

Energy Efficient Scotland

The Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations 2020 and Draft Associated Guidance Equalities Impact Assessment



EQUALITY IMPACT ASSESSMENT

Title of policy/ practice/ strategy/ legislation etc.	The Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019 and Associated Guidance	
Minister	Kevin Stewart, Minister for Local Government and Housing	
Lead official	David Signorini	
Officials involved in the EQIA	Name	Team
	Karen Major Trudi Packman	Sustainability Strategy Unit
	Diarmuid Lloyd	Communities Analysis Division
Directorate	Directorate for Housing and Social Justice	
Division	Better Homes Division	
Team	Sustainable Strategy Unit Private Rented Sector Regulations	
Is this new policy or revision to an existing policy?	New policy	

Introduction

1. In June 2019 Scottish Government published a consultation on the Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019 and Association Guidance. This consultation sought views on the details of the regulations, the means by which they will be introduced, and the additional information provided through the associated guidance to ensure that users are confident that sufficient information is available to implement improvements.
2. This Equality Impact Assessment (EQIA) updates the draft EQIA published to accompany the consultation.

Screening

Policy Aim

3. The aim of the Regulation and its underlying policy is to improve the energy efficiency of the worst performing private rented sector housing, to help reduce energy consumption and the emission of greenhouse gases. It follows extensive consultation on the issue during 2017 and 2018 and formed part of the Energy Efficient Scotland Route Map launched in May 2018.
4. Energy use in our homes accounts for around a quarter of Scotland's total energy consumption, and this policy will make a contribution to reducing the new carbon emissions targets of 2030 and 2040 to 70% and 90% emissions reductions respectively in line with the requirements set out in the Climate Change (Scotland) Act 2009.
5. The Regulation and its underlying policy also aims to ensure that tenants in the private rented sector have access to good quality energy efficient homes and recognises that landlords must be able to continue to maintain and expand the sector.
6. The new standards will contribute to the Scottish Government's Greener and Healthier Strategic Objectives. It will impact on the following National Outcomes:
 - We live in well-designed sustainable places where we are able to access the amenities and services we need.
 - We reduce the local and global environmental impact of our consumption and productions.

Who will it affect?

7. Minimum standards for energy efficiency in homes in the private rented sector (PRS) will affect landlords and tenants. The minimum standards should make the least energy efficient homes in the PRS warmer and more comfortable, and are likely to reduce fuel bills and contribute to reducing fuel poverty. Owners will be responsible for making improvements required to meet the minimum standard for energy efficiency.

8. In 2017, 95,000 Scottish households in private rented accommodation (or 28% of PRS households)¹¹ were fuel poor, where they would be required to spend more than 10% of their income on fuel to maintain a satisfactory heating regime.
9. Overall, in the general population, 39% of one or two member households with at least one resident aged 65 or above are fuel poor, compared with 12% of families, and 21% of other households. 31% of households where one or more person is long-term sick or disabled (LTSD) are fuel poor compared with 20% of households with no one who is LTSD².

What might prevent the desired outcomes being achieved?

10. Achieving the desired outcome will be dependent on private landlords taking action to ensure compliance with the new standard. Property owners need to understand the requirements of the Regulations and also the support which is available to achieve the standard. In the event that the desired outcome is not achieved, property owners must also understand the implications of that.
11. In June 2019 we published a consultation on the draft Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019 and Associated Guidance to seek views on:
 - The awareness of the standards proposed and the means by which they will be introduced in advance of formal parliamentary consideration of the Regulations to follow;
 - The nature of the guidance to support the Regulations and ensure that users are confident that sufficient information is available to them to begin the implementation of the standards required;
 - The use of exemptions to clarify those properties which may not be covered by the Regulations and how property owners may go about confirming an exemption for their property with the relevant local authority;
 - The support available to achieve the desired outcome including financial and advice; and
 - The use of penalties in the event of non-compliance with the Regulation and the levels of those penalties based on a scale to a maximum fine of £5000.
12. The responses have been analysed and a summary can be seen in [Annex Two](#) of this document.

