

# External Guide

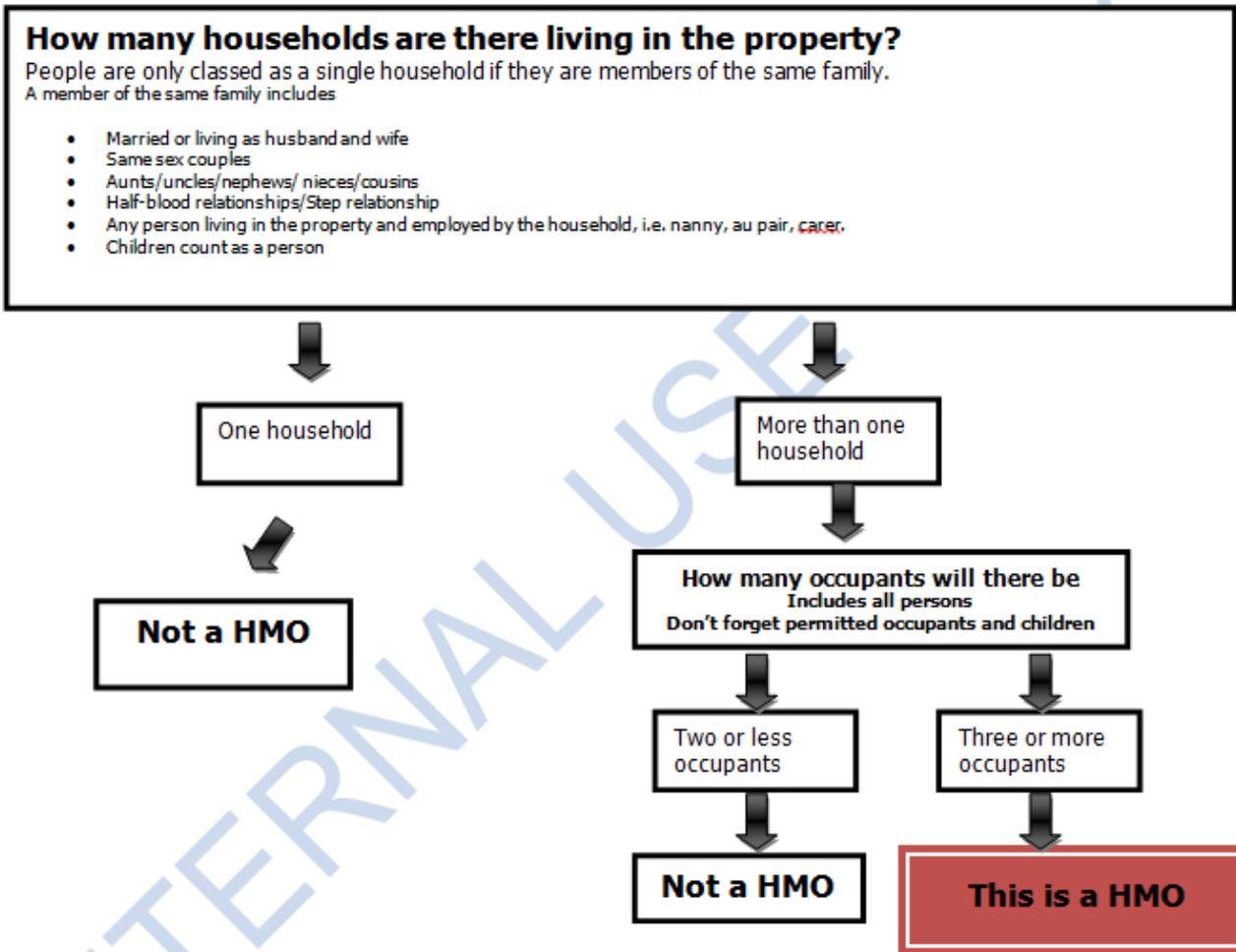
## Houses in Multiple Occupation

### What is a House in Multiple Occupation (HMO)?

A simple definition of a HMO is a Property with two or more households and three or more occupants.

### Is the Property an HMO?

**Failure to comply with HMO legislation can lead to fines of up to £30,000 per breach**



**Note:** There is an exception to the rule that states it must be the occupier's main and principle home.

## My Property is a HMO, what does this mean?

### The Management of Houses in Multiple Occupation (England) Regulations 2006 requires that:

- Reasonable steps must be taken to protect occupiers from injury – subject to design and structure of the Property - LACoRS Housing fire safety guide should be referred to for advice
- Fire blanket fitted in the kitchen
- Smoke alarms fitted - one per floor and checked on a regular basis\*
- Carbon monoxide alarms fitted in all rooms where there is a gas appliance
- Water and drainage systems must be maintained in a good, clean and working condition
- Any receptacles for storing water must be covered, clean and in working condition, i.e. water tanks
- Pipes and fittings should be protected from frost
- Gas - if requested by the local authority the person managing the Property must supply a copy of the gas safety record within seven days
- Electric – there is a requirement that every fixed electrical installation is inspected and tested not less than every five years by a competent person and that a certificate is obtained and held on file. If requested by the local authority it must be provided within seven days
- The Property must comply with the Housing Health and Safety Rating System – HHSRS
- Living accommodation, Common Parts, Fixtures, Fittings and Appliances should be kept clean and maintained
- Waste Disposal should be sufficient and adequate for the Property and the number of occupants.
- Contact Information for the person responsible for managing the HMO must be clearly displayed in a prominent area

