

**Houses in Multiple Occupation**

**Licensing of Houses in Multiple Occupation**

**A Guide for Landlords, Managers and Tenants**

Houses in Multiple Occupation or HMOs provide an essential affordable housing option for many private sector tenants. The Council recognises the important role played by landlords to provide good quality accommodation and seeks through this guide to set out the basic standards which should be met. As well as guiding and advising landlords the council has a regulatory role where standards are not achieved and maintained. This role is designed to protect the health of residents in the private rented sector and to ensure all landlords are operating within legal requirements.

**1.0 What is a House in Multiple Occupation (HMO)?**

If a landlord lets a property which meets one of the descriptions below - it is a House in Multiple Occupation;

- An entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet (facilities or amenities). A household includes co-habiting couples, step and foster children and relatives extending to cousins, nephews and nieces;
- A house which has been converted into bedsits or other non-self-contained accommodation and which is let to three or more tenants who form two or more households and who share kitchen, bathroom or toilet (facilities or amenities);
- A converted house which contains self-contained flats and 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 three or more tenants who form two or more households;
- A building converted entirely into self-contained flats, where the conversion does not meet the standards of the 1991 Building Regulations or later and less than two-thirds of the flats are owner-occupied. These types of HMOs are classified as Section 257 Houses of Multiple Occupation.

## **1.1 What is not a HMO?**

If a landlord lets a property which meets one of the descriptions below - it is not a House in Multiple Occupation;

- An entire flat or house let to one person, a couple, a family or two people sharing,
- Two lodgers with an owner occupier living in the house.

## **1.2 Planning Permission lawful use**

This is required for all large HMOs that are occupied by more than six people who are not related. All works carried out in an HMO must comply with Building Regulation requirements.

## **1.3 Housing Act 2004**

This requires all HMOs to be free from serious hazards and managed properly. This includes having appropriate fire safety measures, adequate space, suitable and sufficient amenities, appropriate heating and a good standard of repair, decoration, cleanliness and tenancy management. It also requires for some HMO's to be licensed.

## **2.0 HMO Licensing**

A licence is required for all HMOs that are occupied by five or more people belonging to 2 or more households and who share a facility or amenity. Each HMO licence that is granted will come with specific conditions that the licence holder will be bound to comply with. Failure to comply with the conditions of a HMO licence is an offence for each breach and may lead to enforcement action being taken. Before granting a licence the Council will determine if the proposed licence holder and manager is fit and proper persons, that suitable financial and management arrangements are in place for the management of the HMO and that the HMO is suitable for occupation by a specified number of tenants based on the minimum standards in this document. Licensing decisions will be guided by the Councils Regulating Housing Standards Policy.

## **3.0 Health and Safety and the HHSRS**

All HMO accommodation should be free from serious health and safety hazards and this is assessed using the housing health and safety rating system or HHSRS. This provides a method of scoring the deficiencies in a property and these hazards are linked to harm outcomes of occupiers in a property.

The system requires the assessment of 29 hazards grouped as:

- Damp and mould, excess cold / heat
- Pollutants e.g. asbestos, carbon monoxide, lead

- Overcrowding, security or lighting, or excessive noise
- Poor hygiene, sanitation, water supply
- Accidents – falls, electric shocks, fires, burns, scalds
- Collisions, explosions, structural collapse

The property is first inspected to identify any deficiencies that are relevant against a specific hazard(s) and a judgment is then made as to:

1. What is the likelihood of a hazard occurring from each deficiency, and,
2. If there is such an occurrence, how serious would the likely harm outcomes be?

Depending on the outcome of the assessment the Council may take enforcement action to ensure the property is made safe and is free from hazards.

### **3.1 How will the system be used in enforcement?**

Prior to an inspection the landlord/owner/manager of a property will be invited to visit the property with an officer from the Residential Services Team. This is to allow the landlord/manager to remedy any defects prior to enforcement action and to promote informal discussions.

If informal action fails to remedy the situation the council is likely to move to formal action by serving an improvement notice on the owner, or agent as appropriate, requiring that hazards be reduced to a safe level within a set time. In more serious cases the council may serve a prohibition order prohibiting the use of all or part of a dwelling. Failure to comply with an enforcement notice is an offence and may lead to further legal action being taken.

For minor hazards, the council may serve a hazard awareness notice informing the landlord of the hazards and identifying works to be undertaken to address these hazards. This type of notice is for information only.

For more information please refer to the Councils Regulating Housing Standards Policy.

### **4.0 Fire Safety**

Fire Safety measures in HMOs are designed to alert tenants and occupiers to an occurrence of a fire and to prevent smoke and fire spreading to other parts of the property before residents have a chance to escape. In general, the following matters are considered when reviewing fire safety;

- Automatic fire detection systems.
- Protected routes for the occupiers to escape.
- Fire separation and compartmentalisation.

- Fire Doors.
- Emergency lighting.
- Fire fighting equipment.
- Fire safety compliant furniture and fittings.
- Fire risk assessments and property management.

This information is generic in its content and its recommendations and each property must be assessed and judged individually as each property is unique. Specific guidance on fire safety standards in various residential settings are detailed in the LACORS Guidance “Housing – Fire Safety” which can be downloaded from:

<http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>

#### **4.1 Automatic fire detection**

As a minimum in HMO’s it is necessary to provide interlinked smoke detectors in the hallways and landings of the property and a heat detector in the kitchen and high risk rooms which are mains wired with battery back up. The detectors should be interlinked and comply with BS 5839:2019 part 6 - Grade D:LD2 type system. As the number of storeys in a HMO increases and the number of kitchens increases the level of fire safety detection will also increase.

The fire safety requirements differ in all HMOs depending on the size, layout and occupation. If you own or manage a property it is vital that you carry out an adequate fire safety risk assessment (FRA) and contact the Residential Services Team to discuss your current and proposed fire safety measures. This will prevent any further possible action being taken by the Council. It is essential that your property or HMO is made safe as soon as possible.

**Please note that as well as complying with housing legislation you owe a duty of care to your tenants in common law, which may be breached if there are no fire safety precautions. You may also be breaching the terms of your insurance by not complying with the law.**

#### **4.2 Protected Route/Fire Separation**

The protected route or means of escape covers all staircases, landings and hallways that any tenant or occupier would need to pass through on their escape route out of the building.

All doors, walls, floors, and ceilings onto the escape route and the underneath and sides of all staircases on the route must be constructed to resist the passage and damage of fire, smoke and fumes for at least half an hour. Any electric or gas meters in the route must be enclosed in half-hour fire resisting construction and there must not be any storage or obstructions in the route. Any doors that open on the to means of escape and protected route including the final exit door from the property must be operable without a key.

### **4.3 Fire Doors**

In a property with three or more storeys, all bedrooms, kitchens, and living room doors that open onto the protected route must be 30 minute fire doors and maintained in proper working order. Bathroom doors are only required to be a fire door if there is a fire hazard in the room i.e. a gas boiler.

In properties with less than 3 storeys, a fire door is only required on high risk rooms which contain kitchen facilities.

Fire doors must:

- Be half-hour (30 minutes) fire resisting (or one hour between commercial and residential accommodation).
- Be operable from inside the room without the use of a key.
- Be fitted with a self-closing device – which is regularly tested to ensure it fully closes the door
- Be fitted with an intumescent strip and cold smoke seal to the top and all side edges of the door or alternatively installed into all internal sides of the door frame.
- Be fitted such that there is no more than a 3mm gap between the door and frame.

### **4.4 Emergency Lighting**

There should be sufficient and adequate light for occupiers to find their way out of the building especially on stairs and changes in level.

Emergency lighting may be required in HMOs with three or more storeys and, in smaller properties where the layout and escape route is long or complex. The emergency lighting system should be mains wired with battery back up in the escape route designed to operate if the mains electrical supply fails. Emergency lighting will also need to be tested annually.

### **4.5 Fire Fighting Equipment**

All rooms containing cooking facilities should have a fire blanket. Suitably located on a wall near the cooking facilities and at a height of 1.2 -m 1.5 m from the floor. They must not be kept in a drawer or cupboard.

### **4.6 Fire Safety Compliant Furniture and Furnishings**

All upholstered furniture including chairs, sofas, mattresses, headboards, cushions and seat pads should comply with The Furniture and Furnishings (Fire Safety) Regulations 1988 as amended (2010).

### **4.7 General**

All fire doors, emergency lighting and fire detection equipment must be fitted and maintained by competent contractors in compliance with all relevant codes of practice and British Standards.

## **5.0 Management of Houses in Multiple Occupation (England) Regulations 2006 (as amended)**

Managers of HMOs are required to meet the requirements of the HMO Management Regulations which place specific duties on them. The manager means the person who has overall management responsibility for the premises which may be the landlord, HMO licence holder or their agent. Failure to comply with any of the Regulations is an offence and may lead to enforcement action being taken. Please refer to the Council Regulating Housing Standards Policy for more information.

### **Reg 3 - Duty of manager to provide information to occupiers**

The manager's name, address and telephone contact must be made available to each household and be clearly displayed in the HMO.

### **Reg 4 - Duty of manager to take safety measures**

The manager must ensure all means of escape from fire are free from obstruction, well maintained and signed. All fire alarms and fire fighting equipment must be maintained in good working order. Please see the section on fire safety above for more information. This includes ensuring that adequate fire detection measures are installed

The manager must ensure the design and structural condition of the property including roofs; balconies, windows and means of escape do not put the occupiers at risk of injury.

### **Reg 5 - Duty of manager to maintain water supply and drainage**

The manager must ensure that any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purpose is kept in a good, clean working condition and where necessary protected from frost.

The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier of the HMO to be interrupted.

### **Reg 6 - Duty of manager to maintain gas and electricity**

Under the Gas Safety (Installation and Use) Regulations 1998 all gas appliances including cookers, heaters and boilers must have an annual safety inspection from a gas engineer registered with the Gas Safety Register. Any repairs identified must be completed without delay. Tenants should be shown a copy of the certificate.

The manager must ensure that every fixed electric installation is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and obtain a certificate specifying the results of the test. **This section of the HMO Regulations is now been repealed and the safety of electrical installations is now regulated under the Electrical Safety**

**Standards in the Private Rented Sector (England) Regulations 2020. This requires all rented properties to have an Electrical Installation Condition Report (EICR) including HMO's.**

On written request the manager must supply a current gas safety certificate issued by a Gas Safety Registered engineer to the local authority.

The manager must not unreasonably cause the gas or electricity supply used by any occupier of the HMO to be interrupted.

### **Reg 7 - Duty of manager to maintain common parts, fixtures, fittings and appliances**

The manager must ensure all common parts of the HMO are in good and clean decorative repair, maintained in a safe working condition and kept free from obstruction. Particular attention should be paid to shared kitchens, bathrooms, WC's, handrails and banisters, stair coverings, windows and means of ventilation and light fittings. This duty also covers outdoor areas including gardens, outbuildings, yards, boundary walls and fences.

### **Reg 8 - Duty of manager to maintain living accommodation**

The manager must ensure that each unit of living accommodation within the HMO are maintained in good repair and fixtures, fittings and appliances provided as part of the tenancy are maintained in good repair and in clean working order.

### **Reg 9 - Duty to provide waste disposal facilities**

The manager must ensure that sufficient bins are provided for each household for the storage of refuse prior to collection. All tenants must be provided with the correct recycling and waste management information for the local authorities collections days and how to present waste for collection.

### **Duties of the tenant**

The management regulations also place a duty on tenants not to hinder managers in complying with these duties and to provide necessary information to help comply with these duties.

To take reasonable care not to cause any damage to anything the manager has a duty to provide, to store and dispose of refuse appropriately and to comply with reasonable instructions regarding fire safety and means of escape.

## **HMO Licensing standards**

### **6.0 Washing Facilities**

Where households are sharing a toilet and washing facilities the following must be provided:

- Up to five people may share a bathroom containing a toilet, wash hand basin and bath or shower.
- Up to six people may share these facilities if there is an additional WC and wash hand basin outside of the shared bathroom.
- If there are two bathrooms containing a toilet, wash hand basin and bath or shower then this is suitable for ten people to share.
- All baths, showers and wash hand basins must be equipped with taps providing a supply of cold and constant hot water.
- All bathrooms must be suitably and adequately ventilated.
- All bathrooms and toilets must be of an adequate size and layout.

A wash hand basin must be provided in any rooms with a toilet and must be supplied with adequate supplies of hot and cold water.

### **7.0 Kitchen facilities**

Where households are sharing a kitchen it must be suitably located in relation to the living accommodation, must be of a minimum size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.

**7.0.1** Kitchen(s) must be equipped with at least the following which is suitable for a maximum of 5 persons and must be fit for the purpose:

- Sink: A durable and easily cleansable sink, integral drainer and a tiled splash-back, on a base unit. The sink must have constant supplies of hot and cold running water and be properly connected to the drains. The cold water must come directly from the rising water main. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each'
- Cooker: A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways with a minimum of 300mm worktop to both sides. The hob may be separate from the cooker.
- Electrical sockets: At least three double 13amp electrical power points (in addition to those used for fixed appliances, such as washing machines.
- Worktop: A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1000mm length and 600mm width.
- Storage: A lockable food storage cupboard for each occupant comprising of a 500mm wide base unit or a 1000mm wide wall unit. This may alternatively be provided within each occupant's room (The space

in the unit beneath the sink and drainer or beneath a separate hob is not allowable for food storage.

- Fridge/Freezer: A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen the fridge/freezer must be located in a communal space such as a utility room or shared dining room adjacent to the kitchen.
- Refuse disposal: A durable and easily cleansable waste bin of at least 50 L capacity must be provided.
- Ventilation: Mechanical ventilation extracting to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.

**7.0.2** Kitchen(s) must be equipped with at least the following which is suitable for a maximum of 6-7 persons and must be fit for the purpose. The Additional Kitchen facilities may be located in a second kitchen :

In addition to the standards set out above there must be:

- Additional Sink: A dishwasher is acceptable in place of a second sink.
- Additional Cooker: A combination microwave (with oven and grill and minimum 32 litre capacity) is acceptable in place of a second cooker.
- Additional Worktop: Additional kitchen worktop capacity that is level, secure and impervious. To provide a total minimum dimensions are 1500mm length and 600mm width.
- Additional Storage: A lockable food storage cupboard for each occupant comprising of a 500mm wide base unit or a 1000mm wide wall unit. This may alternatively be provided within each occupant's room.
- Additional Fridge/Freezer: A refrigerator with a minimum capacity of 80 litres plus a freezer with a minimum capacity of 30 litres. If not in the kitchen the fridge/freezer must be located in a communal space such as a utility room or shared dining room adjacent to the kitchen.

**7.0.3** Kitchen(s) must be equipped with at least the following which is suitable for a maximum of 8-10 persons and must be fit for the purpose. The Additional Kitchen facilities may be located in a second kitchen

- 2 complete sets of kitchen facilities as above **7.0.1** with 2000mm x 600mm work surface.

**7.0.4** Kitchen(s) must be equipped with at least the following which is suitable for 11 or more persons and must be fit for the purpose:

- Two or more separate kitchens containing the aggregated equivalent provision calculated from the above standards, each kitchen having at least the minimum provision for up to 5 people.

All shared facilities must be accessible to all households at any time and must be accessed off the common parts of the HMO.

A kitchen should have a minimum floor area of 7m<sup>2</sup> for 5 tenants and for each extra tenant an additional 1m<sup>2</sup> should be provided. See table below.

A kitchen with 2 full sets of facilities and a floor area of 12m<sup>2</sup> will be suitable for up to 10 persons.

Flexibility to this standard will be considered where there is alternative shared dining/living space in the property.

If individual bedrooms are provided with exclusive use cooking facilities, they must contain as a minimum:

- Sink: A single sink with supply of hot and cold water.
- Cooker: A 2 ring burner / hob with integrated oven. A combination microwave (with oven and grill and minimum 32 litre capacity) is acceptable.
- Electrical sockets: 2 double 13amp electrical power points
- Worktop: Suitable fixed worktop space. Dining tables and desks are not to be included.
- Storage: A lockable food storage cupboard for each occupant comprising of a 500mm wide base unit.
- Fridge/Freezer: A refrigerator with a minimum capacity of 80 litres plus a freezer with a minimum capacity of 30 litres.
- Refuse disposal: A durable and easily cleansable waste bin of at least 20 L capacity must be provided.
- Ventilation: Mechanical ventilation extracting to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.

Integrated pod/mini-kitchens may also be suitable with consultation and agreement from the Private Sector Housing Team.

## **8.0 Space Standards**

The number of persons permitted in each letting is determined by the useable space within the room and available communal space in the rest of the HMO. The whole space in a room may not be usable due to an unusual shape, low ceiling height or staircase bulkhead.

### **8.0.1 Bedrooms**

Rooms being used as sleeping accommodation with shared facilities by the occupiers must be minimum of:

- 6.5 square meters if occupied by one person, and
- 10.2 square meters if occupied by two persons.

This size does not include any ensuite bath/shower rooms as this cannot be counted as bedroom floor area.

If the room being used as sleeping accommodation also contains cooking facilities for the exclusive use occupier(s), rooms must be:

- 12.5 square meters if occupied by one person
- 15.5 square meters if occupied by two persons

This size does not include any ensuite bath/shower rooms as this cannot be counted as bedroom floor area.

Rooms located off kitchens where the only means of escape is through the kitchen are not suitable for being used as sleeping accommodation.

### 8.0.2 Shared Kitchen and Communal Living/Dining room sizes:

Room Use	Number of Persons							
	3	4	5	6	7	8	9	10
Kitchen	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	8m <sup>2</sup>	9m <sup>2</sup>	10m <sup>2</sup>	11m <sup>2</sup>	12m <sup>2</sup>
Total communal living space	16m <sup>2</sup>	17m <sup>2</sup>	18m <sup>2</sup>	19m <sup>2</sup>	20m <sup>2</sup>	22m <sup>2</sup>	24m <sup>2</sup>	26m <sup>2</sup>

Discretion may be applied on the communal space that is available if the bedrooms are larger than the minimum sizes set out above.

The number of persons permitted in each room used as sleeping accommodation and the available facilities, amenities and communal space in a house will determine the total permitted number of tenants for the whole HMO and will be reflected on the HMO Licence (where applicable).

## 9.0 Annex Rooms

All bedrooms, living rooms, kitchens and bathrooms in an HMO must be in the same building. Tenants must not have to go outdoors to access any other part of the HMO. If an annex room that is not part of the same building is rented out it must have planning permission to be occupied, building control regulation compliance and be fully self-contained with bathroom and kitchen facilities.

## 10.0 Paying Bills

In an HMO the landlord is responsible for paying council tax and for electricity and gas supplies for all installations in common use. It is not acceptable for any such installations to be on a pre-pay or key meter. All tenants must have access to any installations in common use i.e. the gas boiler and central heating controls and be able to control the temperature in their room.

## **11.0 Further Information**

**Guidance for landlords and tenants on COVID 19 and renting can be found here:**

[COVID-19 and renting: guidance for landlords, tenants and local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities)

**Government guidance and advice for tenants can be found here:**

[Private renting: Houses in multiple occupation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/private-renting-houses-in-multiple-occupation)

**More information and guidance on Houses in Multiple Occupation can be found on the Gloucester City Council website:**

<https://www.gloucester.gov.uk/housing/hmo-licences/housing-in-multiple-occupancy-hmo>

Alternatively contact our customer service centre on 01452 396396 or the HMO Licensing team by email [psh.focus@gloucester.gov.uk](mailto:psh.focus@gloucester.gov.uk)