

# HMO LICENSING GUIDE



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# **HMO LICENSING: AN OVERVIEW FOR LANDLORDS**

## **WHAT IS LICENSING?**

The Housing Act 2004 has introduced changes to the regulation of HMOs through the introduction of licensing schemes. The introduction of HMO licensing aims to improve controls of HMOs and raise standards within some of the highest risk properties which house many vulnerable people. Licensing aims to ensure HMOs are adequately managed and risks to occupants reduced.

## **WHAT IS A HMO?**

The Housing Act 2004 redefines a HMO as a building or part of a building (i.e. flat) which:

- Is occupied by persons not forming a single household and;
- Two or more households occupy and share one or more basic amenities (or lack such amenities);
- Is occupied by more than one household and is a converted building not entirely comprising of self-contained flats;
- Comprises entirely of self-contained flats and the conversion does not comply with the Building Regulations 1991 and less than 2/3 of the flats are owner occupied;
- The HMO is occupied as the only or main residence;
- Rents are payable or other consideration is provided in respect of at least 1 of those occupying the HMO.

## **ARE ANY BUILDINGS EXEMPT?**

Yes – the following are exempt from the HMO definition:

- Building occupied by only two people who do not form a single household;
- Buildings managed by educational establishments, Local Housing Authorities, Registered Social Landlords, Police, Fire, Health Authority or regulated by other legislation such as residential care homes etc;
- Buildings occupied by religious communities;
- Buildings predominantly owner occupied, including residential landlords where the owner occupier (and family members) occupies the building (or flat) with no more than 2 other persons;
- Buildings converted into self-contained flats, where the conversion meets 1991 Building Regulations. Also, other self contained flat conversions where there is no sharing of bathroom facilities.

## **WHAT IS A SINGLE HOUSEHOLD?**

A single household includes members of the same family either by blood, marriage or other recognised means such as adoption or fostering. As an example, four friends sharing a student dwelling will be classed as four individual households and therefore a HMO.

## **WHICH HMOs ARE LICENSABLE?**

Not all HMOs are to be subject to licensing. The Housing Act 2004 introduced 3 licensing schemes which will regulate different types of HMOs.

**Mandatory Licensing:** This scheme applies to all HMOs comprising of 3 or more storeys and occupied by 5 or more persons comprising of 2 or more households. All local authorities must introduce this type of licensing scheme.

**Additional Licensing:** This scheme may be applied to smaller HMOs which fall outside the scope of Mandatory Licensing. Local authorities have discretion to introduce this type of licensing scheme where it is considered as a necessary means of improving conditions in smaller HMOs. *Not currently in operation in Southampton.*

**Selective Licensing:** This scheme may be applied to any private rented property/housing within a designated area which is affected by low demand and/or anti-social behaviour. Local authorities have discretion to introduce this type of scheme where it is considered necessary. *Not currently in operation in Southampton.*

## **ARE ANY HMOs EXEMPT FROM LICENSING?**

Yes – HMOs exempt from mandatory licensing include:

- HMOs which are less than 3 storey and/or provide accommodation for less than 5 people;
- Buildings converted into self-contained flats where all facilities for each flat are located behind the front door of the flat and there is no sharing of facilities between flats.

## **WHEN WILL A LANDLORD NEED TO APPLY FOR A LICENCE?**

Properties that were HMOs prior to 5<sup>th</sup> July 2006 should already have applied for a licence.

If a landlord acquires a new property or carries out alterations which then means the property is subject to mandatory licensing they will be required to apply for a licence at that point.

In order to apply for a licence you must contact Southampton City Council, Private Housing team to request an application as soon as possible.

In order to grant a licence the Council must be satisfied that:

- The dwelling is reasonably suitable for occupation by no more than the permitted maximum number of households or persons;
- The licence holder is a fit and proper person;
- There are adequate management arrangements for the dwelling.

## **WHAT ARE TEMPORARY EXEMPTION NOTICES?**

Temporary Exemption Notices (TEN) are notices which temporarily exempt the dwelling from requiring a licence. These can be issued by the Council if they are satisfied that the person who is to be the licence holder, proposes to take steps to ensure the property no longer requires a licence within a short period of time. Examples of situations that may warrant a TEN are:

- Tenants have given notice that they are leaving within the next 3 months, which will bring the number of occupants down to less than 5.
- Planning permission has been granted and work is underway to convert the property into self contained units, where the building is already vacant.
- Planning permission has been granted and work is underway to convert the property into self contained units, where tenants are still in residence, but the work is due to complete within 3 months.
- Work is underway to convert the basement or attic, in a 3 storey building, from living accommodation into storage to which the tenants have no access, and where work will complete within 3 months.

Please note that giving notice to quit to any tenants, specifically in order to reduce the numbers below 5, at any time after 6<sup>th</sup> April 2006, is an offence. Straightforward sale of the property to another person is unlikely to warrant a TEN, as the property will remain a licensable HMO throughout.

If considered appropriate, a TEN will be issued for a period of 3 months and in this time, it will be the duty of the proposed licence holder to ensure that the property no longer requires a licence. In exceptional circumstances, a second TEN may be served providing a further 3 months' exemption. A maximum of 2 TENs may be served in total and, following the expiry of these notices, if the HMO still falls within the licensable criteria, an application for a licence must be made.

### **WHO CAN BE A LICENCE HOLDER?**

The proposed licence holder should be the most appropriate person to hold a licence. This should be the person who is in control of the property i.e. the person receiving the rack-rent of the premises. This would normally be the property owner or a manager with full management responsibility. The licence holder must be fit and proper to hold a licence.

A licence can be issued to one or more named person(s); or a limited company. It cannot be issued to a company name that is not a limited company.

