

HMO Standards/Enforcement

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Planning

- HMO with shared facilities with 6 or less does not require planning permission.
- This does not relate to properties that have been converted into self contained bed-sit units.
- You should always consult the planning service requiring any proposed change of use.

Housing Health and Safety Rating System (HHSRS)

- Housing conditions in all residential premises are assessed using the HHSRS under Part 1 of the Housing Act 2004.
- There are 29 hazards to be assessed.
- Following assessment, hazards are classified as Category 1 or Category 2 hazards, depending on severity.

HHSRS HAZARDS

Inc some of the following

- damp and mould
- excess cold
- excess heat
- crowding and space
- entry by intruders
- domestic hygiene, pests and refuse
- fire
- personal hygiene, sanitation and drainage
- falls -on the level,
 - On stairs,
 - between levels &
 - associated with baths
- asbestos

Enforcement of Housing Conditions

category 1 or 2 hazards identified there are a number of courses of action available to the local authority:

- serving an **improvement notice**, requiring remedial works
- making a **prohibition order** or an **emergency prohibition** order, prohibiting the occupation or use of all or part of the premises
- serving a **hazard awareness notice**, advising of the existence of hazards
- making an **emergency prohibition** order (Category 1 hazards only)
- **emergency remedial action**, where the local authority takes remedial action and recovers the costs (Category 1 hazards only)
- There is also **demolition** and **clearance**.

Enforcement of Housing Conditions

- **CHARGES**

Local authorities can make charges for administrative and other expenses incurred in taking HHSRS enforcement action.

- **WID**

Failure to comply with notices or orders may result in prosecution and/or works in default.

- **RESIDENTIAL PROPERTY TRIBUNAL (RPT)**

Landlords can appeal to the RPT in respect of the service of improvement notices, the making of prohibition and emergency prohibition orders, and the taking of emergency remedial action.



HMO Enforcement

As well as the HHSRS, additional enforcement powers exist for HMOs:

- Management Regulations
- HMO licensing, under Part 2 of the Housing Act 2004
- HMO overcrowding and space standards

Management Regulations

- Duty to provide occupiers with name, address and phone number of manager - to be prominently displayed in a notice.
- Duty to take safety measures – including the maintenance of fire safety measures.
- Duty to maintain water supply and drainage.
- Duty to supply and maintain gas and electrical supplies and provide local authority with test certificates when requested.

- Duty to maintain common parts, fixtures, fittings and appliances – includes the maintenance of outbuildings, yards and gardens.
- Duty to maintain living accommodation – includes making sure that any unit of accommodation is in a clean condition at the beginning of a new tenancy.
- Duty to provide waste disposal facilities – adequate numbers of bins and recycling containers.

Landlords can be prosecuted for failing in their management responsibilities.

HMO Licensing

Mandatory licensing

HMOs of 3 or more storeys and occupied by 5 or more persons in 2 or more households must be licensed with the local authority.

Additional licensing

Local authorities can also designate additional licensing schemes requiring the licensing of HMOs which fall outside of mandatory licensing. Haringey's first additional licensing scheme came into operation in the Harringay area on 1 October 2011.

An HMO licence gives a local authority the power to:

- limit the numbers of occupiers depending on the number and sizes of rooms and the available amenities
- require works to meet locally prescribed standards relating to the numbers of kitchens, bathrooms, etc
- impose additional management conditions

Landlords can be prosecuted for failing to apply for a licence for a licensable HMO or for failing to apply with a condition of a licence, including letting to numbers in excess of the permitted maximum.

HMO Space Standards

The Housing Act 2004 Section 139:-

Gives local authorities the power to set minimum space standards for HMOs that are not required to be licensed.

Haringey's standards are:

- 10 m² for a one-person bedsit room (13 m² where room contains a kitchen area)
- 15 m² for a two-person bedsit room (20 m² where room contains a kitchen area)
- Chimney breasts, en-suite shower rooms, areas with ceiling heights less than 1.5 m, etc are excluded when calculating the floor area

- Three or more person households should be provided with self-contained accommodation, with separate bedrooms and living/kitchen areas.
- The local authority can serve an Overcrowding Notice limiting the maximum occupancy and landlords can be prosecuted for letting to numbers in excess of the maximum.

LACORS Fire Safety Guide

- LACORS “Housing – Fire Safety: Guidance on fire safety provisions for certain types of existing housing”
- Details fire measures to different types of properties.
- All cases discussed with Fire Service