



HMO Guidance

**What you need to know
about owning or managing
Houses in Multiple
Occupation (HMOs)**

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Introduction

Dependence on the private rented sector has grown over recent years and the cost of renting has increased. Some people are choosing to live in HMOs as this is all that they can afford. However, due to the high demand, some landlords are letting properties that are in a poor condition. This guide has been produced to help landlords understand what is needed to run an HMO, and what their responsibilities are when letting this type of accommodation.

HMO standards and licensing are included in the following legislation:

- Housing Act 2004
- Housing and Planning Act 2016
- Regulatory Reform (Fire Safety) Order 2005
- Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

The information provided is generic and based on a typical HMO, and you should bear this in mind when reading this guidance as there are different requirements for different types and layouts of properties.

To establish what is needed in your property you will need to speak to a member of our private sector housing team, who will give you advice and arrange to carry out an inspection. This may identify any works that are needed and whether the property needs an HMO licence.

Our aim is to have good quality accommodation run by successful, compliant landlords providing homes that are safe, warm, clean and well-managed.

From 1 October 2018, all HMOs occupied by five or more people, who are not related need a mandatory HMO property licence. Full details of the licensing scheme can be found in the Licensing Policy for HMOs which is available on our website at www.rushmoor.gov.uk/hmo

What is an HMO?

An HMO is a building or part of a building that is occupied by three or more people living as two or more households, who are not from the same family and are sharing at least one basic amenity, such as a kitchen, bathroom or toilet. Rent or some other consideration is paid to live in the property and it is the occupant's main home.

A property where there is a resident landlord with two lodgers does not fall within the definition of an HMO.

What properties need an HMO licence?

The Ministry of Housing, Communities and Local Government (MHCLG) has provided guidance to local authorities to help them to determine which properties need an HMO licence. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 specifies which properties need a licence and these are:

- A property occupied by five or more people who do not form a single household, irrespective of the number of storeys and;
- A property that it meets the following prescribed tests:
 - The standard test
 - The self-contained flat test
 - The converted building test

Further details, along with the full definition of an HMO can be found in sections 254 to 259 of the Housing Act 2004 or in the council's Licensing Policy for Houses in Multiple Occupation at www.rushmoor.gov.uk/hmo There are exemptions to these requirements, which include social housing or housing provided by health, police or education authorities.

If you think that your property is a "shared house", you will need to provide substantial evidence to the council to prove this, which may include proof that:

- The occupants have a joint tenancy
- The occupants have full possession of the whole house and access to every room
 - so no locks on internal doors
- The occupants have shared living, kitchen, toileting and bathing arrangements
- The occupants are living as a single household ie. shared bills, shared cooking and eating arrangements
- The occupants do not have cookers, toasters, microwaves, kettles or fridges in their rooms
- Rent is paid jointly to the landlord
- The occupants have total responsibility for the monthly rent, therefore if one tenant leaves the remaining tenants cover the shortfall.
- The occupants find a new tenant if someone leaves.

HMO standards

We have adopted standards for licensable HMOs in relation to the number of bathrooms, toilets and kitchens and including prescribed room size standards. It is recommended that even if a property is not licensable that the room size

standards are adhered to as this will ensure that residents have access to reasonable-sized rooms that are not overcrowded. Details of these standards can be seen below:

Bathrooms and Toilets

Number of people irrespective of age	Amenities required
1 – 4 people	<ul style="list-style-type: none">• One bathroom containing a bath or shower and a wash hand basin and;• One toilet (the bathroom and toilet may be combined).
5 people	<ul style="list-style-type: none">• One bathroom containing a bath or shower, wash hand basin and toilet and;• One separate toilet with wash hand basin.
6 – 10 people	<ul style="list-style-type: none">• Two bathrooms containing a bath or shower and a wash hand basin and;• Two separate toilets with wash hand basins (one of the toilets can be contained in one of the bathrooms).
11-15 people	<ul style="list-style-type: none">• Three bathrooms containing a bath or shower and a wash hand basin and;• Three separate toilets with wash hand basins (two of the toilets can be contained in two of the bathrooms).

Kitchen Facilities

Number of people	Cooking Facilities	Sinks and drainers
1 – 5 people	One standard cooker ⁽¹⁾	One single bowl and drainer ⁽²⁾
6 people	One standard cooker and one microwave	Two single bowls and drainers or one single bowl and drainer and a dishwasher
7 – 10 people	Two standard cookers	
11-15 people	Two standard cookers and two microwaves	Three single bowls and drainers or two single bowls and drainers and a dishwasher

(1) A standard cooker should include a four-ring hob, an oven and a grill

(2) A sink should include an adequate supply of hot and cold (drinkable) water and adequate drainage

Space Standards

Type of HMO	Room size required
Bedsit with cooking facilities in room	
1 person	13m ²
2 people	16.5m ²
Two or more roomed unit	
1 person	Kitchen – 4.5m ² Living room/kitchen – 11m ² Living room – 9m ² Bedroom – 6.51m ² Living/bedroom – 14m ²
2 person unit occupied by a single household	Kitchen – 4.5m ² Living room/kitchen – 15m ² Living room – 12m ² Bedroom – 10.22m ² Living/bedroom – 14m ²

Type of HMO	Room size required
Bedsit where facilities are shared by all occupants	Communal facilities
5 people	Kitchen – 7m ² Living room/kitchen – 12m ² Living room – 12m ²
6 – 10 people	Kitchen – 10m ² Living room/ kitchen - 19m ² Living room – 16.5m ²
Bedsit where facilities are shared by all occupants	Bedrooms
A child under the age of ten	4.64m ²
1 person	6.51m ²
2 people	10.22m ²

Fire safety standards in HMOs

There are three pieces of legislative guidance in relation to the requirement for an adequate means of escape from fire in an HMO and these are the:

- Fire Safety Risk Assessment for Sleeping Accommodation – Department of Communities and Local Government (DCLG)
- Housing – Fire Safety – Local Authorities Co-ordinators of Regulatory Services (LACORS)
- Regulatory Reform (Fire Safety) Order 2005

Rushmoor Borough Council and Hampshire Fire and Rescue Service (HFRS) work to this guidance when determining what fire precautions are required within an HMO. Consideration is given to:

- How many storeys there are
- How many occupants there are
- The standard of management and repair
- The vulnerability of the occupants
- Whether the occupants are living on a family-type basis
- The layout
- Is there any commercial element to the building?

The purpose of evaluating the risk of fire in a property and the provision of suitable and adequate fire precautions is to protect occupants and give them enough time to leave the property to an ultimate place of safety if a fire breaks out.

Landlords are required to do everything they can to ensure that their property and their tenants are safe in the event of a fire. There is a legal duty on all landlords to keep people safe in their properties under the provisions of the Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004.

Landlords must ensure that a comprehensive Fire Risk Assessment (FRA) is carried out to any rented property that they own, and this must detail potential risks and improvements required to keep occupants safe. The FRA must be carried out by a competent person.

The information in this booklet is a summary guide to fire safety standards in HMOs. As all HMOs are different, it is important that you contact us to arrange an inspection so that we can advise you of the correct fire safety precautions required.

Details of fire safety provisions in HMOs

Property description	Fire detection	Emergency lighting and firefighting equipment	Fire separation equipment
<p>Shared house – up to three storeys</p>	<p>Grade D1, LD2^(D)</p> <ul style="list-style-type: none"> • Interlinked mains-wired smoke alarms with integral battery back-up in the escape route at all floor levels, the living room and any cellar • Interlinked heat alarm with integral battery back up in the kitchen 	<ul style="list-style-type: none"> • There is no requirement for emergency lighting in a shared house • A fire blanket must be provided in the kitchen 	<ul style="list-style-type: none"> • No fire doors are required but the existing doors should be in a good condition and close fitting to their frames • The property overall should be in good condition with sound plaster to walls and ceilings • There should be 30-minute fire separation between the ground floor escape route and any basement or cellar
<p>Shared house – four storeys or more</p>	<p>Grade D1, LD1^(U)</p> <ul style="list-style-type: none"> • Interlinked mains-wired smoke alarms with integral battery back-up in the escape route at all floor levels, the living room all bedrooms airing/ meter cupboards, loft⁽¹⁾ and garage⁽²⁾ • Interlinked heat alarm with integral battery back up in the kitchen <p>(1) loft only required if there is a particular risk ie. solar panels to roof or boiler in loft</p> <p>(2) garage - only if integral or access is directly from inside the property</p>	<ul style="list-style-type: none"> • A system of emergency lighting is required in a shared house if the escape route is long or complex or where there is no effective borrowed light to the staircase and landing • A fire blanket must be provided in the kitchen 	<ul style="list-style-type: none"> • A 30-minute protected escape route is required to include 30-minute fire doors to all risk rooms including kitchens, living rooms, dining rooms, bedrooms and cellars. The doors do not need smoke seals • There should be 30-minute fire separation between the ground floor escape route and any basement or cellar

