

## HMO licensing - frequently asked questions

### **1. When does the Additional HMO Licensing Scheme start?**

The scheme started in the Bevois, Bargate, Portswood and Swaythling wards of the city on 1st July 2013.

### **2. Why is the Council introducing Additional Licensing when there is already Mandatory Licensing in operation?**

The Mandatory Licensing scheme only applies to a small percentage of the HMOs in Southampton. Additional Licensing covers all HMOs in the area and helps the City Council ensure minimum standards are met and maintained within this type of accommodation as well as reducing the potential impact on neighbourhoods and local communities.

### **3. What types of HMOs does Additional Licensing cover?**

All privately rented properties located in the designated area occupied by three or more people (including children) who form two or more households will require a licence. Privately rented properties across the whole city of three or more storeys occupied by five or more people (including children) who form two or more households will continue to require a licence under the Mandatory Licensing scheme.

### **4. Where can I find out more information about additional licensing?**

Further information and guidance on HMO licensing can be **found on our web pages**.

### **5. Does Additional HMO Licensing cover the whole city?**

From 1st July 2013 the scheme will apply to all HMOs in the wards of Bargate, Bevois, Portswood, and Swaythling.

Southampton City Council may look to extend the scheme to additional wards in the future if there is evidence to do so.

### **6. 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.

### **7. 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'
- 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'
- the proposed management arrangements are satisfactory
- the person involved in the management of the HMO is competent

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

You must appoint a manager for your property who does meet the **fit and proper person criteria**.

### **9. I rent out rooms in my private house, do I require a 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.

### **10. What criteria determine 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 **Southampton City Council's HMO standards**

**11. Are purpose built blocks of flats included in the Additional Licensing Scheme?**

A purpose-built block of self-contained flats is not an HMO but an individual self-contained flat within the block may be an HMO and licensable if it is occupied by three or more persons belonging to two or more households, at least one of whom is renting.

**12. How much does an HMO Licence cost?**

**Information about fees** can be found on our Houses in Multiple Occupation page on the council website. Licence fees will be reviewed annually and may be subject to change.

**13. Can I pay the licensing fee in instalments?**

**14. Is the Council using licensing fees to raise money?**

**15. Can I use my own surveyor to inspect my HMOs instead of a Southampton City Council officer?**

You can use the services of any of the approved surveyors to inspect your HMOs and produce a property inspection report. The fee is reduced by £150 if an approved surveyor is used.

**16. Will any more surveyors be added to the list of approved surveyors?**

**17. Are there any licensing fee discounts available?**

As mentioned above there is a discount for using an approved surveyor to inspect your HMO. Additionally there is an **Early Application discount** available for full valid HMO licence applications received before 5pm on 30th September 2013

**18. Are there any additional fees?**

If you fail to make a valid application, or fail to provide information requested by the council in a timely manner, or fail to attend pre-arranged appointments you may be **charged a penalty fee**. There may also be **additional charges for making variations** to the licence throughout its duration.

**19. 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.

**20. Once I have applied for a licence, when will my property be inspected and how often?**

Once you have submitted a standard application with all necessary documentation we will contact you to arrange an inspection as soon as possible following evaluation of the application. If you submit an application with a survey completed by an approved independent surveyor, we will not generally carry out an inspection, but a percentage of the approved surveyor applications will be inspected to check consistency.

**21. Is the Council going to increase standards applied to HMOs resulting from Additional Licensing?**

The standards applied to HMOs have been reviewed and although there have been some minor amendments the standards however remain largely unchanged. These proposed standards are subject to consultation.

Additional licensing will enable the council to ensure that many more properties attain **the minimum HMO standards** and are free of the most serious health and safety hazards.

**22. As an HMO landlord, how might I be expected to tackle antisocial behaviour?**

Tackling anti-social behaviour is a priority for the authorities in Hampshire, but 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 an HMO to the police, or ensuring security arrangements are in place to prevent unauthorised access, or 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.

**23. What happens if I want to sell my licensed HMO?**

You must inform the HMO licensing team and your licence will be revoked upon sale of the property. Licences are not transferable, and whilst the licence remains in force the licence holder is legally responsible for the property. The new owner of the property must apply for a licence and pay a fee if they wish to continue operating the property as an HMO.

**24. I already have a licensed HMO; do I require a licence for my other houses?**

Yes. You must hold a separate licence for each house that meets the licensing criteria.

**25. Do I need planning permission for my HMO?**

You will need planning permission to change the use of a house from single to multiple occupation. You must have planning permission before you let the house as a new HMO. You should contact **Planning** for further information.

**26. I have planning permission for my HMO, do I also need a Licence?**

Yes. Planning and Licensing have different objectives and separate legislation. You need both things.

**27. What documents do I need to support my licence application?**

Where applicable, you have to supply the current:

- **Electrical installation condition report** (carried out by a competent person registered under Part P of the Building Regulations)
- **Gas Safety certificate** (carried out by a Gas Safe Registered Engineer)
- Fire Alarm test certificate (where fitted)
- Emergency Lighting certificate (where fitted)
- Surveyors report (if applying for the surveyor route)

You will need to engage professional services to obtain these documents. It is recommended that you have these documents in your possession before you apply.

**28. What should a gas safety certificate look like?**

**29. What is a periodic inspection report for electrical installations?**

**30. What will constitute an Electrical Safety Certificate?**

**31. Do I need a Fire Risk assessment?**

**32. Can I send in photocopies of certificates?**

**33. Why do I need to tell others, like my mortgage provider, about my HMO application?**

**34. What happens if tenants leave or I let my licensed property to a family, will I get a refund?**

**35. 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 Scheme, but which is not so licensed.

In practice, the local authority will allow landlords a reasonable time to approach the Council to apply to license their properties. In cases where officers 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 12 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

**36. 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 and on conviction can result in fines of up to £5,000 per offence.

**37. Do I have to complete all the work to comply with the HMO standards prior to submitting the application?**

When the Council officer or licensed surveyor inspects the premises you will be advised what work is necessary to comply with the standards. 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.

**38. Is there a public register containing my property information?**

Certain details are required to be held on a public register. These include:

- Address of the HMO licensed
- Name and address of the licence holder
- Description of the HMO
- Number and type of rooms present
- Amenities
- Occupant levels
- Any relevant Residential Property Tribunal information

The Public Register is available to view on request by contacting the HMO licensing team on 023 8083 2735 or [hmo@southampton.gov.uk](mailto:hmo@southampton.gov.uk)

**39. I have a large number of HMOs, can I stagger the applications?**

Yes you can contact us before 31st July 2013 and we can agree a schedule to ensure all your applications are received in a timely manner.

**40. My property was previously registered do I need to apply for a HMO licence?**

Yes, even if your property was registered with the City Council prior to 2006, if it meets the requirement for licensing now you will need to apply for a HMO licence.