

Response ID ANON-21GM-FAMB-D

Submitted to **Energy efficiency and condition standards in private rented housing: A Scotland's Energy Efficiency Programme Consultation**
Submitted on 2017-06-30 09:53:55

Part 1 – energy efficiency standards

1.1 Do you think that only tenancies covered by the repairing standard should have to meet minimum energy efficiency standards?

Not Answered

If not, what other privately rented tenancies do you think should be included? :

1.2 We propose to link the minimum energy efficiency standard to the energy performance certificate as we think this is the most suitable mechanism.

No

Comments:

Thank you for consulting on the introduction of energy efficiency and condition standards in private rented housing. BEFS (Built Environment Forum Scotland) is an umbrella organisation that brings together 23 non-governmental organisations across Scotland's built environment sector. Drawing on extensive expertise and knowledge in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's built environment.

The methodology behind energy performance certificates (EPC) does not translate readily to buildings of traditional construction. Research has shown that historic buildings can perform very well in terms of energy efficiency, if the measurement methodology takes account of the different way in which historic buildings function. The consultation document begins to recognise this at paragraph 94 which is welcome; BEFS would wish to see the methodology developed to take account of the pathology of historic buildings. Evidence has shown that the application of typical energy efficiency measures to historic buildings (including post-war buildings) does not necessarily achieve an improvement in the EPC rating, indeed typical retrofitting measures may make matters worse for example by increasing damp. BEFS also notes that improvements in property management can outperform retrofitting interventions.

1.3 (a) Do you think there are elements of the energy performance certificate assessment that would need to be altered to support a minimum energy efficiency standard?

Yes

If so, what areas do you think would need to be changed and what evidence can you offer to support your view?:

BEFS would wish to see the EPC methodology improved to take account of the pathology of historic buildings in Scotland. There has been increasing acceptance that masonry walls perform better than previously modelled and the methodology could be developed to accommodate other installed features such as shutters. There is also potential for more sensitivity to variation across the country in relevant factors such as climate, geography, local variations in stone, construction methods etc – all of which will impact upon energy efficiency.

1.4 Do you think that the minimum energy efficiency standard for private rented properties should be set at an energy efficiency rating of E in the first instance?

Not Answered

Please explain your answer.:

1.5 Do you think that the minimum energy efficiency standard should first of all apply only to those properties where there is a change in tenancy, and after that to all private rented properties?

Not Answered

Please explain your answer.:

1.6 Do you think that 1 April 2019 is the right date to start applying the minimum standard of E when there is a change in tenancy?

Not Answered

Please explain your answer.:

1.7 Do you think that 31 March 2022 is the right date by which all privately rented properties would need to meet the minimum standard?

Not Answered

Please explain your answer.:

1.8 Where a property has an EPC of F or G at the point of rental:

Not Answered

Not Answered

Not Answered

Please explain your answers. :

1.9 We think that all privately rented properties should have to meet the minimum standard by 31 March 2022. Where a property does not have an EPC of E:

Not Answered

Not Answered

Not Answered

Please explain your answers. :

1.10 We are proposing that there should be a new minimum standards assessment based on the EPC methodology that will tell an owner how to bring their property up to standard. Please tell us your views on the following elements of that proposal:

Please explain your answer, and provide alternatives where applicable.:

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1.11 Do you think that the assessment should only recommend a package of measures which improves both the energy efficiency and the environmental impact scores of the property?

Not Answered

Please explain your answer.:

1.12 We propose to develop a new role of minimum standards assessor.

Not Answered

Please explain your answer.:

See answer to question 1.16.

Please explain your answer.:

Please explain your answer.:

Please explain your answer.:

1.13 What are your views on the existing advice and information provision provided by Scottish Government for landlords and tenants? What changes, if any, do you think are required?

What are your views on the existing advice and information provision provided by Scottish Government for landlords and tenants? What changes, if any, do you think are required? :

1.14 What financial or fiscal incentives support – such as grant and loans, tax or otherwise - would you find most useful to help to accelerate the installation of energy efficiency measures and help landlords meet any proposed standards?

What financial or fiscal incentives support – such as grant and loans, tax or otherwise - would you find most useful to help to accelerate the installation of energy efficiency measures and help landlords meet any proposed standards?:

1.15 What impact do you think the introduction of minimum standards would have on local supply chains for energy efficiency works?

