

HOUSING

**HOUSES IN  
MULTIPLE  
OCCUPATION**

STANDARDS BOOK

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## What is a House in Multiple Occupation?

The Housing Act 2004 gives the definition of a House in Multiple Occupation (HMO), the following bullet points provide a useful summary of an HMO:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form 2 or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self-contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies **and is 'occupied by persons:**
  - a. as their only or main residence, or
  - b. as a refuge by persons escaping domestic violence, or
  - c. during term time by students, or
  - d. for some other purpose that is prescribed in regulations from the government.

**A household is defined as:**

- a. a single person
- b. a married or unmarried couple
- c. a family, or
- d. Any other relationship as specified by the government.

**Management in House in Multiple Occupation**

Ashford Borough Council aims to ensure that all HMOs in the borough are maintained and managed in a proper manner so that tenants are able to live in safe conditions.

In general every manager should ensure that the house is properly managed, and that:

- The common parts (corridors, staircases, and any shared kitchens and bathrooms) are kept clean and in good repair
- The heating, cooking, washing and toilet facilities are maintained in good repair and proper working order
- The gas, water and electricity supplies are maintained in a safe and fully functioning condition
- All living accommodation is kept in good repair
- All rooms are in a clean condition at the start of a tenancy
- Any fire alarms and other fire precautions are maintained in full working order

- The fire escapes are kept free from obstruction
- The windows are maintained in repair and good order
- Any outbuildings, yards, and gardens are kept in a reasonable condition
- Refuse and litter is not allowed to accumulate, and suitable refuse bins are provided and maintained
- A notice is displayed in the house showing the name, address and telephone number of the manager or agent

**NB: If you own or manage an HMO you are advised to consult with the council's private sector housing regarding the requirements**

## **Standards of Repair**

If we inspect your property and find that there is a “hazard” you will be informed. The Council has a duty to act upon ‘Category 1 Hazards’ and the discretion to act if necessary for ‘Category 2 Hazards’.

### **Possible Category 1 and 2 Hazards**

- Damp and mould growth
- Excess cold
- Excess heat
- Asbestos (and man-made fibres or MMF)
- Biocides
- Carbon monoxide and fuel combustion products
- Radiation

- Uncombusted fuel gas
- Volatile Organic Compounds (VOC's)
- Crowding and space
- Entry by intruders
- Lighting
- Noise
- Domestic hygiene, pests, and refuse
- Food safety
- Personal hygiene, sanitation, drainage
- Water supply
- Falls associated with baths etc
- Falling on a level surfaces etc
- Falling on stairs etc
- Falling between levels
- Electrical hazards
- Fire
- Flames, hot surfaces etc
- Collision and entrapment
- Explosions
- Position and operability of amenities
- Structural collapse and falling elements

## **Statutory Minimum Room Sizes**

From 1 October 2018 local housing authorities must impose conditions as to the minimum room size which may be occupied as sleeping accommodation in an HMO. A room smaller than the specified size **must not** be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

The minimum statutory sleeping room sizes are:

- 6.51 m<sup>2</sup> for one person over 10 years of age
- 10.22 m<sup>2</sup> for two persons over 10 years of age
- 4.64 m<sup>2</sup> for one child under the age of 10 years

Any room of less than 4.64 m<sup>2</sup> may not be used as sleeping accommodation and the Landlord will need to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 m<sup>2</sup>.

Any area of the room in which the ceiling height is less than 1.5m cannot be counted toward the minimum room size.

In addition local housing authorities are required to impose conditions specifying the maximum number of persons over 10 years of age and/or persons under 10 years of age who may occupy specified rooms provided in HMOs for sleeping accommodation.

**The above mandatory room size conditions will however be the statutory minimum and are not intended to be the optimal room size. Local housing authorities will continue to have discretion to set their own higher standards within licence conditions, but must not set lower standards.**

The Council has adopted minimum room size standards depending on the type of HMO and the table below is merely a guide, for further information contact the council.

| <b>Council's Adopted Minimum Room Sizes</b> |                    |                     |
|---|--------------------|---------------------|
| <b>Use of Room</b>                          | <b>1 Person</b>    | <b>2 Persons</b>    |
| Combined Bedroom and living room            | 9.0m <sup>2</sup>  | 14.0m <sup>2</sup>  |
| Bedroom                                     | 6.51m <sup>2</sup> | 10.22m <sup>2</sup> |
| Kitchen area(Individual)                    | 4.5m <sup>2</sup>  | 4.5m <sup>2</sup>   |
| <b>Use of Room</b>                          | <b>1-5 persons</b> | <b>6-10 persons</b> |
| Living area (shared)                        | 11m <sup>2</sup>   | 16.5m <sup>2</sup>  |
| Kitchen (shared)                            | 7m <sup>2</sup>    | 10.0m <sup>2</sup>  |
| Kitchen/diner(shared)                       | 11.5m <sup>2</sup> | 19.5m <sup>2</sup>  |

Rooms are measured from wall to wall discounting any projection into the floor area and any floor area with a ceiling height of less than 1500mm.