There does need to be a connection between the proposed licence holder and the property. If a limited company is proposed as a licence holder we may require proof that the limited company is involved in the ownership or management of the property.

### **WHAT IS A FIT AND PROPER PERSON?**

In deciding if an applicant is a fit and proper person, the Council will make enquiries relating to:

- Any offences involving fraud, dishonesty, violence, drugs or offences listed in Schedule 3 of the Sexual Offences Act 2003;
- Any discrimination practised in relation to sex, colour, race, ethnicity or disability;
- Any contraventions of Housing or Landlord and Tenant legislation;
- Failure to comply with Management Regulations in respect of HMOs.
- Other relevant matters

## **WHAT HAPPENS IF THE APPLICANT IS NOT A FIT AND PROPER PERSON?**

If the proposed licence holder is not deemed to be a fit and proper person, another person must be proposed as the licence holder. This person must be the most suitable person to hold the licence.

The most suitable person must also qualify to be a fit and proper person, that is to say, they have not contravened any of the above pieces of legislation.

Consideration will also be given to the following in each case:

- Does any person involved in the management of the property have a sufficient level of competence to do so?
- Are there proposed management structures and funding arrangements in place to manage and maintain the property?

## **HOW LONG DOES A LICENCE LAST?**

If a licence is granted by the City Council it cannot last longer than 5 years. It will be at the discretion of the Council to determine the length of a licence granted to each HMO.

A licence may be issued for a reduced period for a number of reasons, for example:

- Previous Housing Act 1985 notice(s) served, e.g. s189/190, where they indicate cumulative neglect in any of the landlord's properties
- Previous management notice(s) under s372 Housing Act 1985, where this shows serious neglect affecting the tenants' welfare in any of the landlord's properties
- Housing Act 2004, Part 1 notices served, where there are Category 1 hazards that indicate cumulative neglect in any of the landlord's properties
- Non-volunteered premises (i.e. if we have to find properties that need licensing and chase them to make a licence application)
- Serious misrepresentations or errors discovered, e.g. after site visit to check application details, in relation to any of the landlord's properties

These issues may impact on the licence period issued for only one property or for a landlord's whole portfolio, depending on the number and seriousness of the issues identified.

The licence fee will remain at the same level, regardless of the length of licence that is issued. This is because all of the same processes and checks need to be followed in order to issue the licence, whether it is for 2 years or 5 years.

## **ARE THERE CONDITIONS ATTACHED TO A LICENCE?**

Minimum mandatory conditions to be included in a licence are:

- To provide annual gas safety certificates;
- To ensure safety of furniture and electrical appliances;
- To install and maintain smoke alarms;
- To provide tenants with a written statement of terms.

The local authority may also attach additional conditions to licences relating to management, use and occupation, condition and contents of the property, etc.

Such conditions may include:

- Restrictions of use and occupation of parts of the property;
- Steps to be taken to reduce anti-social behaviour;
- Timescales and works to comply with HMO standards;
- Attendance at training courses in relation to applicable codes of practice etc.

There are no fees associated with additional, specific conditions attached to licences.

### **CAN A LICENCE BE CHANGED?**

**Yes** - The terms set out in a licence may be varied by the Council at any time in the following circumstances:

- With agreement of the licence holder;
- Due to a change in circumstances since the licence was granted.

A 'change in circumstance' would include:

- Change to the property, perhaps extending it to create more units of accommodation.
- Change in legislation since the licence was granted.
- Change of manager, where the licence holder remains the same.

The licence holder should apply in writing to the Council stating what variation is required. There is no fee for this variation.

**But** – The named licence holder cannot be changed as a licence cannot be transferred to another person. A new application with the relevant fee must be submitted if the licence holder changes.

If a licence holder dies during the period of the licence, the licence ceases to be in force from the date of death. For 3 months from the date of death the house will be treated as if a TEN (temporary exemption notice) has been served. At any time during this period a formal application may be made for a TEN. If granted this will be valid for a period of 3 months and will take effect from when the initial 3 month period ends. Persons responsible for the property must then make a new application for a licence.

### **WHAT HAPPENS TO THOSE WHO OPERATE AN UNLICENSED HMO?**

There are several offences in relation to licensing of HMOs which carry fines on conviction. In addition, the licence fee structure contains a penalty fee payable by those landlords who significantly delay making an application. See page 10 for further details.

If a HMO is operated without a licence, the person having control of, or person managing the dwelling is liable, on conviction for a maximum fine of £20,000.

Breaching licence conditions is an offence and on conviction may lead to a maximum fine of £5,000 per condition breached, unless the breach is of overcrowding condition, which is subject to a maximum fine of up to £20,000. For example, if the licence stipulates the dwelling is to be occupied by no more than 7 people, but the property is found to be housing 8 people, this would be a breach of the conditions. Failure to carry out works specified by the council in the licence would also constitute breach of conditions.

## **Management Orders**

If a property that should be licensed is not licensed, the Council must, in certain circumstances, make an **Interim Management Order**. This Order will allow the Council to manage the property and collect rent for the property. Rent collected for the property will be used to cover costs of managing the property and to carry out any necessary works. Examples of these circumstances are:

- where there appears to be no reasonable prospect of the property being licensed in the near future;
- where there is a risk to the health safety or welfare of occupants or persons in the vicinity;
- when a licence has been revoked.

There are also circumstances in which the council has the power to make an interim management order, by applying to the Residential Property Tribunal, but these circumstances are not linked to mandatory HMO licensing.

Additionally, tenants residing in an unlicensed HMO cannot be issued with a Section 21 'notice seeking possession' under the Housing Act 1988 to evict them from the property. This is an offence and landlords may be prosecuted in such cases.