It is the responsibility of the HMO manager to ensure the Property complies with the regulations at all times regardless of who has caused the fault. If one occupant is failing to clean a property or keep the fire exits clear, the HMO manager could be fined. A Landlord should notify the occupant and give them a time period to correct the problem. If the issue is not resolved a HMO manager would then be within their rights to carry out the necessary cleaning/removal of rubbish and charge the particular occupant accordingly. It is strongly recommended that a HMO is visited regularly by the HMO manager to prevent any breaches in the regulations.

### \*Smoke/Fire Alarms

All smoke, carbon monoxide and fire alarms must be checked on a regular basis. A record of the dates such checks are carried out should be recorded on a maintenance log. It is the responsibility of the HMO Manager to ensure all smoke and fire alarms are in working order at all times.

### Room Sizes – New with effect from 1st October 2018

The Department of Communities and Local Government has specified minimum room sizes for HMOs to be let privately.

- Rooms used for sleeping by one adult will have to be no smaller than 6.51 square meters and those slept in by two adults will have to be no smaller than 10.22 square meters.
- Rooms slept in by children of 10 years and younger will have to be no smaller than 4.64 square meters.

The HMO licence must specify the maximum number of persons (if any) who may occupy any room and the total number across the different rooms must be the same as the number of persons for whom the property is suitable to live in.

## Powers of the Local Authority

The local authority can have the power to serve notices to control the management of a HMO. These include:

- Improvement notices.
- Prohibition notices.
- Hazard awareness notices.
- Notices to undertake emergency measures

If the local authority believes there is a risk to the health, safety or amenities they can make interim or final management orders. These orders allow the local authority to specify how a HMO is managed and if necessary take over the management themselves.

**Penalty for breach of The Management of Houses in Multiple Occupation (England) Regulations 2006 - £5000 per breach.**

## HMO Licensing

The Housing Act 2004 introduced Mandatory Licensing but not all HMOs require licensing. However you must not let a property without a licence where one is required.

## Penalties for failure to comply with HMO licensing regulations

- Letting a Property without a licence in a licensed area or complying with the conditions of the licence – fine of up to £20,000. However if the local authority impose a civil penalty the fine would be up to £30,000.
- A Section 21 Notice, if applicable, cannot be served to end an Assured Shorthold Tenancy
- **Repayment Orders** – The tenant (for rent) or a local authority (Housing Benefit) can apply to the Residential Property Tribunal for the repayment of up to 12 months' rent.

## Mandatory Licensing Criteria – Due to change from 1<sup>st</sup> October 2018

The local authority must have a licensing scheme in place for Properties that meet all three of the following criteria:

1. The Property must be defined as a HMO, see 'What is a House in Multiple Occupation' above.
2. The Property must be three or more storeys – this rule is being removed from 1<sup>st</sup> October 2018\*
3. The Property must be occupied by five or more people comprising of two or more households.

With effect from 1<sup>st</sup> October 2018 the 'storey' rule is being removed, therefore any property with five or more occupants comprising of two or more household will fall under the mandatory rules and a licence must be obtained. The government have advised there will be no 'grace' period and all properties which fall under the new rules must have a license in place by 1<sup>st</sup> October 2018.

## Granting a Licence

When considering a licence application the local authority will take into account:

- The maximum number of people that the Property is suitable for.
- Whether the proposed licence holder is a fit and proper person.
- Whether the proposed manager of the Property is either the person with the control of the Property, or an Agent/employee of the person in control and, is a fit and proper person.
- Whether the proposed management arrangements are satisfactory.

## Mandatory Conditions that must be attached to any grant of a licence

The licence holder must:

- Keep a current gas safety record
- Keep electrical appliances and furniture in a safe condition
- Make sure mains inter-linked smoke alarms are fitted and working properly
- Fire blanket fitted in the kitchen
- Give the occupiers written terms of occupation

In addition a local authority can set conditions relating to:

- Repairs and facilities
- Management of the Property
- Future repair and maintenance.

- Use or occupation of the whole, or parts of the Property
- Taking reasonable steps to reduce anti-social behaviour

## Additional and Selective Licensing

In addition a local authority has the power to introduce Selective Licensing and Additional Licensing. Your local authority will be able to offer advice on the licensing schemes operating in your area.

### Additional Licensing

This allows local authorities to extend the requirements of licensing to HMOs which do not fall within the mandatory threshold.

### Selective Licensing

Local authorities can set up selective licensing of properties which are not a HMO but in areas where there are social, economic or anti-social issues. Such licensing can only last for 5 years and must be reviewed regularly. Exactly the same rules and conditions apply. The only difference is that under Schedule 4 of the Act, the local authority can demand references from anyone wanting to live at the Property. Your local authority will have details of any selective licensing schemes in your area.

## HMO Planning Permission

Some local authorities require planning permission for the change of use from a single household dwelling to a small HMO (3 – 6 Occupants).