



REGULATORY SERVICES

HOUSING ACT 2004 HOUSES IN MULTIPLE OCCUPATION (HMO) Information Sheet

1. What is a HMO?

A house in multiple occupation (HMO) can be any building or a part of a building used for living accommodation by more than two people who are not part of the same family and they occupy the property as their only or main residence and where they share one or more of the basic amenities such as bathing and preparing food and they pay rent for their accommodation or receive it "in kind" as a condition of their employment. The full list of definitions for and meanings of HMO's is contained in sections 254 - 260 of the Housing Act 2004.

In general terms however, a house in multiple occupation (HMO) can be any one of the following:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households (Not of the same family – See below) who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self contained (i. e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies. If the property is an ex-single household residence which has since been converted entirely into self-contained flats the conversion will be regarded by the Council as a HMO if it did not comply at least with the standards of the 1991 Building Regulations and if more than one third of the flats are let out on short-term leases (Less than 20-years). These blocks of flats however are not subject to mandatory HMO licensing.

In order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

To be of the same family, the occupants must be: married to each other, live together as husband and wife, live together in a same sex relationship, or be related to each other, such as a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

2. When does a HMO require a licence?

To require a licence, the HMO must:

- be three or more storeys high, and
- have five or more people in residence, forming more than one household.

'Storeys' include basements and attics if they are occupied (including by a resident landlord) and have been converted for occupation, or which are in use in connection with the occupation of the HMO. Commercial premises on the ground or any upper floor will also be included in the calculation of number of storeys, (whether they are actually in use or not), but not basements in purely commercial use.

The following HMO's do not require a licence:

- A building managed by a Registered Social Landlord (Housing Association).
- A building managed by a health service body.
- A dwelling occupied by the owner and their family, with no more than two lodgers.
- A building comprising entirely of self-contained flats.

3. What must the owner/manager of an HMO do?

- Should the HMO require a licence, the owner/manager must apply for a one. To operate a mandatory licensable HMO without one is a strict liability offence similar in many respects to driving a car without a licence. The Landlord would by definition be guilty of the offence if they could not provide when requested a valid up to date licence. On conviction at a Magistrates' Court the guilty party could be liable to a maximum fine of £20,000:00. To apply for a licence, please contact the Council on 01276 707100.
- The owner/manager should be satisfied that the HMO meets the minimum standards detailed below.
- The owner/manager should ensure that the HMO is free from any avoidable category 1 and category 2 hazards, or reduce to an acceptable level any such hazards which are unavoidable. Further details on hazards can be found on the Surrey Heath Website or in the Housing Health and Safety Rating System Guidance (Version 2) available from the Office of the Deputy Prime Minister (ODPM) online via www.odpm.gov.uk
- The owner/manager must manage the property in compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006. (See below for further details).

4. What standards are required in an HMO?

Most of the standards for a licensed HMO are prescribed by Government and are therefore a minimum requirement. Other standards are given as a guide to what the Council believes is reasonable for the health, safety and welfare of the occupants. Consideration shall be given to the individual circumstances of the dwelling and its occupants when determining the level of amenities and required space standards in any given situation.

4.1 HMO's which require a licence

Heating

- Each unit of living accommodation must be equipped with adequate means of space heating. (Usually means a fixed, efficient, whole house heating system)

Washing facilities and sanitary conveniences

- There must be one toilet with wash hand basin with appropriate splash back for every five sharing occupiers. Where there are four or fewer occupants sharing a single toilet this may be situated in the bathroom. Where there are five persons sharing a toilet, this must be separate from the bathroom but can be contained within a second bathroom. Where there are more than five persons sharing, there must be at least one toilet with wash hand basin which is separate from the bathrooms.
- There must be at least one bathroom with a fixed bath or shower for every five sharing occupiers.
- Where there are five or more tenants and where it is reasonably practicable to do so, every unit of accommodation must contain a wash hand basin (suitable for personal washing) with appropriate splash back (this may be dispensed with if the letting has a sink for the preparation of food). Where this provision is not reasonably practicable, wash hand basins of adequate size shall be provided in the ratio of not less than one amenity per five individuals sharing. These shall be located in or adjacent to the water closet compartments.
- All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water. The cold water serving the wash hand basins must come from a source which is suitable for drinking purposes.
- All bathrooms must be suitably and adequately heated and ventilated.
- All bathrooms and toilets must be of adequate size and layout.
- All baths, toilets and wash hand basins must be fit for purpose.
- All bathrooms and toilets must be suitably located in or in relation to the living accommodation.
- All bathrooms must meet the decent home standard. (See below)