## **Rent Repayment Orders**

An application may be made to the Residential Property Tribunal for a Rent Repayment Order if a landlord has committed the offence of operating a licensable HMO without a licence. If this is granted, the property owner/manager receiving rent payment has to repay the amount received during the time in which the HMO has been operating without a licence, up to a maximum of 12 months. The council may make this application where rent has been paid through Housing Benefit, but it is also possible for tenants to apply for a Rent Repayment Order to recover rent paid over the same period of time.

## **HOW MUCH DOES A LICENCE COST?**

Please see the current fee structure on page 10.

If you wish to take advantage of the lowest fee band, you will need to submit a property condition report from a Council approved surveyor. See page 11 for further details.

This fee must accompany the application form and is payable by cheque with the application form, or by cash or credit card directly to the Cash Office at the Civic Centre. You will shortly be able to pay online as well. Details will be updated when this service is available.

If further costs are incurred during the licensing process, invoices will be issued to recover the relevant amounts.

## **REGISTERED HMOs – IMPORTANT INFORMATION**

Properties which were registered under the City wide HMO registration scheme and which met the criteria for mandatory HMO licensing were transferred straight into licensing until the expiry date

that applied under registration. On expiry of this licence, you will be required to submit a new licence application and pay the licence fees applicable at that time.

### **ADDITIONAL INFORMATION**

For additional information on licensing in Southampton or to request a licensing application form, please contact:

Private Housing  
Southampton City Council  
Southbrook Rise  
4-8 Millbrook Road East  
Southampton  
SO15 1YG

Tel: 023 8083 2606

E-mail: [private.housing@southampton.gov.uk](mailto:private.housing@southampton.gov.uk)

[www.southampton.gov.uk/living/housing](http://www.southampton.gov.uk/living/housing)

Information is also available from the Department of Communities and Local Government website.  
<http://www.communities.gov.uk/housing>



**MANDATORY LICENSING SCHEME FOR  
HOUSES IN MULTIPLE OCCUPATION (HMOs)  
FEES – EFFECTIVE 1 April 2010**

Band	Description	Comment
A	<b>Basic fee</b>  <b>£75</b>	<ul style="list-style-type: none"> <li>Landlord applies for a licence within a reasonable time of acquiring a property, it becoming licensable or a previous licence expiring (within 12 weeks)</li> <li>Landlord submits a report from an approved surveyor in an approved format to confirm that a property is free from significant (category 1) hazards and that the information on the application form is correct</li> <li>Any additional information that is requested is provided without delay (within 4 weeks)</li> </ul>
B	<b>Standard fee</b>  <b>£225</b>	<ul style="list-style-type: none"> <li>Landlord applies for a licence within a reasonable time of acquiring a property or it becoming licensable or a previous licence expiring (within 12 weeks)</li> <li>A Council Officer will carry out a survey of the property to determine whether it is free from significant hazards and to verify the information on the application form</li> <li>Any additional information that is requested is provided without delay (within 4 weeks)</li> </ul>
C	<b>Penalty fee</b>  <b>£1,200</b>	<ul style="list-style-type: none"> <li>Landlord fails to apply for a licence within a reasonable time of acquiring a property, it becoming licensable or a previous licence expiring</li> <li>The Council discovers an unlicensed HMO that should be licensed</li> <li>There is a delay in providing additional information that is requested following an incomplete licence application</li> </ul>

Fees will reviewed regularly.

## **SURVEYOR QUALIFICATIONS & SURVEYOR REPORT SPECIFICATION**

### Surveyor qualifications

- Knowledge of Housing Health and Safety Rating System (HHSRS) proven through Warwick University accredited training course 'pass' certificate, for each individual surveyor carrying out inspections for licensing. Proof of experience of use of HHSRS would also be desirable.
- Should be a building surveyor or other housing related professional, e.g. Environmental Health Practitioner, with relevant experience within the last two years of surveying properties in the UK
- Membership of a professional body which provides Continuing Professional Development (CPD), e.g. CIEH, RICS.
- Knowledge and understanding of the principles of LACORS fire safety guidance.
- Have adequate Professional Indemnity and Public Liability Insurances in place.

### Surveyor application

Surveyors wishing to submit reports for mandatory HMO licensing applications, must apply to the Council with their CV/personal details. Proof of all of the above qualifications will be required as part of the surveyor application.

On receipt of a surveyor application the Council may carry out any checks deemed necessary to confirm the information provided. A response will be provided to the applying surveyor within 4 weeks of the date that the application was received.

Surveyors may not carry out property surveys or submit property condition reports for HMO licensing until they have received written confirmation of their suitability, from the Council.

### Quality checking and Panel

The Council will carry out verification visits to a sample of properties inspected by each surveyor. The Council will also consider setting up an approved panel of surveyors to ensure consistency of standards and impartiality.

### Purpose of the report

- To provide evidence that the property is free from significant housing hazards (category 1), is in good repair and complies with current amenity standards.
- To verify the information provided on the licence application form.

### Report specification

The report will be designed to ensure that the Council is able to satisfy its duties under the Housing Act 2004 but will be as user friendly as possible. The Surveyor will need to refer to the Council's guidance document to ensure that the form is completed correctly.

The survey report must be submitted together with the licence application, but must not have been carried out more than two months in advance of the licence application being submitted, to ensure that its findings are current.

Note: If the report is not submitted with the licence application form, the applicant must confirm to the council that he/she will be submitting a property condition report and must do so within 2 weeks of providing the licence application. Failure to provide the property condition report within 2 weeks of submitting the licence application will result in the council carrying out a property inspection and invoicing the relevant person for the additional costs incurred in doing so.