What impact do you think the introduction of minimum standards would have on local supply chains for energy efficiency works?:

1.16 Do you think it would be helpful for assessors and installers to have a traditional buildings qualification that raises awareness and understanding of energy efficiency measures for older, traditional or vulnerable buildings built prior to 1919?

Yes

Please explain your answer.:

BEFS very much welcomes the recognition, at paragraph 94, that 'there may be specific issues for historic and pre-1919 buildings, which are stone-built and where more specialist skills may be required to bring them up to standard'. BEFS would wish to see EPC assessors dealing with traditional buildings appropriately qualified.

1.17 Do you think there are additional consumer protection safeguards the Scottish Government should consider for the private rented sector?

Not Answered

Please explain your answer.:

1.18 Do you think that local authorities should be responsible for enforcing the standard?

Not Answered

If not, why not, and what alternative would you suggest?:

1.19 Do you think that the penalty for not complying with the standard should be a civil fine against the owner?

Not Answered

If not, why not, and what alternative would you suggest?:

1.20 We have proposed the following fines:

Not Answered

Please explain your answer.:

1.21 We have proposed some specific situations where owners should have longer than six months to bring their properties up to the minimum standard. Do you have any comments on these proposed situations in relation to:

Please explain your answers.:

1.22 We have proposed some situations where we think owners should not be penalised for not carrying out the full improvement identified by the minimum standards assessment. Do you have any comments in these in relation to:

Please explain your answers.:

(a) technical reasons – feedback from practitioners with experience working with historic buildings suggests that the measures will not necessarily secure an improvement in EPC ratings when applied to buildings of traditional construction. The poor performance of uPVC windows over the longer time has been proven.
(c) excessive cost reasons – the proposed cap of £5000 seems quite low – BEFS is interested to understand more about the modelling described at paragraph 105 which states that 'only 200 of the private rented properties with an EPC band lower than E (0.7% of that group) would be above a cost cap of £5000'. It would be very unfortunate if this policy were to result in more property remaining unlet and consequently falling into further disrepair (along with associated social and environmental impacts).

1.23 For local authorities to be able to enforce and monitor the proposed minimum standards:

Please explain your answers.:

Please explain your answer.:

1.24 What opportunities do you think there are to combine enforcement of minimum energy efficiency standards with other action in the private rented sector?

Please explain your answer.:

1.25 Do you think that we should set out now the minimum energy efficiency standard after 2022?

Not Answered

Please explain your answer.:

1.26 Do you think that the next standard should be to meet an EPC of D at point of rental from 1 April 2022, and in all privately rented properties by 31 March 2025?

Not Answered

Please explain your answer.:

1.27 When increasing the standard to EPC D, we propose that the cost cap will be £5000 for properties with an EPC of E, and £10,000 for properties with an EPC of F or G (which would include any spend made to improve the property previously following a minimum standards assessment). Please tell us your views about this proposed cap.

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1.28 What are your views on the provisions in general for exceptions to the D standard, including that a property which has an exception from meeting E should not automatically be excepted from meeting D?

Please explain your answer.:

1.29 What do you think the main benefits would be of introducing a minimum standard higher than D?

Please explain your answer.:

1.30 We think that any increase in the standard beyond D would bring new challenges in the form of cost, technical considerations and alignment with the Climate Change Plan.

Please explain your answers.:

1.31 Please tell us about any potential economic or regulatory impacts, either positive or negative, that you feel the legislative proposals in Part 1 of this consultation document may have, particularly on businesses (including landlords).

Please tell us about any potential economic or regulatory impacts, either positive or negative, that you feel the legislative proposals in Part 1 of this consultation document may have, particularly on businesses (including landlords)?:

1.32 In relation to the interim Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on any groups of people with protected characteristics. We would particularly welcome comments from representative organisations and charities that work with groups of people with protected characteristics.

In relation to the interim Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on any groups of people with protected characteristics? We would particularly welcome comments from representative organisations and charities that work with groups of people with protected characteristics. :

1.33 To help inform the development of the Child Rights and Wellbeing Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on children's rights and welfare? We would particularly welcome comments from groups or charities that work with young people.

