

1. Introduction

This subfolder contains guidance on the management of houses in multiple occupation (HMOs) and other private rented properties in England.

Detailed guidance on the licensing of HMOs and other private rented properties is available on the [www.gov.uk](#) website. This guidance does not replace the Government guidance but is intended to provide a summary of the key points specific to HMOs. Landlords and agents must ensure that all properties used for letting a residential property must be complied with whether or not the property is an HMO. Please refer to the *Checklist for Residential Landlord* for further information.

2. HMOs

Some HMOs require a licence, and landlords and managing agents must comply with the relevant regulations.

In simple terms, a house or flat is a house in multiple occupation if it is divided into two or more households¹ and has shared kitchen facilities.

There are other definitions of HMOs, including those defined by local authority defined HMOs. Further information is available in the Government guidance. Some properties are also exempt from licensing if they are managed or controlled by a specific type of practice.

A landlord of an HMO must comply with the relevant Regulations relating to HMOs. These are discussed at section 8 of the guidance.

3. Licensing of large HMOs

From 01 October 2018 (affecting England), the definition of mandatory licensing was amended. In England, a large HMO is a property occupied by 5 or more tenants who form 2 or more households and who share a toilet, bathroom or kitchen facilities. (The requirement that the property must be licensed no longer applies in England after 1 October 2018).

¹ A household consists of either a single person or a group of people who are married or living together as a family who live together. It includes lodgers and tenants.

Note that purpose built flats with a shared bathroom and kitchen are not subject to mandatory licensing.

A landlord of a large HMO must obtain a licence from the local housing authority to operate the HMO. More information about licensing is available on the relevant local authority website.

If a landlord has an agent, the agent must be named on the licence and it is an offence if they are not.

4. Additional licensing of HMOs

Local housing authorities have the power to require a licence for the whole or part of their district as subject to additional licensing of HMOs. A licence is required for the types of HMO specified in the designation. Local authorities have included s257 HMOs within their additional licensing regime. Additional licensing may be introduced to address problems caused by inefficient use of housing stock in the particular area.

Landlords should check with the local housing authority whether their HMO is affected by additional licensing.

5. Selective licensing of private rented properties

Local housing authorities also have the power to require a licence for the whole or part of their district as subject to selective licensing of private rented properties (other than HMOs for which a licence is already required). Selective licensing may be introduced to address problems caused by low housing demand and/or significant anti-social behaviour.

Landlords should check with the local housing authority whether their private rented property is affected by selective licensing.

6. Obtaining a licence for a HMO

Licensing is dealt with by local housing authorities. An application form will need to be completed and a fee paid. Usually, a site visit will be carried out to assess the suitability of the property, the suitability of the landlord and that certain mandatory conditions are in place. Each local authority will have its own requirements and these differ between each authority. Landlords should contact the local housing authority for further details and refer to the guidance for landlords.

Licences usually last five years but some local authorities may grant them for shorter periods. The licence is non-transferable. If a landlord has an existing licence, this licence will need to be renewed. If a new licence would need to be obtained.

Self-contained flats are not subject to mandatory licensing.

Landlords should check with the local housing authority to operate the HMO. More information about licensing is available on the relevant local authority website at www.gov.uk or on the relevant local authority website.

If a landlord has an agent, the agent must be named on the licence and it is an offence if they are not.

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7. Planning law and HMOs

Landlords of private rented houses must be aware of planning rules and make sure they comply with them.

A dwelling house in the occupation of a single person falls into Use Class C3 under the Town and Country Planning (Use Classes) Regulations 2004 (as amended).

Use Class C4 covers use of a dwelling as a house in multiple occupation (HMO).

In England, no planning permission is required for a change of use from C3 use to C4 use or vice versa (unless an Article 4 Direction has been made by the relevant local housing authority).

HMOs where more than 6 people live in the property require a planning permission is required for such use.

Local housing authorities can make Article 4 Directions which take permitted development rights away, so enquiries will need to be made to see if an Article 4 Direction has been made. A planning permission for change of use will be required if an Article 4 Direction has been made.

8. Management of HMOs

Landlords of HMOs in England, Wales and Scotland must comply with The Management of Houses in Multiple Occupation Regulations 2006.