¹ Scottish House Condition Survey: 2017 Key Findings

² Scottish House Condition Survey 2017

Stage 1: Framing

Results of framing exercise

13. The purpose of the Regulations and associated guidance is to introduce energy efficiency standards to improve energy efficiency in the worst performing private rented housing, to reduce emissions and help tackle fuel poverty.
14. In this assessment, we have analysed evidence gathered under the following headings: age, disability, gender, gender identity/transgender people, sexual orientation, gender reassignment, race, religion and belief. Where there were gaps in evidence we used the consultation period to look for evidence to fill them.
15. Evidence for this assessment was drawn from the Scottish House Condition Survey (SHCS) module of the Scottish Household Survey (SHS) collected in the period 2015-2017 and, where insufficient information was available from this source, from the 2011 census.
16. The statistics referred to in this assessment may relate to the characteristics of the highest income householder (hereafter, 'the householder') – e.g. the evidence given in relation to age and gender - or to the characteristics of any of the members within the household – e.g. the evidence provided under the disability heading.
17. The term 'Private Rented Sector' (PRS) is used to describe any tenure where the occupant does not own the dwelling and the landlord is not a local authority or registered social landlord (RSL). The policy will affect the occupants and owners (landlords) of low energy efficiency dwellings in privately rented properties which are covered by the repairing standard. Energy efficiency is defined using the Energy Performance Certificate Energy Efficiency Rating Band A - Band G, where G is the least efficient and A is the most efficient, and is based on the 2012 Standard Assessment Procedure (SAP) methodology. Energy efficiency ratings are available from the SHCS on a SAP 2012 basis for the latest three reporting years (2015,2016 and 2017).
18. From 1 April 2020 the regulations will affect properties with an EPC below Band E and from 1 April 2022 for properties with an EPC below Band D (as the standard will increase over time).
19. Any decision to raise the standard after 2025 would be taken in the context of the contribution of minimum standards to the Climate Change Plan and the development of a new long term strategy for tackling fuel poverty.
20. This assessment presents evidence on both options, as summarised in the table in [Annex One](#). Results for the regulation to Band E are more tentative, as they are based on a relatively small sample (111 cases, compared to 311 cases for the regulation to Band D, and 1,072 in the PRS as a whole). However, with the responses received from the consultation analysis, we can draw conclusive evidence about the differences between the policy options in terms of their equality impact.

21. We have gathered evidence for each of the equality groups as outlined above and has been considered together with additional evidence resulting from consultation responses.

Extent/level of EQIA required

22. From the evidence we have gathered, we do not think that any households with people that have protected characteristics will be disproportionately affected by the proposed energy efficiency standards compared to households as a whole.

23. Retrofit works may, in some instances, lead to disruption in homes and some equality groups may be more vulnerable during these times. However, by allowing a reasonable lead-in time for changes, landlords will be able to plan any major works between tenancies, or other convenient times, and in the longer term, the benefits to all tenants should outweigh any temporary inconvenience. We do not anticipate the scale of work would be sufficient to require households to move out while work is being done but this will obviously depend on the individuals situation and amount of improvement needed.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups

Characteristic ³	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE ⁴	<p>The age of the highest income householder is closely related to their tenure. Compared with the age distribution of Scottish householders, those in the private rented sector have a younger age profile;</p> <ul style="list-style-type: none"> • around half (47%, or 159,000 households) of PRS highest income householders are under 35 compared to 16% (395,000 households) of all Scottish householders • around 12% (41,000) are aged 65+ compared to 31% (760,000) in Scotland as a whole. <p>As such, 40% (159,000) of households headed by a householder under 35 are in the PRS. Of these, 5% (8,000) are affected by regulation to Band E, and 20% (31,000) are affected by regulation to Band D. As a result, 35%</p>	2015-2017 Scottish House Condition Survey	We do not think that there will be any adverse impacts from the policy because of a person's age. While there is potential for disruption while work is carried out, the tenant will benefit from having a warmer home, and this may particularly benefit vulnerable older residents and children by improving their warmth and reducing their risks of respiratory diseases, etc, which can be linked to poor energy efficiency.