The Council does not consider single rooms to be suitable for more than two persons.



## Amenity Standards

Facilities within HMO's are required to meet certain standards depending on the number of occupants. The facilities should be in a convenient position to enable people to use them comfortably.

|                           |  |
|---------------------------|--|
| <b>Bath/Shower</b>        | 1 bath (min length 1670mm)<br>shared by up to 5 persons, or          |
|                           | 1 shower (min size 800 x 800mm)<br>Shared by up to 5 persons         |
| <b>Toilet</b>             | 1 toilet with wash hand basin<br>Shared by up to 5 persons           |
| <b>Wash Hand Basin</b>    | 1 basin (min size 560 x 430mm)<br>shared by up to 5 persons          |
| <b>Cooker</b>             | 2 hot rings plus grill and oven per unit, or                         |
|                           | 4 hot rings plus grill & oven<br>Shared by up to 5 persons           |
| <b>Sink</b>               | 1 sink & drainer with hot & cold water<br>per unit, or               |
|                           | 1 sink & drainer with hot & cold water<br>Shared by up to 5 persons  |
| <b>Worktop</b>            | Minimum size 1000 x 500mm per unit, or                               |
|                           | Minimum size 2000 x 500mm<br>Shared by up to 5 persons               |
| <b>Food Storage</b>       | 1 standard base unit (not sink unit)<br>per person                   |
| <b>Refrigerator</b>       | 1 standard size fridge with freezer per<br>unit, or                  |
|                           | 1 standard sized fridge and freezer<br>Shared by up to 5 persons     |
| <b>Electrical Sockets</b> | 2 free electrical sockets above worktop<br>per unit, or              |
|                           | 4 free electrical sockets above worktop<br>shared by up to 5 persons |

## Fire Precautions

People who live in Houses in Multiple Occupation are at a greater risk of dying in a fire than those who live in a house occupied by a family.

Fire safety is an important aspect of the Council's involvement with HMO's. The Council requires Landlords to improve the level of fire precautions if they do not meet an acceptable standard.

All properties are assessed on an individual basis; please contact the Council to arrange a visit before you carry out any works.

### **In general there should be:**

- A mains powered smoke detection system, the size and type will be dependent on the size and type of the HMO
- A fire blanket fixed to a wall in each kitchen.
- A non-key operated lock to all doors.

### **In addition for larger properties we may require:**

- 30 minutes fire resistance to walls and ceilings
- Fire doors to the rooms off the staircase and landings
- Emergency lighting at all changes of direction and level

# Licensing

The mandatory HMO licensing that applies across England has changed from the 1 October 2018 all HMOs occupied by five or more persons forming more than one household and sharing of amenities will require a licence.

Anyone who owns or manages a House in Multiple Occupation – HMO – that requires a licence will have to apply for a licence from the Local Authority – LHA – in which the property is situated. An application for a HMO Licence has to be made under Part 2 of the Housing Act 2004.

We recommend that you contact us if your property meets the above criteria. We will then tell you if the property needs a license and how to apply for one.

## **The license will:**

- Last for five years
- Specify the maximum number of occupants that the property can contain at any one time
- Include conditions

## **If the responsible person fails to:**

- License the property there may be a fine of up to £30,000 and rent may be recovered by the tenant
- Keep the number of persons in occupation to the maximum specified in the license there may be a fine of up to £20,000
- Keep to the conditions there may be a fine of up to £5,000 (per breach)

## Gas Safety

Any appliance which burns a fossil fuel (such as gas, coal or oil) has the potential to produce carbon monoxide (CO). CO is a poisonous gas which has no smell, colour, or taste and which is responsible for the deaths of around 60 people each year. The symptoms of CO poisoning are easily mistaken for common illnesses such as colds or flu.

Under the Gas Safety (Installation and Use) Regulations 1998, all landlords have a duty to ensure:

- That gas appliances provided within rented accommodation are properly maintained
- All gas appliances must be checked for gas safety at least once every 12 months
- All works to gas appliances must, by law, be carried out by Gas Safe Registered Contractor
- Tenants must be provided with copies of the Gas Safety Certificate within 28 days of the safety check being completed

Failure to ensure that the gas appliances are checked for gas safety as required by the Regulations is an offence which is enforced by the Health and Safety Executive (HSE).

