



Houses in Multiple Occupation

HMO licensing from 6th April 2006.

Legislation changed on April 6th 2006 so that many properties currently let now fall into the definition as "Houses in multiple occupancy" and as such landlords of such properties must register their ownership with the local Council.

Definitions

The new definition of HMO includes any building or flat in which two or more households share basic amenities. A household is a single person, a married/cohabiting couple, or a family. Therefore HMOs will include many sharing arrangements (including joint tenancies) which have been excluded in recent years.

Extent of Licensing

HMOs with three or more storeys and five or more persons must be licensed. In essence if you have a property that is of 3 or more storeys high (NB a first floor flat situated above a shop with a cellar counts as 3 storeys) **and** occupied by **5** or more individuals who are not a "family". All Councils have to enforce the new legislation and to maintain a register of all those properties that fall within the mandatory grounds for registration:-

Management

Licensing will put less emphasis on physical conditions and fire precautions than HMO registration. This is because the new Housing Health and Safety Rating System will require appropriate fire precautions for all homes, not just for HMOs. Instead licensing will mainly emphasise the standard of management. It will include an assessment of the landlord as a "fit and proper" person to manage.

If a Council refuses or withdraws a licence, it can take over management of the HMO. This is a last resort for landlords who consistently fail to meet legal requirements or ensure the safety and suitability of accommodation. The Council can use rent obtained from the property to meet necessary spending on the property.

Fees

The Government will not set maximum fees, to avoid all Councils simply charging the maximum. Instead Councils should set fees according to the costs of running a licensing scheme. Fees are likely to be on a sliding scale, dependent on the amount of work carried out by officers. Fees must be justified, and if Councils set excessive fees, landlord associations are likely to protest and the Government could intervene.

Penalties

The maximum fine for managing an unlicensed HMO which requires licensing, or for exceeding the permitted number of occupiers, is £20,000. The maximum fine for breaking a licensing condition is £5,000. As well as these criminal penalties, licensing (unlike the previous registration) has new civil penalties when a HMO requiring licensing is unlicensed: Section 21 notices (to seek possession of an Assured Shorthold Tenancy) will not be effective.

A Residential Property Tribunal can make a "rent repayment order" in certain circumstances. This orders the repayment of Housing Benefit to the Council, or of rent to the tenant.

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In this document Lane & Browns have tried to answer most of the issues raised by this change in legislation and to outline the changes that may be needed to most properties

- 1 **FAQs** Most frequently answered questions.
 - 2 **Fire Safety** There is a significant risk of fire in Houses in Multiple Occupation (HMOs) and fire statistics show most types of HMOs to have a greater risk of fire than houses occupied by single families.
 - 3 **Furniture and Furnishings** Some materials used to fill or cover furniture may be a fire risk, highly flammable and may produce poisonous gases on burning.
 - 4 **Home Safety Inspection Checklist** Did you know that every year in the UK more than 4,000 people die in accidents in the home and nearly three million turn up at accident and emergency departments seeking treatment.
 - 5 **Summary of Kitchen, Bathroom and Toilet Standards**
 - 6 **Overcrowding and Space Standards**
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1. **FAQs**

What is a House in Multiple Occupation (HMO)?

A House in Multiple Occupation (also known as a HMO) is commonly considered to be a house (or flat) which is occupied by people who do not form a single household e.g. not a single "family". This definition can be found in section 345 of the Housing Act 1985. Bedsits, shared houses or shared flats, hostels, bed & breakfast accommodation, buildings converted into flats and Registered Homes may all be considered to be HMO'

Should my HMO be Registered and what will that mean?

All landlords of HMO's must let the Council know that they own a HMO and must provide details to be held in a Public Register. This information enables Council officers to visit and assess standards within HMO's. All HMO's have to comply with the Council's Standards as a condition of being Registered. Where a HMO is found to be unsatisfactory, timescales will be given within which improvements and repairs must be carried out. Such improvements could include, for example, fire precautions, additional toilets, bathrooms or kitchen facilities, and better management.

Breach of, or failure to comply with, the provisions of the Registration Scheme may lead the Council to impose Conditions, to prosecute, to refuse or to revoke Registration.