³ 2015-2017 Scottish House Condition Survey

⁴ Refer to Annex of this document

	<p>of those affected by regulating to a minimum standard of Band are headed by householders under 35, which is less than the proportion in the PRS as a whole.</p> <p>Furthermore, the proportion of Band E households in the PRS headed by a householder under 35 is also lower than in the PRS as a whole, as householders under 35 are less common in homes that are rated Band F or Band G in the PRS (27% in this group compared to 47% in the PRS overall).</p> <p>In contrast, 5% (41,000) of householders headed by householder over 65 live in the PRS. Of these, 17% (7,000) are affected by regulation to Band E, and 36% (15,000) are affected by regulation to Band D. Therefore, 17% (15,000) of all PRS households affected by moving to a minimum standard of Band D are headed by householders aged 65 or older (similar to the proportion of households headed by over 65 year olds in the PRS as a whole) and around 24% of those affected by moving to a minimum standard of Band E (higher than the proportion in the PRS as a whole) are</p>		
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	<p>headed by householders aged 65 or older. For the PRS as a whole, 9% of households are affected by regulation to Band E, and 26% to Band D.</p> <p>Therefore, while fewer older households live in the PRS compared to younger households, proportionally more will be affected by the regulations to Band E and Band D than younger households, as older households are more likely to live in less energy efficient PRS properties. However, due to the younger profile of the PRS as a whole, more younger households will be affected overall.</p> <p>The incidence of families in the regulated properties is also similar to the private rented sector as a whole and to Scotland. Almost quarter of low energy efficiency dwellings in the PRS are occupied by households with at least one child aged under 16 (22% of PRS dwellings in current Bands E, F or G and 23% of PRS dwellings in current Bands F or G); the differences with the shares of families in the PRS as a whole (25%) and in Scotland (23%) are not statistically significant.</p>		
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<p>DISABILITY⁵</p>	<p>Around 44% of households (equivalent to 1,068,000 households) in Scotland in 2015-2017 reported at least one person who is long-term sick or disabled (LTSD). This figure covers all household members, including children. Around 10% (107,000) of LTSD households live in the PRS – consequently 32% of the PRS overall report a household member having some long-standing health problem, lower than the rate in Scotland overall. The LTSD rates for the groups affected by the minimum Band E or Band D standard are both 38%. The differences with the private rented sector as a whole (32%) are not statistically significant.</p> <p>Therefore there is no evidence to suggest that PRS households where one or more person suffers a long-standing health problem or disability would be disproportionately affected by regulation to improve energy efficiency in the PRS. However, because households with LTSD are less likely to live in private rented accommodation, they are less likely to be affected by the policy proposal.</p>	<p>2015-2017 Scottish House Condition Survey</p>	<p>We do not think that there will be any adverse impacts from the policy because of a person's disability. While there is potential for disruption while work is carried out, the tenant will benefit from having a warmer home, and this may particularly benefit tenants with a disability by improving their warmth and reducing their risks of respiratory diseases, etc, which can be linked to poor energy efficiency.</p> <p>There is no evidence to suggest that, overall, a minimum energy efficiency standard would disproportionately affect people with a disability.</p>
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⁵ Refer to Annex in this document

