

31 July 2020



Name  
Address  
Town  
County  
Postcode

Dear Sir/Madam

**Thanet Cold Homes FINDER Project  
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Address: [Insert Address]**

We understand that you are the landlord of the above-mentioned privately rented property.

The most recent Energy Performance Certificate (EPC) for the property indicates that it has an energy efficiency rating of F or G. Every EPC provides a rating using a scale from A to G, with homes with an A rating being the most energy efficient, and those with a G rating being the least energy efficient. As your property is rated as an F or G, it is not deemed to be energy efficient.

***Why are we writing to you?***

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

The Government has made local authorities responsible for enforcing the above-mentioned regulations, which bring this prohibition into law. The council, therefore, has a duty to ensure that all private landlords comply with the regulations and only let homes which have an energy efficiency rating of E or above.

**Private Sector Housing**

Telephone: 01843 577437 | Main Reception: 01843 577000

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

Email: [housing.conditions@thanet.gov.uk](mailto:housing.conditions@thanet.gov.uk)

Web: [thanet.gov.uk](http://thanet.gov.uk) | Facebook: [@ThanetDistrictCouncil](https://www.facebook.com/ThanetDistrictCouncil) | Twitter: [@ThanetCouncil](https://twitter.com/ThanetCouncil)

### ***Why have the regulations been introduced?***

The regulations are designed 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 should you do?***

You must either:

- Ensure that the property is upgraded to an energy efficiency rating of E or above; or
- Register a valid exemption on the PRS Exemptions Register.

Exemptions must be registered at: <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before> together with the required proof.

### ***What happens if I breach the regulations?***

A landlord who breaches the regulations may be subject to a Penalty Notice, which may 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;
- 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 a local authority in respect of any one property 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.

### ***How can I find out more about my responsibilities as a private landlord?***

Go to the Government website:

<https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standards-landlord-guidance>.

### ***Please let us know what you are doing to comply with the regulations***

Please get in touch with our Thanet Cold Homes Finder Project Team on 01843 577437, or by email at [housing.conditions@thanet.gov.uk](mailto:housing.conditions@thanet.gov.uk), and let us know what you are doing to comply with the regulations.

We used Government data to obtain the relevant addresses for this project. However, the data is only up to date as of 31 March 2020. If you have already complied with these regulations by improving the property since that date, please contact us to confirm what you have done.

If the property is no longer privately rented, please email us and we will update our records accordingly.

Further information has been enclosed, which includes details of how the regulations will be enforced within the context of the Covid-19 pandemic.

Yours faithfully

**Thanet Cold Homes Finder Project Team**

Private Sector Housing

Telephone: 01843 577437 | Email: [housing.conditions@thanet.gov.uk](mailto:housing.conditions@thanet.gov.uk)

## **IMPORTANT INFORMATION**

### **Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

#### **Covid-19**

Having regard the regulations, there has been no relaxation in the law owing to the Covid-19 pandemic. However, the council has delayed enforcement activities to take account of the very difficult situation we are all facing. The council will take a pragmatic approach to enforcing the regulations, but landlords do need to take all reasonable steps to comply with them and ensure that any rental property they own is rated as E or above. Financial penalties will be imposed by the council when in the public interest to do so.

The Government has provided guidance to assist landlords during the pandemic, which can be found here:

<https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities>

Guidance has also been provided for working safely in other people's home during the pandemic, which can be found here:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes>

If you face any difficulties in complying with these regulations owing to Covid-19, we would urge you to contact us and keep us informed of your efforts to improve your rental accommodation.

#### **Tenancy agreements - Harassment and unlawful eviction**

The prohibition on renting out homes with an energy efficiency rating of F or G does not automatically invalidate any existing tenancy agreement. A tenant in substandard accommodation cannot be evicted without the landlord having followed due legal process. Any landlord found to have been harassing a tenant or attempting (or having completed) an unlawful eviction will be subject to council investigation. A person convicted of the offence of harassment or unlawful eviction under the Protection from Eviction Act 1977 is liable to a fine and/or imprisonment for a term not exceeding two years.

#### **Application of the regulations**

While the prohibition on the letting of F and G homes came into effect on 01 April 2020 for existing tenancies, the prohibition has been in place since 01 April 2018 in respect of any new or renewed tenancies signed on or after that date.

#### **Removal of "no cost to the landlord" exemption**

The originally enacted regulations allowed for a "no cost to the landlord" exemption to be registered. However, the regulations were amended in 2019 to introduce the £3,500 cost cap, and this exemption was not available after 31 March 2019. Owing to the changes, all "no cost to the landlord" exemptions registered on the PRS Exemptions Register before 01 April 2019 expired early on 31 March 2020, even though they were originally envisaged to last for five years. All affected landlords were contacted personally via the PRS Exemptions Register.