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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Energy Efficiency (Private Rented Property)  
(England and Wales) Regulations 2015**

**PART 2**

**Tenants' energy efficiency improvements**

**CHAPTER 2**

**Request for consent to the making of relevant energy  
efficiency improvements to domestic PR property**

**Counter proposal**

**13.**—(1) A landlord's full response may include a notice (a "counter proposal") specifying an energy efficiency improvement, or a combination of two or more energy efficiency improvements, which differ from the relevant energy efficiency improvements specified in the tenant's request.

(2) In any case where the consent of a superior landlord is required before any such energy efficiency improvement can be made, the counter proposal may not be served on the tenant unless the superior landlord has consented to the making of every such energy efficiency improvement specified in it.

(3) A counter proposal must—

- (a) specify the energy efficiency improvement, or combination of energy efficiency improvements, proposed by the landlord,
- (b) specify what works, if any, will be undertaken to make good the domestic PR property after the energy efficiency improvement, or combination of energy efficiency improvements, are made,
- (c) confirm that all the energy efficiency improvements specified in the counter proposal would deliver the same, or substantially the same, savings on the energy bills for the domestic PR property as all the relevant energy efficiency improvements specified in the tenant's request,
- (d) confirm that all the energy efficiency improvements specified in the counter proposal would not result in an initial, or a continuing, cost to the tenant which exceeds the cost of all the relevant energy efficiency improvements specified in the tenant's request,
- (e) specify the date by which the landlord proposes to make all the energy efficiency improvements specified in the counter proposal, which must be no later than six months from the date of service of the counter proposal,
- (f) seek the tenant's consent to the making of all the energy efficiency improvements specified in the counter proposal,
- (g) where the making of any of the energy efficiency improvements is to be funded wholly or partly through a green deal plan, seek any confirmation which must be obtained from the tenant by virtue of regulation 36 of the Framework Regulations, and

- (h) confirm that the landlord has obtained any third party consent.
- (4) The savings on the energy bills for the property referred to in paragraph (3)(c) must be calculated using the approved methodology.
- (5) Where a counter proposal is served—
  - (a) the tenant’s request ceases to have effect,
  - (b) the tenant must within one month of the date of service of the counter proposal serve a notice on the landlord (a “counter proposal response”) which—
    - (i) states whether the tenant consents to the making of all or any of the energy efficiency improvements specified in the counter proposal, and
    - (ii) states whether the tenant gives any confirmation which must be obtained from the tenant by virtue of regulation 36 of the Framework Regulations in relation to any green deal plan with which the landlord proposes to fund the making of the energy efficiency improvements, and
  - (c) provided the tenant gives any consent and confirmation referred to in sub-paragraph (b) which is required, the landlord must make any energy efficiency improvement specified in the counter proposal by the date specified in paragraph (3)(e).