any one tenancy must not exceed £5,000. A publication penalty relates to the publication of certain information contained in a Penalty Notice on the PRS Exemptions Register.

Where can I find help with improvements?

Recommended energy efficiency improvements for the property can be found on the current EPC. Landlords must either self-fund improvements and/or use third party funding where available, but are not required to spend more than £3,500 (including VAT) to comply with regulations.

Independent energy advice endorsed by Government can be found at: www.simpleenergyadvice.org.uk/

The Home Energy Officer at Thanet District Council can provide further information on energy measures and support on third-party funding. Further details can be found at: www.thanet.gov.uk/info-pages/energyinthehome

You may require consent for improvement works if your property is within a conservation area or is listed. Further advice can be obtained by contacting the council's Planning Services. More information can be found at: www.thanet.gov.uk/do-i-need-planning-permission

The council's Private Sector Housing Team is responsible for ensuring compliance with the regulations and is available to offer advice and guidance to landlords.

This guide is only an overview of the law. Landlords must also refer to the regulations and government guidance.

Private Sector Housing

Telephone: 01843 577437
Main Reception: 01843 577000

Email: housing.conditions@thanet.gov.uk

Address: Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ

Web: thanet.gov.uk
Facebook: @ThanetDistrictCouncil
Twitter: @ThanetCouncil



Domestic private rented property: minimum energy efficiency standard

Landlord guide



Thanet District Council has a duty to ensure that private landlords fulfill their obligations under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the regulations”).

Since 01 April 2020, it has been unlawful for a private landlord to rent out a domestic property if it has an EPC rating of F or G, unless a valid exemption has been registered on the PRS Exemptions Register.

The government has issued guidance for landlords:

www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance

Why have the regulations been introduced?

The regulations were introduced to help improve energy security and reduce greenhouse gas emissions. They are also intended to help tenants in need of more thermally efficient homes, particularly those who are vulnerable or fuel poor, so they are able to enjoy a more comfortable and healthier living environment and lower energy bills.

What is an EPC?

Energy Performance Certificates (EPCs) are legally required when a relevant property is built, sold or rented. An EPC gives a property an energy efficiency rating from A (most efficient) to a G (least efficient) and is valid for 10 years.

An EPC contains:

- Information about a property’s energy use and typical energy costs; and
- Recommendations about how to reduce energy use and save money.

Sellers and landlords must commission an EPC for potential buyers or tenants before marketing a property for sale or letting where no valid EPC already exists. Sellers and landlords must make an EPC available when requested by a prospective buyer or seller as well as provide a copy of the EPC to the person who ultimately becomes the buyer or tenant.

Sellers and landlords who fail to fulfill their legal duties could be subject to a penalty charge. In addition, a landlord cannot serve a valid section 21 notice if they failed to provide their tenant with a copy of a valid EPC.

Kent County Council (KCC) is responsible for ensuring that sellers and landlords obtain an EPC when required to do so. Report a problem to KCC at:

www.kent.gov.uk/business/trading-standards

Business advice for landlords:

www.businesscompanion.info/en/quick-guides/miscellaneous/energy-performance-certificates

Government guidance on EPCs:

www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings

You can check your property’s EPC rating and find local EPC assessors on GOV.UK at:

<https://find-energy-certificate.digital.communities.gov.uk/>

What are landlords obliged to do under the regulations?

Private landlords must either:

- Ensure their rented properties have an minimum EPC rating of E or above; or
- Register a valid exemption on the PRS Exemptions Register.

Landlords who fail to do so are in breach of the regulations.

What are the exemptions?

The valid exemptions are:

- Where all relevant improvements have been made (or there are none that can be made) within the cost cap

of £3,500 (inc. VAT);

- If the lowest cost recommended improvement would exceed the £3,500 (inc. VAT) cost cap;
- If wall insulation has been recommended, but a recognised expert is of the opinion that it would be detrimental to the property;
- If a third party withholds consent (e.g. tenant, superior landlord, mortgage, freeholder, or planning authority);
- If, according to a recognised expert, the recommended measures would decrease the value of the property by more than 5%;
- When a person recently becomes a landlord in prescribed circumstances, a six-month exemption will apply.

The above exemptions usually last for five years, unless otherwise stated.

How do I register an exemption?

Exemptions must be registered, together with the required proof, by a landlord or an agent acting on their behalf, at:

<https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

The council periodically reviews the PRS Exemptions Register to monitor landlords’ compliance with the regulations.

What happens if I breach the regulations?

The council investigates any potential breaches of the regulations.

Landlords who breach the regulations may be subject to a Penalty Notice, which would impose a financial and/or publication penalty.

The potential breaches and maximum penalties are:

- Breaching the ban on letting a property with an F or G rating for less than three months: £2,000;
- Breaching the ban on letting a property with an F or G rating for more than three months: £4,000;