Facilities for the storage, preparation and cooking of food

- Each separate letting shall be provided with a kitchen for the exclusive use of that letting. Where it is not appropriate or practicable to have individual kitchen facilities in each separate letting, shared cooking facilities shall be acceptable.
- The kitchen shall be suitably located in relation to the living accommodation, and of such layout and size to enable those sharing the facilities to store, prepare and cook food.
- The kitchen shall be provided with appropriate refuse disposal facilities.
- Where necessary the kitchen shall have appropriate extractor fans over the cooking areas, fire detection and alarm systems, fire blankets and fire doors.
- Where the house is occupied exclusively by separate individuals cooking facilities shall be provided in the ratio of at least one set of kitchen facilities for every 5 individuals. Where the house includes households consisting of more than one person cooking facilities shall be provided in the ratio of at least one set of kitchen facilities for every three lettings.

A set of kitchen facilities for every 5 individuals or part thereof shall include:-

- a fixed sink with constant supplies of hot water and cold drinking water, and at least one drainer of reasonable size;
- a cooker comprising at least four rings and an oven and grill. Some other appliance for cooking food may be acceptable in single person lettings, so long as these are not shared and the occupants are in agreement;
- a minimum area of 1.2 m² of smooth, non-porous worktops for the preparation of food; the worktops to have a minimum depth of 500mm and securely fixed;
- a minimum of 2 power points per letting, plus an additional point for each extra letting where the kitchen is shared; this provision is extra to any sockets used for the electric cooker or oven. The sockets to be positioned directly adjacent to the worksurfaces;
- adequate cupboard space of minimum size of 0.16 m³ per individual for the storage of food and kitchen and cooking utensils;
- adequate refrigerator space of a minimum capacity of 0.15 m³ per individual, together with adequate storage of frozen foods. Sharing of storage areas may be appropriate with the agreement of the residents;
- All Kitchens must meet the Decent Home Standard.

Means of escape from fire and other fire precautions

- there shall be provided such means of escape from fire and other fire precautions as the Council considers necessary after consultation with the Surrey Fire and Rescue Service. (See LACORS Fire Safety Guidance)

Room sizes and space standards

- No habitable room, regardless of size, shall be occupied by more than two persons.
- In determining the suitability of a room for occupation, children under the age of 1 year shall not be counted, and in no case shall sleeping arrangements be such that any two persons, being 10 years of age or over, of opposite sexes are required to sleep together in the same room, unless they are co-habitees.

SINGLE PERSON UNIT OF ACCOMMODATION (Minimum areas)

- i) One room unit providing bedroom/kitchen/living room; 13.0m²
One room unit providing bedroom/living room with a separate shared kitchen 10.0m²
One room unit providing bedroom with a separate shared kitchen and living room 6.5m²
- ii) Two or more roomed units;
 - each living/kitchen 11.0m²
 - each living room 9.0m²
 - each bedroom 6.5m²

TWO PERSON UNIT OF ACCOMMODATION (Minimum areas)

- i) One room unit providing bedroom/kitchen/living room; 15.0m²
One room unit providing bedroom/living room with a separate shared kitchen 14.0m²
One room unit providing bedroom with a separate shared kitchen and living room 10.0m²
- ii) Two or more roomed units;
 - each living/kitchen 15.0m²
 - each living room 12.0m²
 - each bedroom 10.0m²
 - each living/bedroom 14.0m²

4.2 HMO's which do not require a licence

The same standards will apply as for 4.1, except:

- Where it is not practicable or appropriate to provide each unit of accommodation with a wash hand basin, wash hand basins of adequate size shall be provided in the ratio of not less than one amenity per five individuals sharing. These shall be located in or adjacent to the water closet.
- Where there are four or fewer occupants sharing a single toilet this may be situated in the bathroom.

4.3 Hostels

- Hostels provide accommodation for people with no other permanent place of residence as distinct from hotels which provide temporary accommodation for visitors to the area. This category would include establishments used by the local authority to house homeless families pending permanent placement and houses occupied by people whose occupation is ancillary to their employment and is made available through their employer.