Property description	Fire detection	Emergency lighting and firefighting equipment	Fire separation
<p>All bedsits – up to two storeys</p> <p>Where cooking facilities in bedsits</p> <p>Where cooking facilities in a shared kitchen – not in bedsits</p>	<p>Grade D1, LD2^(D) system:</p> <ul style="list-style-type: none"> • Interlinked mains- wired smoke alarms with integral battery back-up located throughout the escape route, living room, dining room, cellar or any other principle habitable room ie. bedsit • Interlinked mains-wired heat alarms with integral battery back-up in each bedsit; and • Additional non-interlinked smoke alarm with integral battery back-up in each bedsit • Interlinked mains- wired smoke alarms with integral battery back-up in each bedsit • Interlinked mains wired heat alarm with integral battery back-up in each communal kitchen 	<ul style="list-style-type: none"> • A system of emergency lighting is required if the escape route is long or complex or where there is no effective borrowed light to the staircase and landing • A fire blanket is required in each bedsit with cooking facilities • A fire blanket is required in any shared kitchen 	<ul style="list-style-type: none"> • A 30-minute protected escape route is required to include 30-minute fire doors to all risk rooms including kitchens, living rooms, dining rooms, bedrooms and cellars

Property description	Fire detection	Emergency lighting and firefighting equipment	Fire separation
<p>Bedsits – three storeys and above</p> <p>Where cooking facilities in bedsits</p> <p>Where cooking facilities in a shared kitchen – not in bedsits</p>	<p>Grade A, LD1⁽¹⁾(N) system:</p> <ul style="list-style-type: none"> Smoke detectors located throughout the escape route, living room, dining room, cellar, bedrooms airing/meter cupboards, loft⁽¹⁾ and garage⁽²⁾ <p>(1) loft only required if there is a particular risk ie. solar panels to roof or boiler in loft</p> <p>(2) garage - only if integral or access is directly from inside the property</p> <ul style="list-style-type: none"> Mains-wired interlinked heat detection in each bedsit and a, non-interlinked smoke alarm with integral battery back-up in each bedsit Mains-wired interlinked smoke detectors located in each bedsit and an interlinked heat alarm with integral battery back up in each communal kitchen 	<ul style="list-style-type: none"> A system of emergency lighting is required if the escape route is long or complex or where there is no effective borrowed light to the staircase and landing A fire blanket is required in each bedsit with cooking facilities A fire blanket is required in any shared kitchen 	<ul style="list-style-type: none"> A 30-minute protected escape route is required to include 30-minute fire doors to all risk rooms including kitchens, living rooms, dining rooms, bedrooms

Property description	Fire detection	Emergency lighting and firefighting equipment	Fire separation
<p>Two storey building converted into self-contained flats, in single occupation</p>	<p>Grade D, LD2 system:</p> <ul style="list-style-type: none"> In the common areas and a mains wired interlinked heat detector in the room/lobby opening on to the escape route <p>Grade D, LD3 system:</p> <ul style="list-style-type: none"> In each flat, non-interlinked smoke alarm in the room/lobby of each flat opening on to the escape route 	<ul style="list-style-type: none"> A system of emergency lighting is required if the escape route is long or complex or where there is no effective borrowed light to the staircase and landing A fire blanket is required in the kitchen of each flat 	<ul style="list-style-type: none"> A 30-minute protected escape route is required to include 30-minute fire doors to all rooms opening on to the escape route and all walls and floors between units There is no requirement for fire doors within the flat but sound well fitted conventional doors are required
<p>Three or four storey building converted into self-contained flats, in single occupation</p>	<p>Grade A, LD2 system:</p> <ul style="list-style-type: none"> In the common areas and a mains wired interlinked heat detector in the room/lobby opening on to the escape route <p>Grade D, LD3 system:</p> <ul style="list-style-type: none"> Non-interlinked smoke alarm in the room/lobby of each flat opening on to the escape route 	<ul style="list-style-type: none"> A system of emergency lighting is required in a shared house if the escape route is long or complex or where there is no effective borrowed light to the staircase and landing A fire blanket must be provided in the kitchen of each flat 	<ul style="list-style-type: none"> A 30-minute protected escape route is required to include 30-minute fire doors to all rooms opening on to the escape route and all walls and floors between units There is no requirement for fire doors within the flat but sound well fitted conventional doors are required

What are the standards of management required?

All HMOs must be kept up to a reasonable standard of repair and be well-managed ensuring the health, safety and wellbeing of tenants.

The Management of Houses in Multiple Occupation (England) Regulations 2006 details the landlord and tenants' responsibilities in relation to the management of an HMO.

These are as follows:

- The landlord must display the name, address and contact number of the manager of the HMO in the property
- The landlord must ensure that all furniture provided complies with current standards
- The landlord must keep the internal structure, fixtures and fittings in a good state of repair
- The landlord must ensure that all means of escape in case of fire and emergency lighting are maintained in good working order and that escape routes are kept clear of furniture or storage
- The landlord must ensure that the water supply and drainage to the property are maintained and in good working order
- The landlord must ensure that there are no unreasonable interruptions to the supply of gas and electricity
- The landlord must provide adequate provision of refuse storage
- The landlord must ensure that that the external areas of the property are kept in a safe, clean and tidy condition
- The landlord must have a current gas safety certificate for the property and must provide a copy to us on the request. This must be carried out by a competent, qualified person
- The landlord must ensure that the electrical installation to the property is inspected and tested every five years by a competent, qualified person and must provide a copy of the verification report to us on request.
- The occupants of the HMO must not cause damage to the property and must allow access to the property to carrying out repair and maintenance works.
- The occupants must follow reasonable instructions from the manager in respect of any means of escape in case of fire and the prevention of a fire occurring

The following measures must also be taken in to consideration when managing an HMO:

- A current PAT (portable appliance test) certificate must be provided for all appliances over a year old that are provided by the landlord
- A current Energy Performance Certificate (EPC) confirming that the property is rated at E or above must be provided by the landlord

How are conditions risk assessed?

All HMOs will be inspected by a member of our private sector housing team. The purpose of this inspection is look at the physical condition of the property, whether there are adequate amenities and that the property is safe and not overcrowded. The inspection will include looking in all bedrooms, living rooms, kitchens, bathrooms, toilets and communal areas.

The private sector housing officer will discuss the occupancy levels and what works, if any, are required to bring the property up to standard.

If the property is in a poor condition, a full risk assessment will be carried out under the Housing Health and Safety Rating System under Housing Act 2004. The assessment covers things like dampness, excess cold, overcrowding, falls, fire safety, gas and electrical hazards - there are 29 hazards in all. From the assessment the officer will determine how high the risk is to the occupants and what action is required to remedy any disrepair and risks.

Initially, this will be done informally in agreement with the landlord unless there is an imminent risk to the lives of the occupants or the landlord is not engaging. In this case it will be necessary to use our formal enforcement powers, these include:

- Service of an improvement notice
- Making a prohibition order
- Making an emergency prohibition order which would take immediate effect
- Taking emergency remedial action
- Service of a hazard awareness notice
- Declaring a clearance area
- Making a demolition order

Failure to comply with any notice served may result in prosecution proceedings being taken or you may be served a civil penalty notice. For more information about civil penalties please see our civil penalties policy at www.rushmoor.gov.uk/hmo

Is planning permission or building control approval required to run an HMO?

If a property changes its use from a single-family home to an HMO, consideration must be given to the planning status. It is therefore recommended that you contact the planning team to discuss any changes and determine whether you need to apply for planning permission. You can contact them on 01252 398788, email plan@rushmoor.gov.uk or take a look at www.rushmoor.gov.uk/planning

Also, if you are carrying out any building work or renovations to your property please make sure that you comply with the relevant building regulations. The building control team can be contacted on **01252 398715**, email buildingcontrol@rushmoor.gov.uk or you can look at www.rushmoor.gov.uk/buildingcontrol

Background documents

- Housing Act 2004 Part 1 (HHSRS) and Part 2 (HMO Licensing)
- Housing and Planning Act 2016
- The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006
- The Management of Houses in Multiple Occupation Regulations 2006
- Regulatory Reform (Fire Safety) Order 2005
- MHCLG HMO and Residential Property Licensing Reform
- The Furniture and Furnishings (Fire Safety) Regulations 1988
- Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment Safety Regulations 1994
- HM Fire Safety Risk Assessment Sleeping Accommodation Guide
- ODPM HHSRS Guidance (Version 2)
- ODPM Enforcement Guidance

Useful websites

www.rushmoor.gov.uk

www.hantsfire.gov.uk

www.lacors.gov.uk

www.communities.gov.uk

www.rpts.gov.uk

Contact

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