### Optional

Plans, Energy Performance Certificate, fire risk assessment.

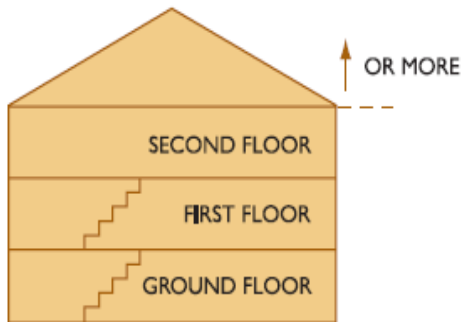
### Please note

Details of surveyors approved for this purpose will automatically be placed on the Council's website. Please advise if you do not wish details to be published.

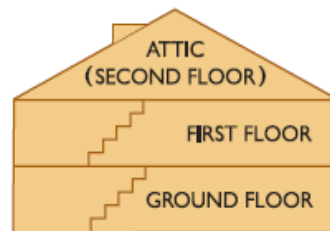
The property condition report form and accompanying guidance can be obtained from Private Housing, by telephoning 023 80832735, e-mailing [private.housing@southampton.gov.uk](mailto:private.housing@southampton.gov.uk) or downloading from the Council website [www.southampton.gov.uk/living/housing/private/landlord/hmos/fees.aspx](http://www.southampton.gov.uk/living/housing/private/landlord/hmos/fees.aspx)

## WHAT COUNTS AS A PROPERTY OF 3 OR MORE STOREYS IN HEIGHT?

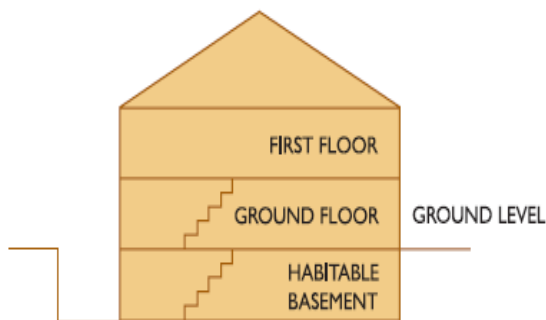
The following examples are the most likely types of property which will be counted. This list is not exhaustive and other properties may also be licensable.



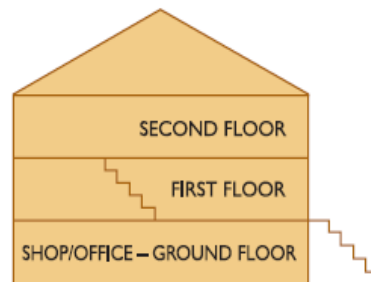
House with 3 or more floor levels



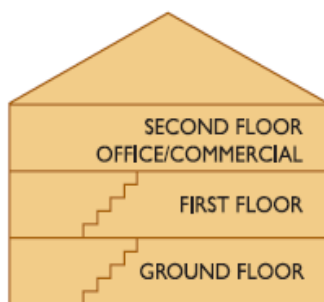
House with attic conversion



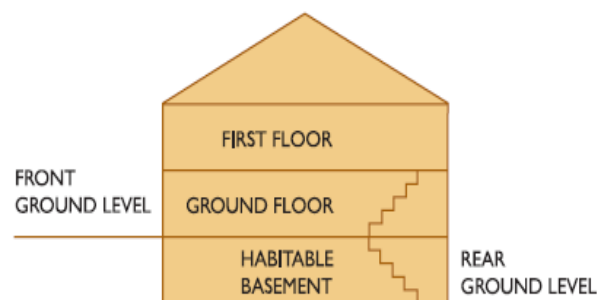
House with 2 floors above ground and a habitable basement



Property with three or more floor levels and a shop or other commercial use on the ground floor and living accommodation above.

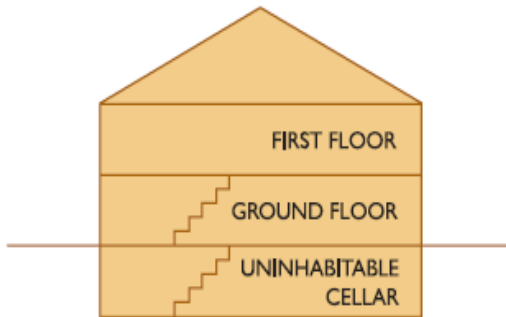


Property with 3 or more floor levels. Living accommodation on the lower 2 levels and commercial use above.

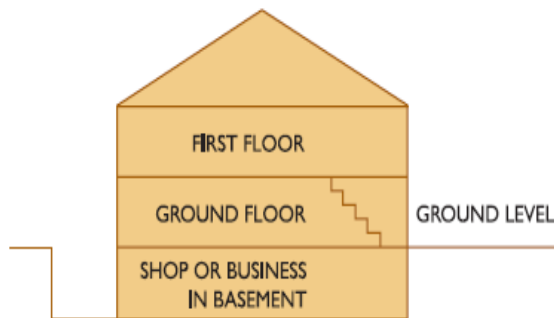


House on a sloping site with 2 floor levels at the front and 3 at the back

The following are not currently counted as 3 or more storeys:



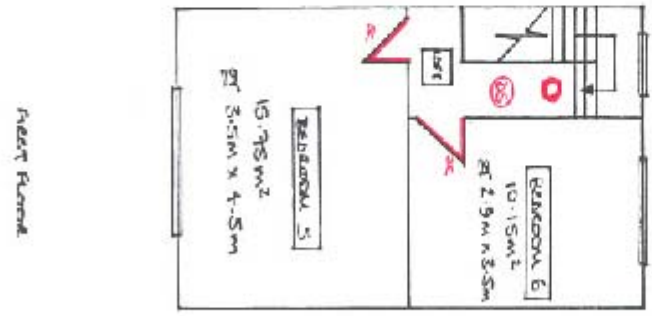
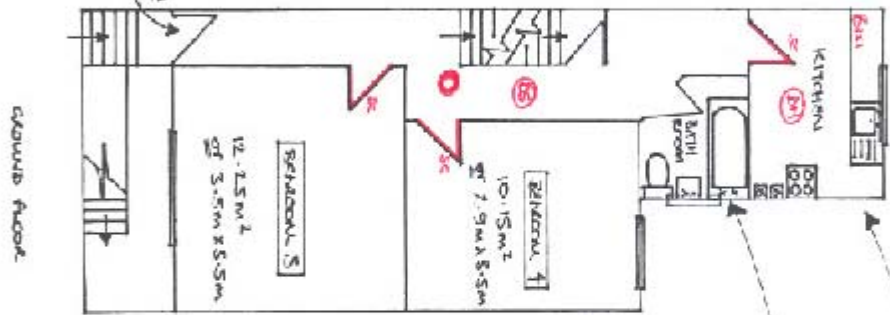
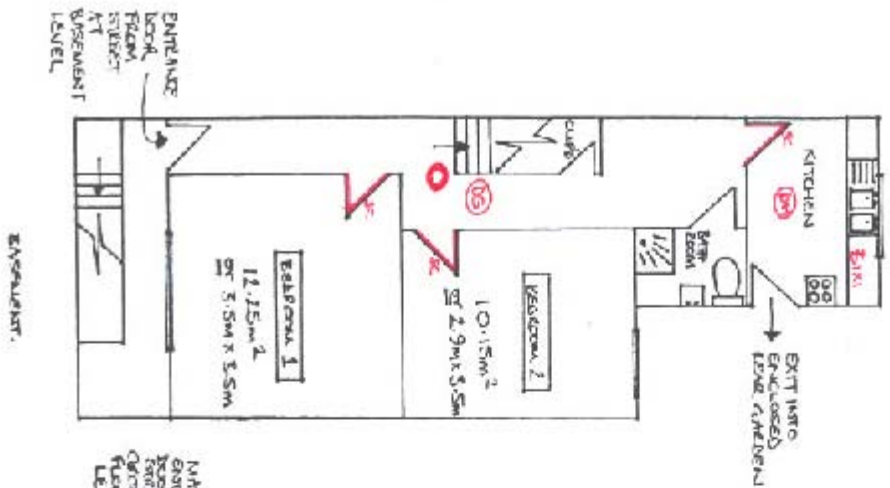
2 storey house with an unconverted cellar



2 storey property with a shop, office or other commercial business in the basement

# EXAMPLE OF PLAN

PROPERTY ADDRESS.



YOU CAN'T DRAIN KITCHEN FACILITIES OR MUST LIST WHAT IS IN THE ROOM  
 eg: sink + drain, a blind, curtains, window, 3 storage cupboards.

YOU CAN'T DRAIN BATHROOM FACILITIES, OR MUST LIST WHAT IS IN THE ROOM  
 eg: bath, wc, basin

- KEY**
- SMOKE DETECTOR
  - HEAT DETECTOR
  - FIRE BOOK (SELF-CHECKING)
  - FIRE BLANKET
  - EMERGENCY LIGHT

## **AFTER SUBMITTING AN APPLICATION. WHAT HAPPENS NEXT?**

After submitting your HMO Licensing application, the process will broadly move through the following stages.

*Please note that the time this process will take will vary depending on the applicant's co-operation and the workload of the team.*

### **STAGE ONE – ADMINISTRATOR CHECK**

An administrator will check that the application has been completed correctly, that the fee is correct and that all appropriate paperwork has been submitted.

If all is correct a letter will be sent along with a receipt. If items are missing a letter will be sent describing what is required.

### **STAGE TWO – ALLOCATED TO OFFICER**

In due course the case will be allocated to an Environmental Health Officer or Environmental Health Technician. They will carry out further checks on your application and arrange a date to inspect the property. However, if you have submitted a property condition report with your application, the Council will not generally need to carry out an inspection.

The purpose of this inspection is to verify the information provided in the application, to determine the suitability of the property for the proposed number of occupants, and to determine whether any category 1 hazards are present. You will be contacted to arrange an appointment for this inspection and it would be useful if you are able to be present for the inspection, so that the visiting officer can discuss any issues with you on the day. Following the inspection, you will be informed, initially informally, of the works that are required to improve your property. Failure to progress works following informal advice may result in formal notices being served. Specific timescales will then be provided for works to be completed.

The Council must decide whether or not a licence can be issued to the proposed licence holder. This will involve checks to determine whether they are a fit and proper person and whether the proposed licence holder is the most appropriate person to hold the licence.

If the Council determines that the proposed licence holder is not the most appropriate person to hold the licence or that they are not a fit and proper person, the applicant will be contacted and advised of this in writing. In either of these situations, another person who has responsibility for the property will have to make an application to be the licence holder. The person who makes an application to be the licence holder must have access to funds for any works required to the property, so that any urgent works can be arranged without delay.

If the Council determines that a licence application should be refused, all interested parties will be informed, in writing, of this decision, giving reasons for the decision. Recipients of this information may make representations to the Council about this decision and the Council must consider these representations. Following any

representations, a final decision will be made and again, all interested parties will be informed.

### STAGE THREE – NOTICE OF INTENTION TO GRANT A LICENCE

When the case officer is happy to proceed he/she will serve a Notice of Intention to grant a licence, on the licence holder and interested parties. Included with the licence will be a draft licence certificate showing the maximum number of persons/households the licence will cover, and the Licence conditions. Specific conditions may be included, outlining works that are required within specified timescales. The notice gives a 21 day period in which comments can be submitted to the council.