The regulations can be viewed at [http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274246/2006-06-26-Regulations-on-HMOs.pdf](#)

The Regulations cover the following: The person managing the HMO. This may be the landlord or a managing agent.

Regulation 3 requires the manager to ensure that the name, address and any telephone number of the person managing the HMO are made available to the HMO and that these details are clearly displayed in a prominent place.

- *Letter to HMO Occupier Providing Contact Details*
- *Notice to Display in HMO Shared Areas*

Regulation 4 requires the manager to ensure that the fire safety measures, including those relating to fire safety.

Regulation 5 requires the manager to ensure that the water supply and drainage system is in good, clean and working condition.

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Regulation 5 requires the manager to ensure that the water supply and drainage system is in good, clean and working condition.

Regulation 6 relates to gas and electricity supply. The manager must not unreasonably cause the gas or electricity supply to be interrupted. The manager must also supply the local housing authority with gas safety test certificates within 7 days of receiving a request from the authority.

➤ *Letter Sending HMO Gas Test Certificate to Local Housing Authority*

Regulation 7 contains the manager's duties to maintain the common parts, fixtures, fittings and appliances and ensure the common parts are in good and clean condition.

Regulation 8 deals with the manager's duties to ensure each unit of living accommodation is in good and clean condition.

Regulation 9 relates to the provision of information to occupiers.

Regulation 10 sets out the duties of the manager to bring these duties to the attention of occupiers. See:

- *Notice for Display in HMO*
- *Letter to HMO Tenants Regarding Duties*

If you have a s257 HMO you must comply with the Licensing and Management of Houses in Multiple Occupation (England) Regulations 2007. The details of these regulations are outlined below.

The regulations can be viewed at [www.gov.uk/government/uploads/system/uploads/attachment_data/file/281111/england-regulations-2007.pdf](#)

9. Minimum room sizes

With effect from 1 October 2018, new conditions requiring the licensed accommodation have a specific minimum room size according to the number and age of occupants.

- sleeping accommodation for 1 person under 10 years: not less than 6.51 square metres;
- sleeping accommodation for 2 people under 10 years: not less than 10.22 square metres;
- sleeping accommodation for 3 people under 10 years: not less than 13.38 square metres.

Failure to comply with these conditions is an offence and can result in a fine or an unlimited fine. Local authorities also have the option of issuing a notice of up to £30,000 as an alternative to prosecution.

The minimum room sizes stated above apply to properties in England.

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With effect from 1 October 2018, new conditions requiring the licensed accommodation have a specific minimum room size according to the number and age of occupants.

- sleeping accommodation for 1 person over 10 years: not less than 6.51 square metres;
- sleeping accommodation for 2 people over 10 years: not less than 10.22 square metres;
- sleeping accommodation for 3 people over 10 years: not less than 13.38 square metres.

Failure to comply with these conditions is an offence and can result in a fine or an unlimited fine. Local authorities also have the option of issuing a notice of up to £30,000 as an alternative to prosecution.

The minimum room sizes stated above apply to properties in England.

10. Household waste

For HMOs in England, a licence granted from October 2018 must include conditions requiring the licence holder to comply with any requirements provided by the local housing authority relating to the storage and collection of household waste at the HMO pending collection. As with other HMO conditions, failure to comply can be prosecuted for breaches.

11. Enforcement

England

It is a criminal offence if a landlord or agent does any of the following:

1. holding a licence when not required to do so;
2. breaches a mandatory licence condition;
3. breaches the management regulations.

If prosecuted for a criminal offence, a fine or a custodial sentence could be imposed if found guilty. Alternatively, local authorities in England can issue a civil penalty notice of up to £30,000 as an alternative to prosecution.

Local housing authorities or occupiers can also seek a rent repayment order (up to 12 months' rent repaid) where a landlord or agent is operating an HMO without a licence.

Service of a s21 notice on an assured shorthold tenancy is not valid if the property is not licensed when it should be.

A breach of a licence condition in England can result in a banning order and/or the landlord or agent being named on the National Landlord Database for repeat offenders.

Agents

Agents should ensure that landlords are aware of the requirements. As stated above, both landlords and agents can have dual liability for breaches of the licence.

Even if no licence is required and no management regulations apply, landlords must also be responsible for the management regulations as they vary by local authority.

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