

09 June 2020

Mr Kevin Stewart MSP
Minister for Local Government, Housing and Planning
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

Dear Mr Stewart,

The Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020

We are writing to you with concerns regarding the consequences of the Covid-19 coronavirus on Scotland's ongoing efforts to improve the energy efficiency of Scotland's private rented sector.

We welcome the swift action by the Scottish Government in relation to the Coronavirus pandemic and the decision to delay the implementation of the Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020.

We understand that Local Authorities will continue to focus on their delivery of vital services and support to vulnerable people due to the COVID-19 crisis for the foreseeable future. This makes it impossible to predict when the Government will be able to push forward with the vital work of improving energy efficiency in private rented housing.

However, as organisations, we are committed to working with our members to improve the condition of housing stock across Scotland. We would ask you to work with us to ensure the sector can begin to prepare for energy improvement works.

- We ask for a commitment that expenditure incurred now counts towards any potential cost caps in the future. This will ensure that there is no disincentive to landlords carrying out proactive work to improve energy efficiency in advance of minimum standards coming into force.
- We ask that you commit to a timeline which means the first milestone of the regulations is one year after the new regulations are published. This will allow landlords sufficient lead in time to prepare and implement improvements to properties that require to be upgraded to comply with minimum energy efficiency standards.
- We ask that the draft guidance for The Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020 is published. This will allow landlords to better understand how future regulations may affect their properties and proactively plan upgrading work accordingly, even if it is clearly labelled as "draft" guidance at this stage

The effects of Covid-19 and the subsequent lockdown will have a significant impact on private rented housing which may act as a barrier to improving energy efficiency:

- Firstly, during lockdown landlords have been unable to keep up the regular maintenance of their properties. Once lockdown has eased, they will have a substantial list of maintenance tasks that must be carried out. These tasks may have to be prioritised, and this will delay the landlord's ability to undertake energy efficiency improvements.
- Secondly, the delay in undertaking maintenance tasks and the surge of instructions as lockdown eases will put pressure on the availability of contractors and delays in achieving these tasks may occur. This will be felt particularly in rural areas where there are fewer contractors and a more significant number of houses which require upgrading.

- Equally, many landlords have suffered a substantial loss of income, and the funding of these maintenance works will require planning and enough time for income levels to rise.

We feel the measures we have requested above will mitigate the impact of these barriers, allow landlords to forward plan, and incentivise them to make improvements in advance of any regulatory requirement where possible. Where maintenance works are to be done, or where properties fall vacant between lettings, landlords will have an opportunity to incorporate energy efficiency improvements into their renovations. If there is a clear statement from the Scottish Government that the cost of those works will count towards the cost cap, this will incentivise them to commit to those works now.

If there is uncertainty over that question, some will choose to defer energy efficiency improvements amid concerns that they will end up being forced to spend more to reach the necessary threshold later on – additional spending which will be even more difficult to justify with falling rental incomes due to the effects of Covid-19.

We continue to have underlying concerns regarding the methodology and accuracy of energy performance certificates. We would welcome the opportunity to discuss this with you further.

We look forward to hearing from you.

Yours sincerely,

Mark Tennant, Scottish Land & Estates



John Blackwood, Scottish Association of Landlords



Jeremy Moodie, CAAV



Andrew Hopetoun, Historic Houses Scotland