The standards which apply to hostels are the same as for 4.1, except:

- Toilets shall be provided for every five persons sharing irrespective of age. Where only one toilet is required this shall be separate from the bathroom. Where more than one toilet is required, at least 50% of the toilets shall be in accommodation separate from the bathrooms. A suitable wash hand basin with constant supplies of hot and cold water shall be provided in every bedroom. A suitable wash hand basin with constant supplies of hot and cold water shall also be located in every shared toilet compartment and shared bathroom.
- There shall be provided within the premises a working telephone available for use by the occupiers and a notice shall be displayed by the telephone with information on the address and telephone numbers of: the local Council, Fire Brigade, Gas Company, Electricity Company, Police Station and local doctors.
- Where the hostel provides accommodation for families with young children, the facilities shall include a safe play area(s) that is located away from the sleeping accommodation and cooking areas.
- Where cooking facilities are shared, the following facilities shall also be provided within each separate letting:
 - a suitable worktop with a minimum surface area of 1000mm x 600mm.
 - a storage cupboard with a minimum capacity of 0.4 m³
- Each shared kitchen shall be no more than one floor distant from any room occupied by the persons for whom it is provided. In smaller hostels of not more than three storeys where this may not be appropriate, a suitable dining room of adequate size shall be provided adjacent to the kitchen(s). Adequate number of chairs and tables shall be provided in dining rooms.
- Where meals are provided by the management, facilities for the preparation, cooking and serving of food shall comply with the relevant housing legislation and food hygiene regulations.

Room sizes and space standards

- a) In no case shall a room be occupied by more than 5 persons irrespective of age.
- b) In no case shall sleeping arrangements be such that any two persons, being 12 years of age or over, of opposite sexes, be required to sleep together in the same room, unless they are co-habitees.
- c) All rooms must have a minimum floor to ceiling height of at least 2.14 metres over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded.

BEDROOMS

- i) Where cooking facilities are provided in a separate kitchen:-
- 1 person 6.5m²
 - 2 persons 10.2m²
 - 3 persons 14.9m²
 - 4 persons 19.6m²
 - 5 persons 24.2m²
- ii) Where cooking facilities are provided within the room:-
- 1 person 10.2m²
 - 2 persons 13.9m²
 - 3 persons 18.6m²
 - 4 persons 23.2m²
 - 5 persons 27.9m²

COMMON ROOMS

The area (or aggregate areas if more than one is provided) shall be calculated on the basis of 1m² per person. This shall include one area of at least 15m².

5. What are the management standards for HMO's?

- All HMO's, whether they require a licence or not, are subject to the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 or The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
- These Regulations make provision for ensuring that the manager of an HMO observes proper standards of management. Failure to comply with these Regulations is a criminal offence.

The manager must:

- provide information to the occupiers by ensuring his name, address and any telephone number are clearly displayed in the HMO;
- ensure that each unit of living accommodation and any furniture supplied with it are in a clean condition at the beginning of a person's occupation of it;
- ensure the internal structure of any living accommodation is maintained in good repair and any fixtures, fittings or appliances belonging to the owner/manager are maintained in good repair and in clean working order;
- ensure all common parts, fixtures, fittings and appliances are maintained in good and clean decorative order, maintained in a safe and working condition, and kept clear from obstruction;
- ensure all means of escape in case of fire are kept free from obstruction and are maintained in good order and repair;
- ensure all reasonable measures are taken to ensure the HMO is safe for the occupiers;

- ensure the water supply, all water fittings and drainage systems are maintained in good, clean and working condition, and not to unreasonably interrupt them;
- not unreasonably interrupt the supplies of gas or electricity;
- ensure all outbuildings, yards and forecourts used in common are maintained in good repair, clean condition and order, and any garden belonging to the HMO is kept in a safe and tidy condition; and
- ensure adequate provisions for the storage of refuse.

The manager must also:

- supply a copy of the latest gas appliance test certificate to the Council within 7 days of receiving a request; and
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years. He/she must also supply a copy of the certificate to the Council within 7 days of receiving a request.
- Ensure that any electrical appliance provided by the Landlord such as Refrigerators, freezers, kettles, toasters, microwave ovens etc are Portable Appliance Tested (PAT) by a competent person every 12-months and an indication of the last test applied to each.

Decent Home Standard

A decent home must meet the following four criteria:

1. It complies with the current statutory minimum standard for housing. (It must be free from all Category 1 Hazards and all Category 2 Hazards are reduced to acceptable levels).
2. It is in a reasonable state of repair. Dwellings which fail to meet this criterion are those where either:
 - one or more of the key building components are old and, because of their condition, need replacing or major repair; or
 - two or more of the other building components are old and, because of their condition, need replacing or major repair.
3. It has reasonably modern facilities and services. Dwellings which fail to meet this criterion are those which lack three or more of the following:
 - a reasonably modern kitchen (20 years old or less)
 - a kitchen with adequate space and layout
 - a reasonably modern bathroom (30 years old or less)
 - an appropriately located bathroom and WC
 - adequate insulation against external noise (where external noise is a problem)
 - adequate size and layout of common areas for blocks of flats.
4. It provides a reasonable degree of thermal comfort. This criterion requires dwellings to have both effective insulation and an efficient fixed whole house heating system.