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## What is a House in Multiple Occupation (HMO)?

- A house in multiple occupation (HMO) is a property occupied by three or more people (including children) who form two or more households and includes shared houses, bedsits and flats where there is some sharing of the kitchen and/or bathroom. This includes houses rented by students.
- A household may be (i) a single person; (ii) a co-habiting couple; (iii) several members of the same family, all related by blood or marriage. For example a house occupied by a brother, sister and one other unrelated occupant would form two households; three unrelated persons would form three households.

## Where can I get an application form to licence my HMO?

- You can complete an online application form or download a hardcopy application form to type or complete by hand.
- If you have downloaded an application form you can post it to: HMO Licensing at the Civic Centre, Southampton, SO14 7LY. Alternatively you can scan the application form and email it to [hmo@southampton.gov.uk](mailto:hmo@southampton.gov.uk).

## How many people can occupy an HMO?

- The number of people who can live in each HMO is determined by the number and size of bedrooms.
  - There may be limits because of the size, number and location of facilities such as bathrooms, toilets and kitchens. For guidance check the [HMO standards](#)

## What areas of the city are covered by the HMO licensing scheme?

- Additional licensing (designation 3) was introduced on 1 October 2018 and covers all HMOs (excluding those subject to Mandatory licensing) in the Bargate, Bevois, Swaythling and Portswood wards of the city.
- The additional HMO licensing scheme (designation 2) was introduced on 20 October 2015 to include all HMOs (excluding those subject to Mandatory licensing) in the Millbrook, Freemantle, Shirley and Bassett wards of the city.
- Mandatory licensing covers the whole city and was introduced on 6 April 2006. From 1<sup>st</sup> October 2018 this scheme has been widened. If you own or manage an HMO which is occupied by five or more people who form two or more households, you must now obtain a licence for the property. There are exemptions to this rule, see the exemption from licensing section on page 6.

## How does additional HMO licensing work?

- Anyone who owns or manages an HMO in the designated area has to apply to the council for a licence. The council must issue a licence if it is satisfied that:
  - The HMO is reasonably suitable for occupation by the number of occupants/households allowed under the licence;
  - The proposed licence holder is a 'fit and proper person' to hold a licence;
  - The proposed licence holder is the most appropriate person to hold the licence;

- The proposed manager (if there is one) is a 'fit and proper person' to manage the property;
- The proposed management arrangements are satisfactory;
- The person involved in the management of the HMO is competent.

### What happens if I do not meet the 'fit and proper person' criteria?

- You must appoint a manager for your property who meets the [fit and proper person criteria](#)

### Will you contact me about licensing my property?

- The onus is on the person responsible (usually the owner or manager) for the property to apply to the council for an HMO licence, if necessary.

### I rent out rooms in my private house, do I require an HMO licence?

- A resident landlord and/or family can have up to two lodgers living in the house. If you have three or more lodgers the house will require an HMO licence.

### Do I need planning permission for my HMO?

- Yes.
- You must have planning permission before you let the house as a new HMO.
- You need planning permission to change the use of a property from single to multiple occupation.
- On 23 March 2012, the council adopted the supplementary planning document (SPD) for houses in multiple occupation (HMO). The purpose of the document is to provide supplementary guidance for all parties involved in the planning application process.
- The adoption of this document has coincided with the Article 4 direction becoming effective on 23 March 2012, which has removed permitted development rights to change a family home (C3) into a small HMO (C4). This change of use now requires planning permission.

### How do I contact planning?

Telephone: 023 8083 3006 (option 4)

Email: [planning@southampton.gov.uk](mailto:planning@southampton.gov.uk)

Web: [www.southampton.gov.uk/planning](http://www.southampton.gov.uk/planning)

Address: Planning, Southampton City Council, Civic Centre, Southampton, SO14 7LY.

### What is the benefit of licensing my HMO?

- The licensing scheme is designed to improve housing conditions and ensure the health and safety of tenants.

### Do I need to licence all of my HMO properties?

- Yes, if they are in a licensable area of the city.
- You must hold a separate licence for each property that meets the licensing criteria.