<p>SEX</p>	<p>14% of households which are female headed live in the PRS, equivalent to 141,000 households. Of these households, 25% (33,000) live in low energy efficient PRS dwellings (Bands E,F or G). As a result, two-fifths of all low energy efficient dwellings in the PRS are occupied by households which are female-headed; 40% (35,000 households) of PRS dwellings in current Bands E, F or G and 39% (11,000 households) of those currently rated Band F or Band G. The differences with the share of householders in the PRS as a whole (42%) and in Scotland (41%) which are headed by a female householder are not statistically significant. The incidence of families in the regulated groups is also similar to the private rented sector as a whole and to Scotland, where around a quarter of households contain at least one child aged under 16.</p> <p>There is therefore no evidence that female headed households in the PRS or households with children in the PRS may be more likely to be affected by a minimum Band E or Band D standard than other households.</p>	<p>2015-2017 Scottish House Condition Survey</p>	<p>We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat.</p> <p>There is no evidence to suggest that, overall, a minimum energy efficiency standard would disproportionately affect either sex.</p>
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PREGNANCY AND MATERNITY	There is no information in either the SHCS or the Census relating to pregnancy		We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat.
GENDER REASSIGNMENT	There is limited information on housing tenure for transgender people. This information was not collected in the census or the SHCS, and housing providers do not routinely gather such data. A Scottish Transgender Alliance survey in 2012 reported that 11% of 526 respondents rented privately as a joint tenant and 9% rented privately as a single tenant	Scottish Government Equality Outcomes: Lesbian, Gay, Bisexual and Transgender (LGBT) Evidence Review (http://www.scotland.gov.uk/Publications/2013/04/7520/4)	We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat. We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people in this category.
SEXUAL ORIENTATION	There is limited information on housing tenure for sexual orientation. This information was not collected in the census or the SHCS, and housing providers do not routinely gather such data.		We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat . We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people because of their sexual orientation.

<p>RACE</p>	<p>On census day 2011 there were approximately 200,000 Black, Asian and Minority Ethnic (BAME) people in Scotland, making up just over 4% of the population. However they make up around 10% of the population living in the private rented sector.</p> <p>The SHCS sample is not sufficiently large to allow a breakdown of the regulated groups by ethnicity and to analyse the equality impact of the proposed regulations on ethnic minorities, even with three years of data combined.</p> <p>However, data available from the Census indicates that BAME communities are largely concentrated in urban locations. The SHCS estimates private rented sector dwellings in urban areas have a higher (i.e. better) energy efficiency profile (4% of PRS urban dwellings were in Bands F or G in 2015-2017 compared to 33% of PRS rural dwellings), therefore fewer of these dwellings are likely to be required to take action under these regulations.</p> <p>There is therefore no strong evidence that BAME populations would be adversely affected by the policy options</p>	<p>2011 Census</p>	<p>We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat. We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people due to their race.</p>
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<p>RELIGION OR BELIEF</p>	<p>According to the 2011 Census, in Scotland, 56% of the population report having a religion: 54% report as being Christian, 1.4% as being Muslim. Minority religion groups (Buddhist, Hindu, Jewish, Muslim, Sikh) tend to be concentrated in Glasgow and Edinburgh.</p> <p>Information relating to the housing of those with religious beliefs is limited. The Census provides the religion of people aged 16+ broken down by tenure. This shows a similar proportion of people with no religion in the PRS (36%) compared to Scotland as a whole (34%). The proportion of private tenants with minority religious beliefs (Muslim 1%, Hindu 0.1% and Buddhist 0.2%) is also similar to the Scotland as a whole.</p> <p>Due to sample size constraints, it is not possible to analyse affected households by religious belief using the SHCS, even when three years of data are merged, however Census data indicates that minority religions are largely concentrated in urban areas, where fewer private rented sector dwellings are likely to be required to take action under these regulations: 33% (18,000 dwellings) of rural PRS dwellings are rated in EPC Bands F or G, compared to 4% of urban dwellings (11,000 dwellings).</p>	<p>2011 Census (Table KS209SCb and AT_124_2011)</p>	<p>We think that there will be positive impacts on any tenant living in a home affected by the proposals as homes will be warmer and easier to heat. We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people due to their religion and belief.</p>
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	There is therefore no strong evidence that populations of minority religions would be adversely affected by the policy options		
MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	As this policy does not relate to the protected characteristic, in the home environment or in relation to the workplace, we have not considered it for this EQIA.		

