

## Guidance Notes:

# Houses in Multiple Occupation (HMOs) and Licensing of Private Rented Properties

## **1. Introduction**

This subfolder contains guidance and documents relating to the management of houses in multiple occupation (HMOs) and the licensing of HMOs and other private rented properties.

Detailed guidance on the licensing and management of HMOs and other private rented properties is available on the [www.gov.uk](http://www.gov.uk) website. This guidance does not replace the Government guidance but is intended to give a broad overview of the key points.

## **2. HMOs**

In simple terms, a house or flat is a HMO if it is occupied by three or more tenants who form two or more households and the tenants share some or all of the toilet, bathroom or kitchen facilities.

A landlord of such a property must comply with the Management Regulations relating to HMOs. These are discussed at section 8 below.

## **3. Licensing of large HMOs**

A large HMO is a property occupied by 5 or more tenants who form 2 or more households and who share some or all of the toilet, bathroom or kitchen facilities. (The requirement that the property have three or more storeys no longer applies after 1 October 2018.)

A landlord of a large HMO must obtain a licence from the local housing authority to operate the HMO. More information about licensing can be found at [www.gov.uk](http://www.gov.uk) or on the relevant local authority website.

## **4. Additional licensing of HMOs**

Local housing authorities have the power to designate the whole or part of their district as subject to additional licensing of HMOs. This means that a licence is required for the types of HMO specified in the designation, not just those fitting the description of a large HMO. Additional licensing may be introduced to address problems caused by ineffective management of HMOs in the particular area.

Landlords should check with the local housing authority whether their HMO is affected by additional licensing.

## **5. Selective licensing of private rented properties**

Local housing authorities also have the power to designate the whole or part of their district as subject to selective licensing of all private rented properties (other than HMOs for which a licensing system already exists). This is separate from the HMO licensing regime. Selective licensing may be introduced to address problems caused by low housing demand and/or significant anti-social behaviour.

Landlords should check with the local housing authority whether their private rented property is affected by selective licensing.

## **6. Obtaining a licence for a HMO or a property subject to selective licensing**

Licensing is dealt with by local housing authorities. An application form will need to be completed and a fee paid. Usually an inspection will be carried out. Landlords should contact the local housing authority for further details and refer to the guidance at [www.gov.uk](http://www.gov.uk).

## **7. Planning law and HMOs**

Landlords of private rented housing, including HMOs, need to be aware of planning rules and make sure they comply with them.

A dwelling house in the occupation of a single household falls into Use Class C3 under the Town and Country Planning (Use Classes) Order 1987 (as amended).

Use Class C4 covers use of a dwelling house by 3-6 residents as a HMO.

No planning permission is required for a change from C3 use to C4 use or vice versa.

HMOs where more than 6 people live are not in any Use Class which means that planning permission is required for such use.

## **8. Management of HMOs**

Landlords of HMOs, whether licensed or unlicensed, must comply with The Management of Houses in Multiple Occupation (England) Regulations 2006. The Regulations can be viewed at [www.legislation.gov.uk](http://www.legislation.gov.uk).

The Regulations cover the following matters. The “manager” is the person managing the HMO. This may be the landlord or another person such as an agent.

Regulation 3 requires the manager to ensure that his/her name, address and any telephone contact number are made available to each household in the HMO and that these details are clearly displayed in a prominent position in the HMO. See:

- *Letter to HMO Occupier Providing Manager’s Contact Details*
- *Notice to Display in HMO Setting Out Manager’s Contact Details.*

Regulation 4 requires the manager to take certain safety measures, including those relating to fire safety.

Regulation 5 requires the manager to maintain the water supply and drainage system in good, clean and working condition.

Regulation 6 relates to gas and electricity supplies. The manager must not unreasonably cause the gas or electricity supply to the HMO to be interrupted. The manager must also supply the local housing authority with gas appliance test certificates and electrical test certificates within 7 days of receiving a request from the authority. See:

- *Letter Sending HMO Gas Test Certificate to Local Housing Authority*
- *Letter Sending HMO Electrical Test Certificate to Local Housing Authority.*

Regulation 7 contains the manager's duty to maintain common parts, fixtures, fittings and appliances.

Regulation 8 deals with the manager's duty to maintain each unit of living accommodation in good and clean condition.

Regulation 9 relates to the provision of waste facilities.

Regulation 10 sets out the duties of occupiers of HMOs. It is useful to bring these duties to the attention of occupiers. See:

- *Notice for Display in HMO Regarding Duties of Occupiers*
- *Letter to HMO Tenants Regarding Duties of Occupiers.*

## **9. Minimum room sizes**

With effect from 1 October 2018 licences granted for HMOs must include conditions requiring the licence holder to ensure that rooms used as sleeping accommodation have a specified minimum floor area. The required floor area varies according to the number and age of the occupiers as follows:

- sleeping accommodation for one person aged over 10 years: not less than 6.51 square metres
- sleeping accommodation for two persons aged over 10 years: not less than 10.22 square metres
- sleeping accommodation for one person aged under 10 years: not less than 4.64 square metres.

Failure to comply with these conditions is an offence attracting an unlimited fine. Local authorities also have the option of issuing a civil penalty notice of up to £30,000 as an alternative to prosecution.

## **10. Household waste**

For HMOs in England, a licence granted on or after 1 October 2018 must include conditions requiring the licence holder to comply with any scheme provided by the local housing

authority relating to the storage and disposal of household waste at the HMO pending collection. As with other HMO conditions, landlords can be prosecuted for breaches.