### How much does it cost for an HMO licence?

- **£1100.00** all-inclusive rate (£80 payable upon application, £1020 payable upon award of the licence)
- **£650.00** all-inclusive rate (council surveyor) (£80 payable upon application, £570 payable upon award of the licence) – for the first three months\*
- **£290.00** independent surveyor (registered with RICS or CIEH) compliant rate\* (£80 payable upon application, £210 payable upon award of the licence)

\*Within three months of the property becoming licensable ie. new owner, first tenants or mandatory renewal.

### Can I pay the HMO licence fee in instalments?

- No. Licence fees must be paid in full with the licence application.

### How long is the HMO licence for?

- Additional licensing scheme (designation 3) – five years from 1 October 2018 to 30 September 2023.
- Additional licensing scheme (designation 2) – five years from 20 October 2015 to 30 September 2020.
- Mandatory licensing scheme – five years from date the license is issued.

### Are there any additional fees?

- You may be charged a fee equivalent to the additional costs incurred by the council if you:
  - Fail to make a valid application;
  - Fail to provide information requested by the council in a timely manner; or
  - Fail to attend pre-arranged appointments.
- There may also be additional charges for making a change to the licence throughout its duration, equivalent to the additional costs incurred by the council.
- There may also be charges when more than one visit is required to check compliance with licence conditions. Equivalent to the additional costs incurred by the council.

### Can I get a refund if I let my HMO to a family?

- No.
- You can apply for the licence to be revoked if you no longer want to operate the property as an HMO but you will not receive a refund.

### What additional documents are required to support my application for an HMO licence?

- Where applicable, you have to supply the following:

- A satisfactory domestic electrical installation condition report dated within five years of date of application;
- A satisfactory gas safety certificate dated within twelve months of date of application;
- If using an independent HMO surveyor, a completed and signed certificate of compliance dated within three months of date of application;
- If subject to mandatory licensing, a fire alarm test certificate and an emergency lighting certificate.

### **Do I need a fire risk assessment?**

- All HMOs should have a fire risk assessment in accordance with the current guidance. There are templates available on line to carry out your own HMO fire risk assessment
- It does not need to be carried out by a surveyor or consultant.
- Hampshire Fire and Rescue will not complete this assessment for you.
  - Further advice about fire safety in HMOs can be found in [the safety and standards section](#)

### **How do I pay for my HMO licence?**

- You can pay online when making your online application
- You can pay by cheque made payable to Southampton City Council.
- You can make a payment in person at the cash office in Gateway (next to the Civic Centre).
- You can pay by credit/debit card by telephoning 023 8083 3527

### **Do I need to tell others, like my mortgage provider, about my HMO application?**

- Licences are legally enforceable and may require changes to the house.
- People with a legal interest in the property have a statutory right to know how the HMO licence may affect them. This includes mortgagees and other owners or managers.

### **What are the conditions applied to an HMO licence?**

- There are general conditions relating to the management of the property and specific conditions may require you to provide additional fire precautions and/or amenities. Specific requirements for amenities and space can be found in the [Guidance on standards for Houses in Multiple Occupation](#)
- Depending upon the work you need to carry out you may need to seek Building Regulation approval prior to commencing work.

### **Do I have to complete all the work to comply with the HMO standards before I submit an application for an HMO licence?**

- When the council or an independent HMO surveyor inspects your property you will be advised what works are required to comply with the standards.

- If using an independent HMO surveyor all works will need to be completed and a certificate of compliance issued to you.
- The council can set conditions with the licence to incorporate any areas where the property fails to meet the standards.
- Any conditions of the licence would need to be complied with in a reasonable time frame.

### What happens if I don't apply for an HMO licence?

- A person commits an offence under Section 72 of the Housing Act 2004 if he or she is a person having control of or managing an HMO which is required to be licensed under the additional or mandatory licensing schemes but which is not so licensed.
- In practice, a local authority will allow landlords a reasonable time to approach the council to apply to license their properties. In cases the council discover a licensable HMO which has not been licensed, the landlord or manager involved will be given the opportunity to apply for the licence.
- Where necessary, the council will consider instigating legal proceedings for failure to licence a HMO in accordance with our enforcement policy. The maximum fine is currently £20,000 on conviction.
- You should be aware of the following:
  - Rent repayment orders
    - A tenant living in a property that should have been licensed but was not, can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of twelve months).
    - Councils can also reclaim any housing benefit that has been paid during the time the property was without a licence. This will only apply where the person having control of or managing the HMO (and therefore responsible for licensing the premises), is also the person having control of the dwelling concerned.
  - Restrictions on termination of tenancies
    - Tenants living in a property that should have been licensed but was not, cannot be evicted by serving a Section 21, Housing Act 1988 Notice, until such time as the HMO is licensed or a management order is in place. This will only apply where the person having control of or managing the HMO (and therefore responsible for licensing the premises) is also the person having control of the dwelling concerned.