In relation to the Child Rights and Wellbeing Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on children's rights and welfare? We would particularly welcome comments from groups or charities that work with young people. :

1.34 Do you have any suggestions for the monitoring and review framework?

Do you have any suggestions for the monitoring and review framework?:

1.35 Do you have any other comments on the proposals set out in Part 1 of this consultation?

Do you have any other comments on the proposals set out in Part 1 of this consultation?:

Part 2 – Condition standards

2.1 Do you think that ensuring a house complies with the tolerable standard should be part of a private landlord's duties under the repairing standard?

Not Answered

Please explain your answer.:

2.2 Do you think that private rented housing should meet a minimum standard for safe kitchens?

Not Answered

2.3 If this is introduced, what exceptions (if any) do you think would be needed?

If this is introduced, what exceptions (if any) do you think would be needed?:

2.4 Do you think that private rented housing should have a minimum standard for food storage space?

Not Answered

2.5 If this is introduced, what exceptions (if any) do you think would be needed?

If this is introduced, what exceptions (if any) do you think would be needed?:

2.6 Do you think that private rented housing should have a fixed heating system?

Not Answered

2.7 If this is introduced, what exceptions (if any) do you think would be needed?

If this is introduced, what exceptions (if any) do you think would be needed?:

2.8 Do you think that private rented housing should be free of lead pipes from the boundary stopcock to the kitchen tap?

Not Answered

2.9 If it is not possible to establish whether or not there are any lead pipes from the boundary stopcock to the kitchen tap, do you think a water quality test should be carried out before the tenancy commences?

Not Answered

2.10 Do you think that private rented housing should meet a minimum standard for (a) safe access and (b) safe use of common facilities provided with the tenancy?

Not Answered

2.11 If this is introduced, what exceptions (if any) do you think would be needed?

If this is introduced, what exceptions (if any) do you think would be needed?:

2.12 Do you think that private rented housing should meet a minimum standard for safe and secure common doors?

Not Answered

2.13 Do you think that baths and bidets in private rented housing should be fitted with thermostatic mixing valves (or similar measures)?

Not Answered

2.14 Do you think that electrical installations in private rented housing should be fitted with residual current devices?

Not Answered

2.15 A qualified specialist must be employed for any work that involves removing or disturbing asbestos. Asbestos surveys ensure that a landlord knows when a qualified specialist must be used.

Not Answered

2.16 Do you think that the repairing standard should be amended to include a duty on landlords of private rented properties with a private water supply, covering (a) risk assessment of the supply, and (b) annual water quality testing?

Not Answered

2.17 Do you think that the repairing standard should be amended to include capacity for a fridge/freezer in order to ensure people are able to store food?

Not Answered

2.18 Do you think that private landlords should be required to provide cookers, fridges and freezers?

Not Answered

2.19 Do you think that the repairing standard should be amended to include a specific reference to safety of heating systems using other fuels in addition to gas and electricity?

Not Answered

2.20 Do you think that the repairing standard should be amended to include flooring materials to reduce sound transmitted to other homes?

Not Answered

2.21 What (if any) other measures to reduce sound transmission should be considered?

What (if any) other measures to reduce sound transmission should be considered?:

2.22 Do you think anything else should be added to the repairing standard?

Do you think anything else should be added to the repairing standard?:

2.23 Do you think that agricultural tenancies, rented crofts and small landholdings should be subject to the repairing standard?

Not Answered

2.24 Do you think that we need to clarify whether holiday lets (or certain types of holiday lets) should be subject to the repairing standard?

Not Answered

2.25 Do you think that there should be a lead-in time of at least 5 years for landlords to comply with any changes to the repairing standard?

Not Answered

2.26 Do you think that different lead-in times for different measures would cause any difficulties for (a) landlords or (b) tenants? Please tell us what difficulties you think could be caused.

Do you think that different lead-in times for different measures would cause any difficulties for (a) landlords or (b) tenants? Please tell us what difficulties you think could be caused.:

2.27 Do you think that the timetable for changes should be linked to wider government milestones on climate change?

Not Answered

2.28 Are the current enforcement routes via the housing tribunal appropriate for the proposed new measures in the repairing standard?

Not Answered

2.29 Do you think that rules on exceptional circumstances (where landlords are not required to comply with the repairing standard) should be revised to ensure situations such as technically infeasible work, unreasonable costs and withheld consents are covered?

Not Answered

2.30 Do you have any other views on the measures proposed in relation to:

Do you have any other views on the measures proposed in relation to.:

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About You

What is your name?

Name:

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What is your email address?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Built Environment Forum Scotland

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

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: