

Houses in Multiple Occupation (*ref 46*)

- 1.** New rules came into force in April 2006 about shared housing in England and Wales. These rules define what a 'House in Multiple Occupation' (HMO) is, and created a mandatory licensing system for some HMOs.
- 2.** If a property has 5 or more unrelated tenants, or if it has 3 or more storeys (including habitable attics or basements), then the landlord will need to have the property licenced by the local authority. People who own or manage this sort of property will need to contact their local environmental health department to check this. Some local authorities also have a licensing system for smaller HMOs.
- 3.** Any 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, is an HMO.
- 4.** People only form a single 'household' if they are members of the same family living together. In this context, 'family' means couples married to each other or living together; relatives living together, to, include: grandparents, grandchildren, children, foster-children, siblings, uncles, aunts, nices, nephews and cousins. Half-relatives are treated the same as full relatives.
- 5.** The impact of these new rules is that 3 friends living together will be considered as 3 households, regardless of their living arrangements. If a couple share with a third person, this will constitute 2 households. It will not matter whether there are separate or joint tenancies on the property.
- 6.** Purpose-built blocks of flats are not HMOs, although individual flats within the block may be HMOs if they are shared by 3 or more people. In some situations a building converted into flats may be considered to be an HMO if it does not comply with Building Regulations and more than one third of the flats are let on short leases.
- 7.** The Environmental Health Officers and Fire Officers have powers to inspect and require work to be done. Such work will usually involve fire precaution and prevention measures, e.g. installing fire retardant doors and closures, fire exit signage, fire-proofing stairwells, but can also include upgrading or installing extra facilities. There is no specific grant help towards this work.
- 8.** Environmental Health officers will try to persuade landlords to do any work required, and will tend to concentrate on those properties posing the greatest risk to tenants. However, as a last resort, they are able to issue Prohibition Notices which require properties, or parts of properties, not to be used. Prohibition Notices will extinguish any tenancy rights an individual may have in the property.
- 9.** There are some exceptions to the definition of HMOs. If only 2 people share a flat or a house, this will not be an HMO. A resident landlord can have up to 2 tenants without the property becoming an HMO. If the building is completely occupied by long leaseholders, it will not be an HMO. These new rules do not affect registered care homes. If the building is managed by a public body (e.g. NHS), or a local housing authority, or a registered social landlord, then it will not be defined as an HMO.
- 10.** Further information can be found at www.communities.gov.uk, or from your Local Authority's environmental health department.

If you require further information or have other queries contact Housing Options.

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