

Citizens Advice Scotland Response to the Scottish Government's consultation on Draft Energy Efficiency (Domestic Private Rented Property) (Scotland) Regulations

August 2025

The Citizens Advice network in Scotland is Scotland's largest independent advice provider. Advisers across all corners of the country work in Citizens Advice Bureaux (CAB) to provide free, impartial and confidential advice. Our Extra Help Unit (EHU), based in Glasgow, helps people resolve complex and time-sensitive energy problems. Each year our network supports hundreds of thousands of people, unlocking millions of pounds worth of financial gains. By looking at a person's complete circumstances, CAS gains an unparalleled insight into the scale and complexity of what's happening in communities throughout Scotland.

Citizens Advice Scotland welcomes proposals to introduce a minimum standard of energy efficiency in the private rented sector (PRS).

- From our evidence, a range of harms are caused by poor energy efficiency, including damp and mould, high energy bills and fuel poverty which in turn lead to poor physical and mental wellbeing, financial hardship and even homelessness. It is therefore imperative that action is taken to improve energy efficiency for tenants in all tenures.
- The minimum standard should be set at EPC HRR band C.
- Support will be needed for tenants and landlords to understand and achieve the minimum standard within the proposed timescales - this includes an early awareness raising campaign. If a cost cap is introduced, there must be clarity on what it will mean, and protections must be put in place to ensure costs are not passed to tenants.
- There must be a limited range of exemptions from the minimum standard – in particular, short term lets must not be excluded from minimum standards as this risks permanent homes for people being lost to the short term let market.
- Financial penalties for non-compliance with the regulations must be robust enough to ensure adherence but also be realistically recoverable.

1. Do you agree that the PRS MEES should be EPC HRR band C?

Yes – No – Don't Know

Please provide further information here:

Yes.

Improving the energy efficiency of Scotland's housing stock should be an urgent priority for the Scottish Government. The evidence outlined in our recent report 'Left in the cold' [<https://www.cas.org.uk/what-we-do/our-publications/left-cold>] demonstrates that people living in homes with poor energy efficiency experience harms ranging from fuel poverty and housing insecurity, health problems and damage to their possessions. Steps must urgently be taken to

ensure there is no further delay in supporting the sector to achieve this, so that more people can live in safe, secure and sustainable homes as soon as possible. Unaffordable energy costs are a key driver of demand for advice from the Citizens Advice network in Scotland. During the first three months of 2025, almost 1 in 5 people (17%) who sought help from a Citizens Advice Bureau (CAB) in Scotland received energy-related advice. During this period, more than 4,000 people asked for support around fuel vouchers and energy trust funds, while more than 1,200 people requested help accessing discretionary credit for prepayment meters. Over the past year, 600 people have also sought energy efficiency advice. High energy bills have pushed people into energy debt. The average energy debt that people present to CABs in Scotland is £2,500, and the average energy debt is even higher in rural areas at £3,180.

Evidence from our network shows that people living in the private rented sector struggle with energy costs. Throughout 2024-25, more than 800 people living in the private rented visited a CAB to discuss fuel vouchers. In the same period, 500 PRS tenants sought advice from our network concerning energy debt. This evidence confirms the importance of ensuring that PRS properties reach a good standard of energy efficiency, equivalent to EPC HRR band C.

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

Yes – No – Don't Know

Please provide further information here:

Yes.

The new EPC offers clearer information on the energy efficiency of the building, which provides landlords (and tenants) with an understanding of the improvements required to reach the minimum energy efficiency standard as well as an understanding of how much it will cost to heat the property. This approach will drive improvement in the quality of Scotland's housing stock, tackling fuel poverty and decarbonising homes in Scotland. Only using the new reformed EPCs will ensure that PRS landlords will be working towards a common set of standards.

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

Yes – No – Don't Know

Please provide further information here:

Yes.

While action should be taken as soon as possible to stop people experiencing harm, the backstop date of 2033 is reasonable. The Scottish Government has previously indicated over several years its intention to introduce these regulations and so there should be no further delay in implementing them. To achieve this, the Scottish Government must ensure and promote a package of support for landlords, including information on where to go for advice. Likewise, the Scottish Government must provide tenants with information about the new standards and signpost routes to housing advice. The Scottish Government and partners must also ensure that the supply chain, including appropriate technology and installers, is ready to meet demand. They must also ensure that the advice sector is equipped, sustainably funded and ready to meet predicted demand because of these changes.

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

Yes – No – Don't Know

Please provide further information here:

Yes.

It is logical that energy efficiency upgrades are carried out while properties are vacant between tenants. Following our response to Question 3, it has long been trailed that minimum standards were approaching, so it should not come as a surprise to the sector. We caution however that it may disadvantage long term tenants who may be left waiting for much-needed energy efficiency upgrades. However, this staggered approach may help to avoid overwhelming the supply pipeline. Again, the Scottish Government must promote the support on offer for landlords to complete energy efficiency upgrades and reach the MEES.

As an example of how improved energy efficiency could bring benefit for a long term tenant, Mary* recently approached her local CAB for advice about improving her living conditions. She had lived in her privately rented home for 21 years but had been disconnected from the gas supply for 15 years. Mary heated her home with two electric heaters, but her flat had become mouldy, and she was prescribed medication for repeated chest infections. This situation was made more complex by Mary having learning difficulties and struggling to navigate the problems she encountered. Aside from the health impact, this situation had a significant impact on Mary in terms of stress and worry about heating her home.

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?

