



LANDLORDS, ENERGY PERFORMANCE CERTIFICATES AND RENTED PROPERTIES

Lancashire Trading Standards Service has a responsibility for enforcing the relevant regulations. This brief note is to emphasise the consequences of non-compliance and to ask you to help ensure that there is no misunderstanding as to your responsibility.

The position is in most circumstances clear and straightforward.

- Since October 2008 an Energy Performance Certificate should be produced for every domestic residential property that is being marketed for rent.
- The Energy Performance Certificate has a life of ten years and can be reused within that time if a new tenancy is created.
- A copy of the Energy Performance Certificate should be provided at the earliest opportunity to any potential tenants. At the latest it must be provided when the property is being viewed by the prospective tenant.
- The Energy Performance Certificate will include an assessment of the property's energy rating with appropriate advice on energy improvements that can be made.
- Failure to provide the Energy Performance Certificate can result in a £200 penalty charge notice being issued.
- The responsibility is placed on the landlord.
- Landlords cannot avoid responsibility by using property agents.
- If no Energy Performance Certificate is available a penalty charge notice can be issued up to six months after the tenancy commenced.

There is a recognition that landlords of residential properties range from individuals with single homes to large operators with multiple homes for rent.

For the professional landlords, you should be fully aware of the necessity of an Energy Performance Certificate being available for properties being marketed. There has been extensive publicity and a wealth of resources exists to advise and inform as to the general and specific requirements.

For all other landlords it has to be emphasised that the legal obligations are the same whether you own one or hundreds of properties. The simple step should be to obtain an Energy Performance Certificate at the earliest opportunity for any property that you are likely to offer for rent. Lancashire Trading Standards Service will answer any query relating to enforcement and regulatory compliance you wish to rise.

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It is of concern that it would appear that there is a trend for the provision of an Energy Performance Certificate being delayed until the last possible opportunity or in certain cases for no Energy Performance Certificate being available. This is contrary to the requirements of the regulations and does potentially place landlords in a position where they could be liable for a Penalty Charge Notice.

From an enforcement perspective, the situation is very clear. If a property is marketed then there is a requirement to provide an Energy Performance Certificate at the earliest opportunity.

Lancashire Trading Standards has taken a realistic approach to the enforcement of these regulations. There has been an acceptance that there needs to be a period for the implications to bed in and an opportunity for technical problems being resolved. If the level of compliance is however, significantly compromised, we will have to reconsider our approach. We have a duty to enforce and a responsibility to ensure that purchasers are provided with the necessary energy performance information to help in their decision making process.

If you require further guidance, please contact:

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