Response ID ANON-GYJM-R9QN-1

Submitted to Private Rented Sector (PRS) Minimum Energy Efficiency Standard (MEES)
Submitted on 2025-08-25 11:42:22

The Minimum Standard

1 Do you agree that the PRS MEES should be Energy Performance Certificate (EPC) Heat Retention Rating (HRR) band C?

Yes

Please provide further information here::

Strongly support, EPC band C seems reasonable and a significant improvement for many renters. We also seek to understand whether after the EPC reform, C will be more stringent under the scale of SAP ratings. Likewise, we suggest that there should be consistency between measures for the PRS and owner-occupied sector and therefore the proposals for a minimum standard for owner occupied is essential. We seek clarity on whether these proposals will be reflected in the Heat in Buildings Bill as we believe that consistency across tenures will support cohesive fabric improvements across all domestic properties.

Demonstrating compliance with existing or reformed EPCs

2 Do you agree that only new reformed EPCs should be used as a basis for the proposed MEES?

Yes

Please provide further information here::

Strongly support – However, it means that EPC reform must take place in a timely manner, or it will delay the introduction of the PRS MEES. We have concerns about how this will be enforced and whether the Council will be given proper resource to manage compliance.

Backstop Date: 2033

3 Do you agree that the backstop date for all PRS homes to comply with MEES should be 2033?

Yes

Please provide further information here::

Strongly support – The City of Edinburgh Council supports measures that will improve the comfort and amenity of tenants of privately-rented homes in Edinburgh. It is suggested that careful consideration will be needed to ensure that measures do not result in unintended consequences such as large numbers of properties being withdrawn from the market, amplifying housing shortages, or that measures do not result in the costs of upgrading being passed onto tenants, further increasing cost of living pressures for people living in rented accommodation. There is a need to ensure any fabric improvements are informed by appropriate expertise to ensure there are no unintended consequences, e.g. poor air quality, interstitial condensation, mould growth, etc. If possible we would support this back stop date of 2030 which will support Council's with commitments to achieve 75% emissions reductions and Net-Zero emissions by 2030.

In force date and earlier phased action: 2028

4 Do you agree that the MEES should apply to properties being let to new tenants from 2028?

Yes

Please provide further information here::

Tenancies in Scope

5 Do you agree that, regardless of changes to the repairing standard, that crofters, small landholders and agricultural holdings should be excluded from PRS MEES?

No

Please provide further information here::

Disagree – Suggest that where a tenant lives in accommodation provided by the types of arrangements listed in question 5, they should have the right to the same benefits of improved energy efficiency measures as other privately renting tenants. Suggest that any exemptions should be applied on an equitable basis. We also seek clarity on what is a 'small landholder' is this a landlord with only 1 or 2 properties perhaps? Suggest we can't exclude any landlords.

Short-term Holiday Lets

6 Do you agree that the regulations should exclude short-term holiday lets from the PRS MEES?

No

Please provide further information here::

Strongly Disagree – Suggest holiday lets to be included as there is no value in wasted energy regardless of building occupancy and removing the requirement could make coordinated / joint improvements such as EWI more difficult in mixed occupancy buildings where there is a holiday let. Likewise, properties may be sold to PRS or owner occupiers who would then be liable for improvements which seems unfair. We would want to avoid creating future barriers to short-term lets reverting to residential use. There are over 4,190 short-term lets in Edinburgh, if they are not to be included in the PRS MEES, this could have significant implications for flat owners trying to coordinate works at the building level.

Exemptions and Cost Cap

7 Do you agree with the proposed exemptions covering consent, the fabric requirements of the home and temporary exemptions?

Yes

Please provide further information here::

Yes, though caution this is an area where there is risk of fraud/evasion.

8 Do you agree that Heat & Energy Efficiency Technical Suitability Assessment (HEETSA) should be available as an option to evidence potential negative impacts on the fabric of a property and to support an exemption?

Yes

Please provide further information here::

9 Do you agree that the cost cap level should be £10,000?

Yes

Please provide further information here::

Agree, but suggest thought be given to situations where the landlord maintains a portfolio for multiple decades, suggest cost cap is relevant for a set period of time, such as 5-10 years and resets when the property is sold to another landlord. We suggest that the cost cap should only include costs related to compliance with MEES and not incidental repairs and maintenance as a result of improvements - as this element can raise the costs significantly. Suggest that the £10,000 figure be Index linked to inflation and for a periodic review of the cost cap, for example every three years, to reflect changes in the supply chain. We have concerns that the cost cap doesn't take into account the size of a property – a large, detached house which is a listed building might meet the cap very easily. We suggest a sliding scale cost cap for different properties, or at least some sort of differential where the size of the property is reflected.

10 Do you agree with the proposed 12 month lead in time period for works to contribute to the total cost cap?

No

Please provide further information here::

Disagree, suggest that the period between the announcement of the PRS MEES requirement and the deadline be taken into consideration to prevent a bottleneck of landlords trying to access tradesmen.

11 Do you agree that all actual costs, and the cost of an EPC, should count towards the cost cap?

Yes

Please provide further information here::

Agree, however as stated above we do not think that necessary repairs should count towards this figure. Suggest increasing cost caps across differing property sizes is most straightforward. Consider that the cost of an EPC assessment should be set by SG. See response to Question 9 above - clarity on 'all' actual costs - if this includes incidentals - say structural repairs then would disagree with this.

Support

12 Do you agree that landlords should receive Scottish Government support to make the required changes?

Yes

Please provide further information here::

13 Do you agree that this should be in the form of a loan?

Yes

Please provide further information here::

Agree, ideally at zero or very low interest. Suggest considering German loan scheme where the interest rate charged varies depending on the level of carbon reduction achieved in the retrofit, resulting in net zero retrofits paying zero interest on the loan.
https://globalabc.org/sites/default/files/2020-09/Germany_GlobalABC%20WA%20Finance_Stimulus_0.pdf

Monitoring and Enforcement

14 Do you agree that Local Authorities should be responsible for monitoring and compliance of these regulations?

Don't Know

If no, please provide details of an alternative with your reason(s) as to how this would support the delivery of these regulations::

Many local authorities do not presently have the resource to carry out enforcement of this scheme. If local authorities are to be given this responsibility, proper resource must be provided or non-compliance will occur. E.g., there are 56,000 privately rented homes in Edinburgh, requiring huge resource to monitor effectively.

Penalties

15 Do you agree with the proposed level of financial penalties to support compliance with the regulations?

No

If no, please provide detail on suggested amendments that should be made, outlining how the changes would increase the impact of penalties to achieving compliance with the Regulations.:

Disagree, suggest non-compliance penalties should be at least the amount of the cost cap, otherwise there seems to be an incentive to forgo compliance with this standard. Likewise, adherence to this standard is reliant on proper resource within the local authority

Amendment to primary legislation: Energy Act 2011

16 Do you agree that the Scottish Government should seek to amend the Energy Act 2011 to increase in maximum financial penalties that could be imposed up to £30,000 in future, should this be deemed necessary?

Yes

Please provide further information here::

Impact Assessments

17 In what way could these regulations have a specific or different impact, positive or negative, on a particular group of people? This could be based on protected characteristics, such as age or disability, or geography, such as island communities.

Please provide further views or information here::

In theory these regulations have the ability to positively affect all tenants of private landlords.

In practice, there is a risk that the regulations will see the cost of works passed along to private tenants who are already most likely to experience fuel poverty and can have vulnerable or protected characteristics. Likewise, in local authorities where private rented properties are typically owned by a person with only one property in their portfolio and where the income is in place of a pension, regular income or supplements care costs, this could see a mass selling of privately rented properties and a heightening of the housing emergencies. The Council does not have any evidence to suggest this will or won't happen, but feel that it would be prudent to consider and suggests that research is undertaken to understand any adverse or positive effects.

About you

What is your name?

Name:
Hilary Dooley

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
The City of Edinburgh Council

Further information about your organisation's response

Please add any additional context:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

What is your email address?

Email:
hilary.dooley@edinburgh.gov.uk

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Where did you hear about this consultation?

Social media/email of an organisation you follow

If other, please say where::

Evaluation

How satisfied were you with this consultation?

Very satisfied

Please enter comments here.:

Long period for consideration. Concise consultation document.

How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

Very satisfied

Please enter comments here.: