



LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)

WHAT IS HMO LICENSING?

The Housing Act 2004 requires Local Authorities to licence prescribed houses in multiple occupation situated within their area.

The Act makes it an offence to have control of or manage an HMO which requires a licence but is not licensed. It is also an offence if a licence holder fails to comply with the conditions of the licence.

The legislation covering licensing is to be found in Part 2 of the Housing Act 2004, and in the associated orders and regulations.

WHAT IS A HOUSE IN MULTIPLE OCCUPATION?

A house in multiple occupation (HMO) is a building that is occupied, as a main residence, by more than one household. HMOs include:

- buildings that consist of bedsit rooms where at least some facilities are shared,
- buildings converted into self-contained flats that don't comply with the Building Regulations 1991 AND where less than two thirds of the flats are owner-occupied,
- buildings with multiple units of accommodation that all have their own exclusive facilities but which are not self-contained,
- buildings which contain a mixture of the above types of accommodation,
- hostels,
- shared houses.

The definition of **household** relates to any members of a family, including aunts, uncles, nieces, nephews, cousins, grandparents etc and partners living together.

DO ALL HMOs NEED A LICENCE?

NO. An HMO only requires a licence if:

- it comprises 3 or more storeys, **and**
- it is occupied by 5 or more persons, **and**
- it is occupied by persons living in 2 or more households.

The calculation of number of storeys includes any basement or attic (if used wholly or partly as living accommodation in connection with the HMO), any part of the building used as business premises (whether above or below the living accommodation) and any mezzanine floor not used solely as a means of access between adjoining floors.

The calculation of number of persons includes everyone irrespective of age ie babies and children are included in the calculation.

HMOs that do **not** require a licence include:

- any house that has been fully converted into self-contained flats,
- any house where, apart from the resident owner and their family, there are a maximum of two other persons,
- any house which is controlled or managed by a registered social landlord, and
- any house which is controlled or managed by public sector bodies etc.

WHAT AREA IS COVERED BY HMO LICENSING?

HMO licensing is a national scheme and applies to the whole of England and Wales.

WHO IS RESPONSIBLE FOR APPLYING FOR AN HMO LICENCE?

Generally, the most appropriate person to apply for a licence will be the 'person having control' of the property. This could be the freeholder or any other owner or lessee who receives rent (whether directly or through an agent or trustee) from tenants or lodgers in the property.

HOW LONG DOES THE LICENCE LAST?

Unless revoked, the licence lasts for a period of five years, after which time re-licensing will be necessary, unless the property is no longer a licensable HMO.

IS THERE A FEE FOR LICENSING?

YES. Fees, payable on application, are charged as follows:

- | | |
|--|------|
| a. fixed standard fee per letting | £164 |
| b. application for accredited landlords 2006-2008 20% discount | £131 |

The fee is to assist the Council in administering the licensing scheme and is non-refundable.

We can provide full assistance in making the application, measuring rooms, drawing sketch plans etc for an additional charge of £230 per HMO.

DOES THE COUNCIL HAVE TO LICENCE THE HOUSE?

NO. In order for a licence to be granted, the Council must be satisfied that the following requirements are met:

- a. the HMO must be reasonably suitable for occupation by a specified maximum number of households or persons (i.e. meet the required minimum standards),
- b. the licence holder and manager must both be fit and proper persons, and
- c. the proposed management arrangements for the house must be satisfactory

The required minimum standards for an HMO cover heating, washing facilities and WCs, kitchens, fire precautions and room sizes. The actual requirements will depend on the type and size of the HMO.

If the property does not fully meet the standards, a licence may be issued with a condition attached that any necessary works are carried out within a reasonable time.

In deciding whether an applicant and manager are fit and proper persons, the Council will have regard to whether they have:

- a. committed offences involving fraud, dishonesty, violence, drugs or certain sexual offences,
- b. practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability,
- c. contravened any provision of housing or landlord and tenant law.

Licensing conditions will be imposed relating to the safety of gas and electrical supplies and appliances, furniture safety, smoke alarms and management standards. Additional conditions may be imposed.

WILL THE LICENCE SPECIFY A MAXIMUM NUMBER OF OCCUPANTS?

YES. The licence will specify the maximum number of households and persons who can occupy the house. The numbers specified for the house will be those for which it is or can be made suitable, which in turn will depend on the number and sizes of rooms and the amenities which are, or can be, provided.

WHAT HAPPENS IF THE NUMBERS ARE CURRENTLY IN EXCESS OF THE MAXIMUM SPECIFIED ON THE LICENCE?

The numbers will have to be reduced to the numbers set by the licence as soon as possible.

However, tenants in occupation at the time the licence is granted **cannot** be evicted as a result of the licence. Unless tenants agree to an early termination of their contracts, existing tenancy agreements must be allowed to run to their full term and must be terminated through the correct statutory procedure.

ARE DETAILS OF LICENSED HMOs ENTERED IN A REGISTER?

YES. Details of licensed HMOs in Haringey will be kept in a local Register. This information will also be included in a National Register of Licensed HMOs kept by the Office of the Deputy Prime Minister. As well as the address of the HMO, the Register will contain particulars such as the number of storeys, the numbers of rooms and certain amenities, details of interested parties, and the numbers of households and persons for which the house is licensed.

CAN A LICENCE BE ALTERED?

YES. The Council may vary the numbers for which a house is licensed if it becomes unsuitable and incapable of being made suitable for occupation by the numbers specified, or if works that are required to render it suitable are not carried out.

CAN A LICENCE BE REVOKED?

YES. The Council may revoke a licence for the reasons above, or because the licence holder or manager is no longer considered a fit and proper person, or because there has been a breach of licence conditions.

IS THERE A RIGHT OF APPEAL AGAINST THE COUNCIL'S DECISION?

YES. The decisions of the Council to grant, refuse, vary or revoke a licence can be appealed by the applicant or any relevant person to the Residential Property Tribunal.

DOES A LICENCE CONFER PLANNING PERMISSION ON AN HMO?

NO. If the property does not have planning permission for multiple occupation, the applicant should contact the Council's Planning Department to check whether or not consent is required.

WHAT IF THE LANDLORD WANTS TO SELL THE PROPERTY RATHER THAN APPLY FOR A LICENCE?

If the person having control of or managing an HMO which requires a licence wants to take steps to ensure the house no longer requires a licence (such as vacating and selling the property), they can apply to the Council for a 'temporary exemption notice'. If granted, this gives a 3 month exemption from licensing requirements in order to give them time to carry out their proposed steps.

WHAT HAPPENS IF THE LANDLORD DOESN'T APPLY FOR A LICENCE?

It is an offence to have control of or manage an HMO which requires a licence but is not licensed. It is also an offence to knowingly permit occupation that exceeds the maximum numbers authorised by the licence. If convicted of these offences, the landlord could be fined up to a maximum of £20,000.

It is also an offence if a licence holder fails to comply with the conditions of the licence, with a maximum fine of £5,000.

Operating an unlicensed HMO can also allow the Council and tenants to apply to the Residential Property Tribunal for a rent repayment order. This requires the landlord to repay housing benefit and rent to them.

In addition, landlords operating an unlicensed HMO cannot serve notice requiring possession on their tenants.

WHO CAN BE CONTACTED FOR FURTHER INFORMATION?

If you have any further queries, please contact:-

*Environmental Health and Housing (HMO Licensing)
Strategic and Community Housing Services
London Borough of Haringey
639 High Road
London
N17 8BD*

Tel. no. 020 8489 5230