There is great emphasis placed on responsible management, occupant behaviour and impact of the HMO on the locality.

There is a first Registration charge to cover the assessment and Registration. Re-registration will be necessary at 5 yearly intervals, and a fee payable for First Registration at that time.

Are Fire Precautions needed?

There is a significant risk of fire in HMO's and fire statistics show most types of HMO's to have a greater risk of fire than houses occupied by single families. There are a variety of reasons for this increased risk but, because it exists, Councils have powers to require adequate means of escape in case of fire and other fire precautions. This fire safety power is contained in the Housing Act 1985 section 352.

The basic principle that the standard aims to achieve is that everyone should be able to leave the HMO safely in the event of fire. There are three key principles involved:-

Alert everybody to the fact that there is a fire in the property. This is done by raising the alarm through an Automatic Fire Detection system.

Contain the fire within the room where it has started. This is why doors have to be half-hour fire resisting and self-closing.

Evacuate, i.e. get out, stay out and call the Fire Brigade.

The doors, together with the walls, floors and ceilings form the safe way out i.e. the protected route along which people in the house can safely escape. A combination of measures used to prevent the spread of fire and smoke throughout the HMO, particularly the escape routes.

In determining the specific measures for a HMO, the Council will have regard to:

The protection offered to rooms and escape routes against the spread of fire and smoke. This will involve an assessment of the need for fire-resisting construction of floor, walls, ceilings and fire doors.

The travel distances from a room to a safe exit from the HMO.

The nature of the means of escape and their suitability for the number and types of occupants (taking into consideration the capabilities of children, the elderly and the incapacitated, in escaping). The steepness of stairs and the width of doorways and corridors should be taken into account, together with escape lighting and display of signs.

The need for fire warning systems, smoke and heat detectors and fire fighting equipment. Interlinked single point detectors would only be acceptable in some basic 2 storey HMO's whereas more sophisticated systems are needed in larger or more complex premises.

Management Regulations place a duty on the manager of a HMO to ensure that the means of escape and fire precautions are in, and maintained in, good order, are kept free from obstruction, and that signs indicating all means of escape are displayed.

Are Gas Safety and Electrical Test Certificates required every year?

All gas installations and appliances MUST be safety checked and maintained annually by a suitably qualified CORGI* registered gas installer and the installation must meet the requirements of the Gas Safety (Installation and Use) Regulations 1998. *CORGI is: the Council of Registered Gas Installers.

All electrical installations should ideally be in compliance with 'B.S.7671:1992 - Requirements for electrical installations', with works being carried out by NICEIC* registered contractors. The most recent Test Certificate should specify the maximum time period within which re-inspection is due. *NICEIC is: the National Inspection Council for Electrical Installation Contracting.

What Standards apply to HMO's?

As different types of HMO exist, Standards vary according to the type of occupation. Details of the Standards can be sent to you if you contact the HMO Team or found within the web pages accessed from the HMO Team Index page.

Shared House or Shared Flat Standard: These are houses or flats occupied on a shared basis, the occupiers normally having sole use of a bedroom but may share a bathroom, toilet, kitchen and a communal living space.

Self-Contained Flat Conversion Standard: These are houses (or other buildings) which have been converted into self-contained dwellings with access to each via its own 'front door', whether externally or from the common area. Such dwellings would normally contain a bathroom, toilet and kitchen. This does not include purpose built blocks of flats.

How many kitchen/bathroom/toilet facilities should there be?

As different types of HMO exist, Standards vary according to the type of occupation. Details of the Standards applying to number of kitchen/bathroom/toilet facilities can be sent to you if you contact the Councils HMO Team

What can a tenant do if the Landlord/agent does not carry out repairs or improvements?

A tenant can complain directly to the Council concerning standards in HMO's. Council officers can then either offer advice or take more formal action in cases where legal enforcement is needed to encourage a landlord/agent to carry out necessary repairs or improvements.

Complaints about noise or rubbish nuisance from a HMO?

Tenants & neighbours can complain directly to the Council who can take more formal action in cases where legal enforcement is needed to bring about an improvement in the situation.