**Any person who carries out works to gas appliances must be Gas Safe Registered and should carry an identify card. If you would like to check a gas installer's Gas Safe Registration please call 0800 408 5500 or check website [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).**

## Electrical Safety

There are a number of measures that can be taken to ensure the safety of the electrical installation:

- Electrical repairs must be carried out by competent persons – ideally an electrician registered with the NICEIC (National Inspection Council for Electrical Installation Contracting) or the ECA (the Electrical Contractors Association) and be in compliance with the Building Regulations.
- The installation should be inspected periodically by a competent electrician.
- Periodic Inspection Reports for the electrical installation should be carried out at a minimum of five yearly intervals. The report will certify that there are no dangerous defects.
- All fire alarm, smoke detection and emergency lighting systems should be inspected periodically (as per guidance) by a competent electrician.
- Sufficient electrical sockets outlets should be provided to prevent overloading and the use of trailing extension cables. The following number of double sockets should be provided:

4 sockets in the kitchen

3 sockets in the living room

2 sockets in the bedroom

1 socket in the hallway and landing(s)

Where electrical installations are found to be hazardous the Council may serve notices on Landlords requiring remedial works to remove the risk to the tenants.

# Fire Safety of Furniture and Furnishings

The Furniture and Furnishings (Fire Safety) Regulations 1988, set levels of fire resistance for domestic upholstered furnishings. These regulations are enforced by Trading Standards Officers from Kent County Council.

Upholstered furniture filled with polyurethane foam tends to burn quickly and gives off large amounts of smoke and toxic fumes. Older or second-hand furniture can only be used if it has the appropriate label showing that it is cigarette and match resistant.

## The Regulations apply to:

- Beds, mattresses, headboards and pillows
- Sofa beds, futons, scatter cushion and seat pads
- Loose and stretch covers for furniture

## The Regulations do not apply to:

- Sleeping bags or loose covers for mattresses
- Bed clothes, duvets and pillow cases
- Carpets and curtains

New furniture that complies with the regulations is sold **with a permanent label** stating that it is cigarette and match resistant. Landlords should ensure that they do not let accommodation with furniture that is not fire resistant.

## **Energy Performance Certificates**

Energy Performance Certificates are required to be given to all new tenants (and prospective tenants), although HMO's are currently excluded. However, shared flats /houses (eg a letting of a whole flat or house to students/young professionals etc. on a single tenancy agreement) only one EPC is required for the whole house.

An Energy Performance Certificate gives owners, tenants and buyers information on the energy efficiency of their property. It gives the building a standard energy and carbon emission efficiency grade from 'A' to 'G', ('A' being the best). The certificate shows the current efficiency rating and gives a potential future rating subject to improvements being made to the property.

To find a Domestic Energy Assessor visit [www.whatstheidea.org.uk](http://www.whatstheidea.org.uk) or [www.ihl.org.uk](http://www.ihl.org.uk). Enforcement of Certificates will be carried out by Trading Standards. More information about the legislation can be found on [www.communitites.gov.uk](http://www.communitites.gov.uk). For energy saving advice visit [www.savingtrust.rog.uk](http://www.savingtrust.rog.uk).

## **Deposit Protection**

All Landlords and Letting Agents taking deposits for Assured Shorthold Tenancies (ASTs) in England and Wales must safeguard them with a Government-authorised tenant deposit protection scheme.

The legislation covers virtually all new AST contracts through which private landlords let property in England and Wales.

However, the following will not need to be registered with a tenancy deposit protection scheme.

- Resident Landlords (those living in the property)
- Landlords of properties with rent over £25,000 a year
- Company lets
- Accommodation provided by Universities or Colleges

## **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Landlords are required to have at least one smoke alarm installed on every level of their properties, where there are habitable rooms. A carbon monoxide alarm is also required in any room containing a solid fuel burning appliance (e.g. a coal fire or wood burning stove). Thereafter, the Landlord will be required to test the alarms at the start of each new tenancy.

**Licensed HMOs:** Any new licence granted or renewed after the 1<sup>st</sup> October 2015 will be subject to the above regulations.

**Non licensed HMOs:** The above regulations already apply.

Complying with the above regulations does not necessarily mean that an HMO has adequate fire precautions i.e. smoke alarms on each level. In most cases further works will be required, which would include mains powered smoke detection system in other areas within the property such as a heat detector located in the kitchen.



Properties are assessed under Housing Health and Safety Rating System (HHSRS) to determine the level of works required: The following factors will be taken into account:

- The layout & design
- The number of levels
- The number of occupants

## **Planning issues**

### **Article 4 areas**

Ashford Borough Council currently has Article 4 areas within its borough.

An Article 4 Direction limits the works that can be carried out without the need for planning permission.

The effect of an Article 4 area means that planning permission will be required to operate any HMO in such an area.

The following link will allow you to identify Article 4 areas in our borough [www.ashford.gov.uk/article-4-directions](http://www.ashford.gov.uk/article-4-directions). Alternatively please contact Private Sector Housing for further information – 01233 330624.

### **Larger HMOs**

Any HMO which is intended to be occupied by 7 or more people will require planning permission.

A planning application would need to be made to the Council's planning department. For further information go to Ashford Borough Council Website [www.ashford.gov.uk](http://www.ashford.gov.uk)