Yes – No – Don't Know

Please provide further information here:

No.

Our evidence shows that rural communities, where crofters, small landholders and those living in agricultural holdings are most likely to be, face significant challenges around energy costs. The average energy debt that people living in rural areas present to our network is £3,100, which is higher than the national average of £2,500. Everyone should live in an energy efficient home, regardless of tenure type.

The prohibition on letting a property if it fails to meet a minimum energy efficiency standard is not relevant to agricultural tenancies that can last for a person's lifetime. However, some of the lowest energy efficiency rated properties are these types of homes and it remains imperative that they are not excluded from benefitting from a minimum energy efficiency standard. The Scottish Government should use Heat in Buildings Bill to set standards for this type of housing. We recognise that there may be some challenges in applying the MEES to these types of housing, but no tenant should be left behind.

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

Yes – No – Don't Know

Please provide further information here:

No.

Excluding short-term holiday lets from the PRS MEES creates an incentive for landlords to move their properties out of the private rented sector into short-term lets. That shift would reduce the supply of rented homes during a housing emergency and risks the proliferation of short-term lets in shared buildings. This is a particular problem because, as the consultation points out, more than two thirds of PRS properties are tenements or flats. The presence of short term lets which are not subject to these regulations causes even more challenges in shared buildings. It may deter owners and landlords in shared buildings from investing in shared energy efficiency upgrades such as a larger heat pump or roof insulation if a share of the cost is missing because short term let owners do not have to comply with MEES.

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

Yes – No – Don't Know

Please provide further information here:

Don't know.

We do not have enough evidence to fully understand the impact of all the proposed exemptions, but emphasise that in practice, exemptions will undoubtedly mean that more people are living in energy inefficient homes for longer periods, or even indefinitely. As our report 'Left in the cold' shows, people living in energy inefficient homes are likely to suffer harmful effects to their health and wellbeing, as well as financial hardship.

We highlight that the recent Housing (Scotland) Bill consultation contained proposals for exemptions to rent control areas and there must be coherence between these and the MEES proposals. We are specifically referring to the proposal that landlords who make energy efficiency upgrades can apply for an exemption if they are in a rent control area, and therefore may be able to increase rents over the rent cap. We strongly disagree with this proposal and feel it is relevant to reference it in this response, as the cost for energy efficiency upgrades should not be passed to tenants, who are very likely to already be paying high energy bills if they live in a home below minimum standards.

8. Do you agree that HEETSA should be available as an option to evidence potential negative impacts on the fabric of a property and to support an exemption?

Yes – No – Don't Know

Please provide further information here:

Don't know.

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

Yes – No – Don't Know

Please provide further information here:

Don't know.

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

Yes – No – Don't Know

Please provide further information here:

Don't know.

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

Yes – No – Don't Know

Please provide further information here:

Yes.

For reasons of clarity and to reduce confusion, all actual costs should count towards the cost cap. This will also help the Scottish Government understand the real cost of reaching the MEES in different areas, and over time.

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

Yes – No – Don't Know

Please provide further information here:

Yes.

The Scottish Government should provide support for landlords to make the required changes and ensure that there is no route for landlords to let a substandard property. The Scottish Government should also undertake an early and comprehensive awareness campaign so that landlords and tenants know what is expected, and crucially, where to seek information, advice and support. During the COVID-19 pandemic, the Scottish Government wrote to all registered landlords about support on offer and we recommend that they should write to all landlords again about these changes.

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

Yes – No – Don't Know

Please provide further information here:

Don't know.

14. Do you agree that local authorities should be responsible for monitoring and compliance of these regulations? If no, please provide details of an alternative with your reason(s) as to how this would support the delivery of these regulations.

Yes – No – Don't Know

Please provide further information here:

Yes.

For these regulations to deliver the best possible outcomes, they must be effectively monitored and enforced, and appropriate action taken against non-compliant landlords. With local landlord registration schemes in place, it is logical for local authorities to undertake monitoring and compliance. Local authorities must be adequately resourced to fulfil this obligation, as without proper support, they will struggle to carry out this work and landlords may not comply.

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

Yes – No – Don't Know

Please provide further information here:

Don't know.

We do not have the evidence to be able to comment on the financial penalties but emphasise that they must be set at a level that effectively deters landlords from poor practice so as to prevent harm, as well as being realistically recoverable. We also support suggestions from other organisations that the penalties should be flexible to allow increases if compliance is particularly low.

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 – No – Don't Know

Please provide further information here:

Don't know.

Please see our response to Question 15.

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:

These regulations stand to have a positive impact for several groups across Scotland. This includes people living in fuel poverty as the regulations should lead to lower energy bills. This will also impact on people who are older or who have disabilities and illnesses who need to maintain higher temperatures in their homes. We know from our evidence that living with ill health and disability in Scotland comes at a significant cost. This is because of additional expenses including: maintaining equipment, transport for medical appointments, additional energy, hygiene and specific dietary requirements. These costs present a structural barrier to disabled people attaining a quality of life equal to that of non-disabled people.

There is also a direct link between these regulations and reducing child poverty. Families with a disabled person are one of the Scottish Government's six priority family types and so tackling fuel poverty and reducing fuel costs will make a significant material difference for this group. The regulations should also benefit those living in rural areas, who, as outlined in our response to Question 5, are likely to face higher energy costs and have higher levels of energy debt. The regulations will only be successful in delivering these outcomes if there is good awareness of them, and there is support for landlords to upgrade the energy efficiency of their homes, as well as effective monitoring and enforcement.

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