2 FIRE SAFETY

There is a significant risk of fire in Houses in Multiple Occupation (HMOs) and fire statistics show most types of HMOs to have a greater risk of fire than houses occupied by single families. There are a variety of reasons for this increased risk but, because it exists, Councils have powers to require adequate means of escape in case of fire and other fire precautions. This power is contained in the Housing Act 1985 section 352.

What the standard aims to achieve

The basic principle is that everyone should be able to leave the HMO safely in the event of fire. There are three key principles involved:-

The doors, together with the walls, floors and ceilings form the safe way out, i.e. the protected route, along which people in the house can safely escape.

To achieve this, a combination of measures used to prevent the spread of fire and smoke throughout the HMO, particularly the escape routes.

In determining the specific measures for an HMO, the Council will have regard to:

- The protection offered to rooms and escape routes against the spread of fire and smoke. This will involve an assessment of the need for fire-resisting construction of floor, walls, ceilings and fire doors.
- The travel distances from a room to a safe exit from the HMO.

- The nature of the means of escape and their suitability for the number and types of occupants (taking into consideration the capabilities of children, the elderly and the incapacitated, in escaping). The steepness of stairs and the width of doorways and corridors should be taken into account, together with escape lighting and display of signs.
- The need for fire warning systems, smoke and heat detectors and fire fighting equipment. Interlinked single point detectors would only be acceptable in some basic 2 storey HMOs whereas more sophisticated systems are needed in larger or more complex premises.

Raising awareness of tenants and visitors

Each new tenant should receive information about the importance of maintaining the integrity of fire precautions in the HMO and advice on actions to be taken in case of fire or alarm. Appropriate signs within lettings and in common parts will reinforce this and provide information to occasional visitors to the HMO.

Safety

All appliances and installations must be installed so that they do not pose a risk of fire, electrocution or obstruction of escape routes. Electrical installation and appliances should be regularly checked for safety by a NICEIC registered contractor. Gas appliances MUST be checked for safety at least once every 12 months by a CORGI registered contractor.

Fire detection, alarm and emergency lighting installations must be frequently tested and regularly checked and maintained by a NICEIC registered contractor.

CORGI is: the Council of Registered Gas Installers.

NICEIC is: the National Inspection Council for Electrical Installation Contracting.

- **Alert** everybody to the fact that there is a fire in the property. This is done by raising the alarm through an Automatic Fire Detection system.
- **Contain** the fire within the room where it has started. This is why doors have to be half-hour fire resisting and self-closing.
- **Evacuate**, i.e. get out, stay out and call the Fire Brigade.

3 FURNITURE AND FURNISHINGS

All furniture and furnishings supplied in let accommodation must comply with 'The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)'.

Some materials used to fill or cover furniture may be a fire risk, highly flammable and may produce poisonous gases on burning, such as cyanide or carbon monoxide. The Regulations set to phase out those potentially dangerous furniture and furnishings and ensure that those left or newly provided, can pass tests for fire safety.

The Regulations apply to furniture provided in HMOs, which are let in the course of a business. They therefore affect landlords (including estate agents and letting agents) who let such accommodation.

Furniture and furnishings affected.

The following products are covered by the Regulations:

- furniture intended for use in a dwelling (e.g. armchairs, sofas, padded seats);
- beds, head-boards and mattresses (of any size);
- sofa-beds, futons, and other convertibles;
- nursery furniture;
- pillows;
- scatter cushions, seat pads and bean-bags;
- garden furniture suitable for use in a dwelling;
- loose and stretch covers for furniture.

The Regulations do not apply to:

- sleeping bags;
- bed-clothes (including duvets);
- loose covers for mattresses;
- pillowcases;
- curtains or carpets;
- furniture manufactured before the 1st January 1950;
- any furniture the tenant owns and brought to the letting.

4 HOME SAFETY INSPECTION CHECKLIST

Tenants renting accommodation may be more at risk than others.

Are carpets and other floor finishes properly fitted down?

Are loose mats non-slip on the underside?

Is lighting good at changes in floor level, steps and stairs?

Are stairways and landings protected safely? Do they have handrails?

Are windows child safe (& can you still get out in an emergency)?

Is any low level glazing properly fitted with safety glass?

Do floors, stairs or other parts of the building seem unsafe in other ways?