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, along with the responses to the consultation, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	We do not think that there will be any adverse impacts from the policy because of a person's age
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat. The tenant will benefit from having a warmer home, and this may particularly benefit older tenants and families with young children, by improving their warmth and reducing their risks of respiratory diseases, etc, which can be linked to poor energy efficiency
Promoting good relations among and between different age groups.	X			We do not think that our proposals will have any impact on good relations among and between different age groups.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	There is no evidence to suggest that, overall, a minimum energy efficiency standard would disproportionately affect people with a disability.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat. The tenant will benefit from having a warmer home, and this may particularly benefit tenants with a disability by improving their warmth and reducing their risks of respiratory diseases, etc, which can be linked to poor energy efficiency
Promoting good relations among and between disabled and non-disabled people			X	We do not think that our proposals will have any impact on good relations among and between disabled and non-disabled people.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	There is no evidence to suggest that, overall, a minimum energy efficiency standard would disproportionately affect either sex.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat.
Promoting good relations between men and women			X	We do not think that our proposals will have any effect on good relations between men and women.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	There is no information in either the SHCS or the Census relating to pregnancy and maternity. We do not anticipate that a minimum energy efficiency impact would have particular impacts on this group.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat
Promoting good relations			X	We do not think that our proposals will have any impact on good relations due to pregnancy and maternity

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	We do not know of any reason why minimum standards for energy efficiency would affect transsexual people .
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat
Promoting good relations			X	We do not think that our proposals will have any impact on promoting good relations with transsexual people

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reason for your decision
Eliminating unlawful discrimination			X	We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people due to their sexual orientation.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat.
Promoting good relations			X	We do not think that our proposals will have any impact on promoting good relations because of a person's sexual orientation.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people due to their religion and belief.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat
Promoting good relations			X	We do not think that our proposals will have any impact on promoting good relations among people because of their religious belief.

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reason for your decision
Eliminating unlawful discrimination			X	We do not know of any reason why minimum standards for energy efficiency would disproportionately affect people due to their race.
Advancing equality of opportunity	X			We think that there will be positive impacts as homes will be warmer and easier to heat.
Promoting good race relations			X	We do not think that our proposals will have any impact on promoting good race relations.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership ⁶	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination				Not required – see footnote 7

⁶ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	No negative impacts have been identified for any of the equality groups We have outlined positive and negative impacts of the policy across all regulated properties below.
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	There is no evidence that the policy is directly or indirectly discriminatory under the Equality Act 2010.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	
If not justified, what mitigating action will be undertaken?	

Describing how Equality Impact analysis has shaped the policy making process

24. The equality analysis has helped to highlight areas where we do not have enough evidence on people with protected characteristics to make an informed decision on the effect of the policy on them.
25. There have been no implications for costs or resources arising from the EQIA analysis.
26. Positive impacts identified from the introduction of minimum energy efficiency standards are:
 - The measures installed to meet minimum standards are likely to make homes warmer and more comfortable and to reduce fuel bills and contribute to reducing fuel poverty. Warmer, easier to heat homes are likely to have a positive effect on the health of the occupiers of these houses.
 - The regulations will make a positive contribution to achieving the Scottish Government's target to reduce CO2 emissions by 42% by 2020 and 80% by 2050.
 - There may be more jobs created to carry out the necessary work.
 - It is likely to increase awareness of energy efficiency among landlords and tenants.
 - It may contribute to making energy efficient homes more desirable.

27. Negative impacts from the introduction of minimum standards:

- Tenants may experience some temporary disturbance while work is carried out. We would encourage landlords to carry out work while the property is void to minimise this.
- Landlords may increase rents to recoup costs of improvements.

28. In our view, the regulations for minimum standards will help to improve the energy efficiency of the poorest performing housing in the private rented sector. From the evidence collected through the EQIA process and from the consultation responses, we do not consider that any households with people that have protected characteristics will be disproportionately affected by the proposed energy efficiency standards compared to households as a whole.

Monitoring and Review

29. We are proposing to monitor the impact of the introduction of these Regulations at the point of first backstop (2022).

30. We will also use existing channels where possible, for example the Scottish House Condition Survey and EPC register as well as feedback from local authorities. This will enable us to track the effect the minimum standard is having on the housing stock.

31. The Scottish Government will also monitor the contribution of minimum standards to the Climate Change Plan as part of the Energy Efficient Scotland Programme (EES).

32. We will use this information to review the implementation of the standard. Future changes to energy efficiency standards beyond those implemented would be taken in the context of this monitoring and review process, and within of the wider contribution of standards to the Climate Change Plan and the development of a new long term strategy for tackling fuel poverty.