### STAGE FOUR – DECISION TO ISSUE A LICENCE

Following the 21 day period, and taking any comments into account, the case officer will declare a date when it is decided an HMO licence can be issued.

### STAGE FIVE – LICENCE ISSUED

Within 7 days of the decision date in stage four, an administrator will produce and issue the HMO Licence with accompanying paperwork to all interested parties.

There is a right of appeal to a Residential Property Tribunal about the decision to grant a licence or the terms within the licence. Your rights of appeal will be detailed in a legal notice accompanying the full licence.

The Council is required by law to keep a public register of all licences issued. As such the name and address of the licence holder will appear on this register. The register is available for inspection on request. Details of what will appear on the public register are also sent to you with your licence.

### STAGE SIX- FOLLOW UP INSPECTIONS

The Council may carry out visits to check that any works required in the Conditions of the Licence have been completed within the specified timescales.

In addition, quality checking visits may be carried out on those properties where a Property Condition Report has been submitted from an approved surveyor.

**GUIDANCE ON STANDARDS  
FOR HOUSES IN  
MULTIPLE OCCUPATION**

**SOUTHAMPTON CITY COUNCIL**

**JUNE 2010**

## **SOUTHAMPTON CITY COUNCIL**

### **GUIDANCE ON STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION (HMOS)**

#### **Introduction**

These standards assist landlords and developers to design, improve and maintain HMOs to a reasonable standard. These standards cover both licensed and non-licensable HMOs.

The standards may be revised from time to time. To ensure that these standards are current, please check with the City Council website on [www.southampton.gov.uk/living/housing](http://www.southampton.gov.uk/living/housing). New editions of the standards will be re-dated.

Further information about standards for privately rented houses is available on the City Council website including mandatory licensing and the Housing Health and Safety Rating System (HHSRS).

Enquiries about HMOs can be made to Private Housing at Southbrook Rise, 4-8 Millbrook Road East, Southampton. Telephone: 023 8083 3006 or e-mail: [private.housing@southampton.gov.uk](mailto:private.housing@southampton.gov.uk).

There is considerable diversity in the way that HMOs are occupied and in the health and safety risks that may be present. This advice therefore suggests standards that are appropriate for a wide range of the most common types of HMO.

The advisory standards are flexible and can be adapted to suit circumstances. The exception is in regard to licensed HMOs where national minimum HMO standards must be complied with and in particular the level of bathroom, WC and wash hand basin provision.

As part of the HMO licensing process, the council can discuss with landlords any variations from the standards that may be appropriate for a particular HMO.

#### **WHAT IS A HOUSE IN MULTIPLE OCCUPATION?**

The Housing Act 2004 redefines a HMO as a building or part of a building (i.e. flat) which:

- Is occupied by persons not forming a single household and;
- Two or more households occupy and share one or more basic amenities (or lack such amenities);
- Is occupied by more than one household and is a converted building not entirely comprising of self-contained flats;
- Comprises entirely of self-contained flats and the conversion does not comply with the Building Regulations 1991 and less than 2/3 of the flats are owner occupied;
- The HMO is occupied as the only or main residence;

- Rents are payable or other consideration is provided in respect of at least 1 of those occupying the HMO.

### **ARE ANY BUILDINGS EXEMPT?**

Yes – the following are exempt from the HMO definition:

- Building occupied by only two people who do not form a single household;
- Buildings managed by educational establishments, Local Housing Authorities, Registered Social Landlords, Police, Fire, Health Authority or regulated by other legislation such as residential care homes etc;
- Buildings occupied by religious communities;
- Buildings predominantly owner occupied, including residential landlords where the owner occupier (and family members) occupies the building (or flat) with no more than 2 other persons;
- Buildings converted into self-contained flats, where the conversion meets 1991 Building Regulations.

### **WHAT IS A SINGLE HOUSEHOLD?**

A single household includes members of the same family either by blood, marriage or other recognised means such as adoption or fostering. As an example, four friends sharing a student dwelling will be classed as four individual households and therefore a HMO.

### **EXPLANATION OF CATEGORIES OF HMOs**

The number of amenities and the health and safety standards that are appropriate for an HMO are related to the differing needs of different types of occupiers. These standards take this into account and suggest different standards for different categories of HMOs as described below:

#### **Category A HMOs**

These are HMOs comprising parts that are rented as individual lettings with exclusive use of certain rooms. Occupiers may share washing, WC and kitchen facilities, but do not usually have a communal living room. The occupiers of this type of HMO tend to live completely independently of each other and have individual tenancy agreements.

Individuals or households may have a letting agreement that specifies the part(s) of the accommodation that they may occupy.

Typical examples are:

1. Single room bedsits – may have exclusive use of, or may share, personal washing, WC and kitchen facilities
2. Flatlets – multi-room lettings sharing some personal washing, WC and kitchen facilities.

## **Category B HMOs**

These are HMOs that are rented to a group of people, commonly students or young professional adults, who may be on a group/joint contract. Occupiers share personal washing, WC and kitchen/dining facilities and usually have a communal living room. The occupiers of this type of HMO tend not to live completely independently of each other and may operate communally.

## **Hostels**

These are HMOs that are generally referred to as hostels, guest houses, or bed & breakfast accommodation which provide accommodation for people with no other permanent place of residence. The accommodation is often on a temporary basis.

The category includes hostel and bed and breakfast establishments used by local authorities for housing homeless people, or similar establishments which provide accommodation for single people whose only financial support is state benefit and who would otherwise be homeless.