Are anti-topple brackets fitted to cookers and cooker safety guards where children are present?

Are work surfaces sufficient to keep children away from kettles & other hot or sharp objects?

Do they fit close enough to both sides of the cooker to help stop children from reaching pan handles?

Are self-closing fire doors, smoke detectors, fire alarms, & emergency lighting fitted & maintained?

Is a fire blanket provided in the kitchen area?
 In a fire, could you leave the building by the front door without using a key & reach a place of safety?
 Do gas appliances work properly? Is there dis-colouring around gas fires or the top of water heaters?
 Is there a current annual current Gas Safety Certificate.?
 Do electrical wires trail where they can be damaged, be in contact with water or be a trip hazard?
 Are electrical sockets overloaded, overheating, or giving electric shocks? Are wires old or damaged?
 Is furniture labelled as complying with fire regulations and a warning that 'Carelessness causes fire'?
 Do people who are young, elderly, have a disability or who are otherwise less able to react to an accident or emergency situation live in or visit your home? Is special care, advice or help needed?

HOME SAFETY INFORMATION

Fire Safety:

Fire obviously poses a serious risk.

Structural fire precautions, such as fire doors and self-closing devices, can help prevent the spread of fire.

Fire detection devices, such as smoke detectors and alarms, can give early warning of a fire.

A safe, clearly marked, unobstructed escape route with emergency lighting can provide a safe, quick means of escape from the fire.

But, remember, it's not only important that adequate fire precautions are in place, but also that they are regularly tested and maintained by a suitably qualified person (such as a NICEIC registered contractor) and that residents and visitors are aware of what action to take in a fire.

Cooking fat and chip pans are a very high source of fire in the home. Fire blankets should be readily accessible within the kitchen area

Gas, electrics and faulty appliances:

Landlords must ensure that all gas installations and appliances are safety checked and maintained by a CORGI registered gas engineer at least once a year, and that copies of this report are available to tenants.

All work to electrical installations and appliances should be carried out by a competent person (ideally by a NICEIC registered electrician).

Electrical wires or extension leads must not trail where they can be damaged, come into contact with water or be a trip hazard. Electrical sockets should not be overloaded.

Second-hand electrical appliances should only be bought from a reputable dealer and should be certificated as properly safety checked. Particular care must be taken with heating appliances and with appliances where door interlocks are appropriate, such as washing machines.

Thermostats for hot water supplies should not exceed 54°C (130°F) to avoid risk of scalding.

5 SUMMARY OF KITCHEN, BATHROOM AND TOILET STANDARDS

In other cases the standards are as follows:

Item	Size or Number	
Cooker	4 hot rings & grills & oven (per 3 small households)	For 4-6 small households you should double the number/size to be provided.
Microwave oven (optional)	Allows sharing of cooking facilities by extra person/s at the Councils discretion	
Sink	Bowl & drainer and hot & cold water supply (per 3 small households)	A 'small household' consists of no more than 3 persons and includes single person households.
Worktop	2 metres x 500mm (per 3 small households)	
Electrical sockets (over worktop)	4 sockets per 3 small households (excluding those for refrigerator, etc.)	
Dry food storage	Double wall unit or single base unit (0.16m ³) for one person. For more than one person more storage space is needed but not necessarily another 0.16m ³ each. Storage in communal areas to be lockable.	If you have more than 6 small households living in the HMO you should contact the Home Improvement Team.
Refrigerator	Standard size refrigerator (0.15m ³) per small household. Storage in communal areas to be lockable.	

A suitable equipped communal dining room should be provided next to each shared kitchen facility.

6 OVERCROWDING AND SPACE STANDARDS

The Housing Act 1985 (sections 324-326 and 358-364) specifies legal standards:

the first is a 'room' standard which requires that there should be enough rooms in each individual letting so that no male and female

aged 12, or over, should have to sleep in the same room, unless they are living together as 'husband and wife';

the second is a 'space' standard which specifies the maximum number of people that can sleep in any room considered suitable for use as a sleeping room and the maximum number that may sleep in any individual letting when taking into account the number of sleeping rooms available to the occupants. In this second standard, children aged between 1 and 10 count only as ½ a person and babies aged less than 1 are not counted at all.