33. Future changes to energy efficiency standards would be subject to a new EQIA.

ANNEX ONE

Dwellings which are part of various protected groups as % of dwellings regulated under the two policy options, of the private rented sector (PRS) as a whole and of Scotland. Based on SHCS2015-2017.

	PRS dwellings in current bands FG (affected by regulation to E) %	PRS dwellings in current bands EFG (affected by regulation to D) %	All PRS %	All Scotland %
Age				
Householders aged under 35	27	35.0	47	16
Householders aged 65+	24	17.0	12	31
Long-Term Sick or Disabled (LTSD)				
Households with one or more LTSD member	38	38	32	44
Gender, Maternity				
Female householders	39	40	42	41
Households with one or more child (under 16)	23	22	25	23
Sample size (2014-2015)	111	311	1072	8606

Notes: analysis based on the Scottish House Condition Survey (SHCS)2015-2017.

The Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019 and Associated Guidance Consultation 2019

Summary of Responses

34. Energy Efficient Scotland will require minimum energy efficiency targets to be met by all buildings in Scotland and so it is vital that the views of individuals and public bodies are taken into consideration and used to shape the programme. Through the 2019 Consultation, we gathered responses to ensure that the Energy Efficient Scotland framework was both supported and deliverable.
35. We gathered views on the nature of the guidance to support the Regulations and to ensure that users are confident that sufficient information is available to them to begin implementation of the standards required.
36. The Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019 (Annex A) makes provision for the introduction and enforcement of minimum standards of energy efficiency within the Private Rented sector.
37. The Draft Regulations are designed to tackle the least energy-efficient properties in Scotland, those with an EPC rating of F or G on their Energy Performance Certificate (EPC). The Draft Regulations establish a minimum standard of EPC band E for domestic private rented property, affecting new tenancies from 1 April 2020 and all tenancies from 31 March 2022. Similarly, from 1 April 2022 the landlord must not let the property unless the EPC is minimum of D. By 31 March 2025 all PRS properties will need to have an EPC rating of D.
38. The Draft Regulations require that these standards must be met at the prescribed dates or have a valid exemption at the start of the tenancy.
39. The Draft Regulations propose the use of Energy Performance Certificates as the measure for this standard and sets out the process of identification of the relevant required improvements to reach that standard (Part 2).
40. The Draft Regulations allow for exemptions and set out the details of this at Regulations 11-13 (Part 3) and relate to consent, cost and other temporary exemptions which may occur in certain circumstances.
41. Local Authorities will enforce the regulations (Part 4) and as part of this will hold an exemptions register (Schedule 2). Powers to gather information to support the work being undertaken by local authorities may be done through the serving of a Compliance notice (Regulation 17).
42. The Draft Regulations allow for the serving of a penalty notice (Part 5) which imposes a financial penalty, a publication penalty or both. Such penalty notices can be the subject of an appeals process (Part 6).

43. Within the consultation which launched in June 2019 and closed in September 2019, we sought views on situations where it is appropriate for the lower standard to be acceptable for the private rented sector.

44. In total 39 responses were received to the Private Rented Sector Regulations consultation, of which:

- 11 were from individuals/housing providers/landlords or their representatives
- 5 were from industry associations/manufacturers and commercial organisations
- 9 were from local authorities
- 7 were from voluntary or charitable organisations

and the remaining from various professional bodies and other organisations

45. From the responses received we have not identified any evidence that there will be a disproportionate on people with protected characteristics compared to households as a whole.

46. One note of interest that was received, however, was the need to simplify the guidance for the regulations, particular for the elderly, so as to enable the general public to understand what is being asked of them, and why, and the benefits of the improvements being asked.

47. The guidance will be revised to ensure that it is clear and concise, and advice and information available will be brought into line with this guidance.

48. A complete [analysis of the consultation responses](#) is now available.

Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of this policy:

Yes No

Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for Minimum energy efficiency standards in private rented housing and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a series of connected loops and a final horizontal stroke.

Deputy Director,
Head of Better Homes Division

19 December 2019



Scottish Government
Riaghaltas na h-Alba
gov.scot

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