## **General notes to be read in conjunction with the HMO standards provided on the next pages**

No kitchen facility should be more than one floor distant from the users of that facility. This will not apply if a communal living space or dining space is available on the same floor, or is not more than one floor away from the kitchen.

No personal washing or WC facility should be more than one floor distant in the case of a category A HMO, or two floors distant in the case of a category B HMO, from the users of those facilities.

A small household is one that consists of no more than 2 persons. Sleeping rooms should not be occupied by more than 2 persons. No persons should share a room unless:

- they are married, or living together as if married
- they are parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex)
- they are members of the same family and are both of the same sex, e.g. 2 brothers (if below 10 years of age, opposite sexes can share a room)

There may be exceptions to the above sharing rule in bona fide hostels and similar establishments. Advice should be sought from the City Council in these cases.

The term 'bathroom', as used in the standards, normally means a bathroom containing a bath or shower, a WC and a wash hand basin. The basin should be of an adequate size for normal personal hygiene purposes including personal washing, the cleaning of teeth and shaving.

A wash hand basin with a constant adequate supply of hot and cold running water must be provided for each WC. If the WC is separate from a bathroom then a small hand rinse basin will suffice.

A standard cooking appliance should comprise four rings or hot plates, an oven and a grill. Microwave ovens may be satisfactory as supplementary cooking appliances but should not be the only cooking appliances.

The advisory room sizes do not include any en-suite bathroom facilities that may be provided, and do not include any floor area that is not effectively useable, for example, where the ceiling slopes to a low level.

An appliance with 2 rings or hot plates and oven is satisfactory for a one person unit of accommodation.

Sinks must be provided with a draining board and adequate constant supplies of hot and cold running water.

The provision of a second sink in a shared HMO may not be necessary if a dishwasher is provided. Private Housing will advise in these circumstances.

**CATEGORY A & B HMOs - SHARED PERSONAL WASHING & WC FACILITIES**

	<b>CATEGORY A HMO</b>	<b>CATEGORY B HMO</b>
<b>Bathroom</b>	1 per 5 occupiers	
<b>WC</b>	1 per 5 occupiers	
<b>Wash hand basins</b>	<p>In licensable HMOs 1 WHB to be provided within each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room and its existing provision for WHBs toilets and bathrooms.</p> <p>A wash hand basin must be provided with every WC</p>	
<b>Heating</b>	Adequate and suitable heating to be provided.	
<b>Ventilation</b>	Adequate and suitable ventilation to be provided	

## KITCHEN FACILITIES STANDARDS

FACILITY	CATEGORY A	CATEGORY B
<b>Cooker</b>	1 per 3 occupiers/small households	1 for up to 5 occupiers. The addition of a microwave oven will allow the facilities to be used by up to 7 persons. If there are more than 7 occupants, 2 cookers must be provided, for use by up to 10 occupants.
<b>Sink</b>	1 per 3 occupiers/small households.	1 for up to 5 occupiers.
<b>Adequate no. of suitably located electrical power points (adjacent to worktop)</b>	4 single sockets or 2 double sockets are required for every 3 occupiers/small households. Additional sockets are needed for a cooker or refrigerator.	4 single sockets or 2 double sockets per 5 occupiers. Additional sockets are needed for a cooker or refrigerator.
<b>Worktops</b>	2m x 0.5m per 3 occupiers/small households.	2m x 0.5m per 5 occupiers.
<b>Dry food storage</b>	Double wall unit or single base unit (0.16m <sup>3</sup> ) for each occupier/small household. Storage in communal areas to be lockable.	Single wall unit per occupier (0.08m <sup>3</sup> )
<b>Refrigerated storage</b>	Standard sized fridge (0.15m <sup>3</sup> ) with adequate freezer compartment per occupier/small household. If no freezer compartment in the fridge, separate freezers should be provided. Storage in communal areas to be lockable.	Standard sized fridge (0.15m <sup>3</sup> ) per 5 occupiers. Separate standard sized freezer should be provided per 5 occupiers.
<b>Extractor fan</b>	To be provided	To be provided
<b>Fire blanket</b>	To be supplied and wall mounted, but not to be sited immediately adjacent to or over a cooker	To be supplied and wall mounted, but not to be sited immediately adjacent to or over a cooker
<b>Storage space for crockery &amp; kitchen utensils</b>	Adequate cupboard and/or drawer space	Adequate cupboard and/or drawer space

## SPACE STANDARDS

ROOM(S)	CATEGORY A	CATEGORY B
<b>One room unit for one person</b>	13 m <sup>2</sup> including kitchen facilities for exclusive use. 10 m <sup>2</sup> where separate shared kitchen	Not applicable
<b>One room unit for a co-habiting couple</b>	16.5 m <sup>2</sup> including kitchen facilities for exclusive use. 14m <sup>2</sup> where separate shared kitchen	Not applicable
<b>Two or more roomed unit for one person</b>	Kitchen – 4.5m <sup>2</sup> Living / kitchen – 11m <sup>2</sup> Living room – 9m <sup>2</sup> Bedroom – 6.5m <sup>2</sup> Bed/living room – 10m <sup>2</sup>	Not applicable
<b>Two or more roomed unit for two persons living as a single household</b>	Kitchen – 7 m <sup>2</sup> Living / kitchen – 15 m <sup>2</sup> Living room – 12m <sup>2</sup> Bedroom – 10m <sup>2</sup> Bed/living room – 14m <sup>2</sup>	Not applicable
<b>Shared kitchens</b>	7m <sup>2</sup> for up to 5 occupants. 10m <sup>2</sup> for 6 – 10 occupants.	7m <sup>2</sup> for up to 5 occupants. 10m <sup>2</sup> for 6 – 10 occupants.
<b>Bedroom/study</b>	Not applicable	10m <sup>2</sup> except where a separate communal living room is provided in which case the bedroom may be 6.5 m <sup>2</sup>
	Continued on next page	Continued on next page
<b>Dining/kitchen</b>	Not usually applicable. Check with Private Housing if dining/kitchen present.	11.5 m <sup>2</sup> for up to 5 occupants. 19.5m <sup>2</sup> for 6 – 10 occupants.
<b>Communal living room</b>	Not usually applicable. Check with Private Housing if dining/kitchen present.	12 m <sup>2</sup> for up to 5 occupants. 16.5 m <sup>2</sup> for 6 – 10 occupants.