Room Standard

The Government will not set national minimum room sizes. It prefers to give Councils the discretion to set these locally, taking account of the local property types. It hopes that training for Councils will avoid variations if not justified by differences in the local housing stock. The Government will set minimum national amenity standards for licensed HMOs. The standards currently required by this Council seem likely to meet these national standards. Local Councils will be able to require higher amenity standards than the national standards where local circumstances justify it. The government will review the need for national amenity standards after three years.

The Government expects Councils to work with neighbouring Councils to achieve local consistency.

Number of rooms	Max. number of people
1	2
2	3
3	5
4	7.5
5 or more	2 for each room

Space standard

Floor area of room	Max. number of people
10.2 m square or more	2
Between 8.3m square and 10.2m square	1.5
Between 6.5m square and 8.3m square	1
Between 4.6m square and 6.5m square	0.5

It can be a little complicated to work out at first!

Where there is 1 sleeping room within the letting the maximum number of people is 2 but, in order for 2 people to sleep in that room, it must be at least 10.2m² in size.

Where there are 2 rooms within the letting the maximum number of people is only 3, even if both rooms are more than 10.2m² in size.

But, remember that no male and female aged 12, or over, should have to sleep in the same room, unless they are living together as 'husband and wife'.

All rooms shall be of useable shape and proportion. The calculations are based on the total floor area of any room used as a bedroom and does not include the area of any bathroom, staircase, passageway, landing or lobby.

In counting the number of rooms available for sleeping you are often able to count both bedrooms and living rooms within the individual letting, except that communal or shared living rooms may not be taken into account.

Guidance in measuring rooms used for sleeping:

- i) exclude from your calculations any floor area where the ceiling height is less than 1.53m high;
- ii) over the remainder of the floor area you should calculate the average ceiling height. You can only count as occupiable space the area of floor over which you can achieve an average of 2.14m or greater over at least 75% of that remaining floor area.

7 APPEALS

Appeals will go to new Residential Property Tribunals, instead of the County Court. Tribunal members will be various kinds of expert, not judges. Tribunal procedures will be informal, making legal representation generally unnecessary.

8 WHAT A LANDLORD OF AN HMO NEEDS TO DO

1. Lane & Browns will advise you if your property is considered to fall under this legislation and you will need to apply for registration with the Council.
2. There will be a fee to be paid although at this time the level of fees in Mid Bedfordshire have not yet been determined, however other Councils have set fees based upon the number of rooms and in one instance Southampton, have set this at £50 per room for a 5 year registration period.
3. Arrange for the Council to inspect and abide by the recommendations of the council which will probably include:-
4. The provision of a Fire Alarm system (As suggested by the Fire Brigade) Fire Blankets & Fire Exit signs in the property
5. The replacement of internal doors & floors as necessary to bring the property up to an acceptable Fire safety standard.
6. Electrical safety inspection report EICNIC and remedial repairs to correct any fault identified by the inspection.
7. Ensuring that there is an approved emergency fire exit which is not prevented by locks on external doors.
8. That all matters relating to Health & Safety have been address as listed in the Home Safety Inspection Check list have been attended to
9. Inspection to ensure that the property is not overcrowded.
10. Notice given to the tenants advising them that the property has been registered as a HMO and reminding them of the Health & Safety issues.

GENERAL ADVICE

In all practical terms Lane & Browns would advise that if you are currently a landlord of a property that is of 3 storey's or more then you should seriously consider taking action to ensure that all future occupation be restricted to 4 individual people or one single family so as to avoid the need to comply with HMO legislation

If you have any queries you should contact

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9 HMO Disclaimer

This document has been compiled from information sourced from various Councils & Government web sites and produced by Lane & Browns Estate Agents to assist it's clients about the standards, regulations and law that now governs residential rental accommodation that is defined as a House in Multiple Occupation (HMOs). The information is subject to updating as new regulations are introduced and is not a comprehensive legal guidance.

Lane & Browns will not accept liability for any loss to any person or third party resulting from information contained or omitted. Landlords should seek their own professional advice regarding legal, financial and building matters wherever it is appropriate to do so.