### What happens if I don't comply with the conditions of the HMO licence?

- A breach of any of the licence conditions or HMO management regulations is a criminal offence
- A conviction can result in fines of up to £5,000 per offence.

### Are there any exemptions from HMO licensing

- Section 257 HMOs – These are converted blocks of flats, on which building work was completed before 1 June 1992, or which is dealt with by regulation 20 of the Building Regulations 1991.

- Buildings controlled or managed by the following;
  - A local housing authority
  - A non-profit registered provider of social housing
  - A registered social landlord (Part 1 Housing Act 1996)
  - A Police & crime commissioner
  - The Mayors office for policing and crime
  - A fire & rescue authority
  - A health service body (S9 National Health Service Act 2006)
  - Co-operative society
  - Educational Establishments
  - Religious communities

### I am going to sell my HMO

- The licence holder is legally responsible for the HMO.
- You must inform the council when the property is sold.
- Your licence will be revoked when the HMO has been sold.
- The new owner must apply for a licence and pay a fee to continue operating the property as an HMO.
- Licences are not transferable.

### As an HMO landlord, how should I tackle antisocial behaviour?

- Tackling anti-social behaviour is a priority for authorities in Hampshire. There may be specific licence conditions which are tailored to the circumstances of an individual property.
- These conditions may involve a landlord:
  - reporting persistent anti-social behaviour by persons visiting or occupying the HMO to the police;
  - ensuring security arrangements are in place to prevent unauthorised access;
  - external sensor lighting to discourage such behaviour.
- Tenancy agreements should contain clauses relating to anti-social behaviour.
- Tenants that consistently cause problems are in breach of their tenancy and you can therefore take steps to take possession of your property.
- See the council's **antisocial behaviour pages** for further advice.

### Is there a public register containing my personal information?

- Certain details are required to be held on a public register. These include:
  - Address of the HMO;
  - Name, address and telephone number of the licence holder;
  - Description of the HMO - number and type of rooms present, amenities and occupant levels;
  - Any relevant Residential Property Tribunal information
- The public register is available to view at [www.southampton.gov.uk/hmo](http://www.southampton.gov.uk/hmo)

## What will my final licence certificate look like?

- The HMO licence certificate will contain:
  - the council's logo;
  - the address of the HMO;
  - the owner or managers name and address;
  - the date the licence was issued;
  - the date the licence will expire.



## Is the council using licensing fees to raise money?

- The council is not permitted to obtain financial gain from the fees paid through the licensing process.
- The fee charged is used to cover the costs associated with administering the mandatory and additional HMO licensing schemes.

## Who do I contact if I am refused an HMO licence or if I wish to appeal against licence conditions?

If you are refused a licence or wish to appeal against a condition attached to your licence, we advise you to first contact the officer dealing with your case. If you are not satisfied with the decision you can apply to the **Residential Property Tribunal (RPTS)**. (<https://www.gov.uk/housing-tribunals>)

## Is my HMO considered a 'Shared House' or a 'Bedsit-type HMO' for fire safety standards?

The council follows the fire safety guidance in LACORS Housing – Fire Safety, Guidance on fire safety provisions for certain types of existing housing. In considering the appropriate fire standards to apply in each HMO, the council use the guidance in paragraph 35.2 to describe a Shared House HMO, and the guidance in paragraph 36 to describe a bedsit-type HMO. In accordance with this, the council uses the type of tenancy as a key indicator ie. A single joint tenancy whereby the whole property has been rented out by an identifiable group of sharers is considered to be a shared house HMO. Alternatively, an HMO with individual tenancies whereby rooms are let to separate individuals are considered as bedsit-type HMO. If a landlord or managing agent believe that their HMO should be considered differently for whatever reason, then a full fire risk assessment by a competent person should be submitted to the HMO Licensing team to explain and justify the appropriateness of alternative standards.