## **STANDARDS FOR HOSTELS**

### **SHARED PERSONAL WASHING, WC AND KITCHEN FACILITIES**

<b>Bathroom</b>	1 per 5 occupiers
<b>WC</b>	1 per 5 occupiers
<b>Wash hand basin</b>	In licensable HMOs 1 WHB to be provided within each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that it is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room, and its existing provision for WHBs toilets and bathrooms. A wash hand basin must be provided with every WC
<b>Cooker</b>	1 cooker for up to 3 lettings. 2 cookers for up to 10 lettings and one cooker per additional 5 lettings thereafter.
<b>Sink</b>	1 sink for up to 3 lettings. 2 sinks for up to 10 lettings and one sink per additional 5 lettings thereafter.

### **SPACE STANDARDS FOR HOSTELS**

<b>ROOM(S)</b>	<b>MINIMUM ROOM SIZE</b>
1 person	6.5m <sup>2</sup> if communal area provided. 9m <sup>2</sup> if no communal area.
2 persons	10m <sup>2</sup> if communal area provided. 13m <sup>2</sup> if no communal area.
Kitchen facilities located within the letting	Add 3m <sup>2</sup> to each of the room sizes given above
Shared kitchens (for use by occupants)	7m <sup>2</sup> for up to 5 occupants. 10m <sup>2</sup> for 6 – 10 occupants. If more than 10 occupants sharing, contact the Private Housing team for guidance.
Kitchen/dining rooms	11.5m <sup>2</sup> for up to 5 persons. 19.5 m <sup>2</sup> for 6-10 persons. If more than 10 occupants sharing, contact the Private Housing team for guidance.
Lounge/dining area	12m <sup>2</sup> for up to 5 persons. 16.5m <sup>2</sup> for 6-10 persons. Dining space to be in close proximity to kitchen. If more than 10 occupants sharing, contact the Private Housing team for guidance.

## **SOUTHAMPTON CITY COUNCIL - FIRE PRECAUTIONS**

### National Fire Safety Guidance

A national document giving guidance on fire safety precautions has been available since July 2008. This document has been published by LACORS (Local Authorities Coordinators of Regulatory Services). Southampton City Council and Hampshire Fire and Rescue Service have adopted the principles set out in this document and will apply them when considering fire precautions in HMOs.

The Fire Safety – Housing guidance now considers the fire precautions required on a risk assessment basis. This means that you as the landlord, are responsible for producing a fire risk assessment for each property individually. The guidance document explains how to carry out a fire risk assessment and is available to be downloaded for free on [www.lacors.gov.uk](http://www.lacors.gov.uk) (choose publications then “Houses in Multiple Occupation” then “New guidance on fire safety in residential accommodation”). Alternatively it can be downloaded from the Private Housing pages on [www.southampton.gov.uk/living/housing](http://www.southampton.gov.uk/living/housing).

Alternatively hard copies can be obtained from LACORS on 0207 665 3888, at a cost of £20.00.

The document also gives examples of what fire precautions are considered to be appropriate in certain properties which are considered to be normal risk. These can then be used to establish what fire precautions may be necessary in your own property. However a fire risk assessment still needs to be carried out in order to determine the actual level of protection needed in each individual HMO.

## **LANDLORD GUIDE TO FIRE RISK ASSESSMENT IN HMOs**

The Regulatory Reform (Fire Safety) Order 2005 (RRO) came into force on 1<sup>st</sup> October 2006. It is enforced by the Fire and Rescue Service. It consolidates much of their previous fire safety legislation into one document, but also provides some new duties and responsibilities for various parties, including landlords. This includes a duty to carry out a fire risk assessment in HMOs.

It is optional to provide a fire risk assessment for your licensable properties. However, you have a duty to carry out a fire risk assessment for all HMOs that you own. It is an offence not to comply with the Regulatory Reform (Fire Safety) Order 2005 and the Fire and Rescue Service may take action against you for non-compliance.

The notes below explain your duties and responsibilities, how to carry out your assessment and the type of information you need to provide.

You can obtain a risk assessment template from the Hampshire Fire & Rescue website at the following address:

<http://www.hantsfire.gov.uk/forbusiness/firesafetyregs/fsriskassessment/selfassessment.htm>

### **Contacts and further information**

If you wish to obtain the full guidance document, "Fire Safety Risk Assessment. Sleeping Accommodation", it can be found on the CLG website at

<http://www.communities.gov.uk/publications/fire/firesafetyrisk4>

**The Fire and Rescue Service are the enforcing authority for this legislation, so please contact them for advice and assistance in completing your fire risk assessment:**

Hampshire Fire & Rescue Service, Service Delivery (Community Safety Delivery)  
Protection Department, Southsea Fire Station, Somers Road, Southsea, Hampshire  
PO5 4LU. Tel: 023 9285 5180 Fax: 023 9285 5175

You can also get further details on risk assessment from the LACORS guidance document referred to on page 24.