

# **HOUSES IN MULTIPLE OCCUPATION**

## **GUIDANCE ON STANDARDS**

**Private Sector Housing**

**Housing and Environmental Health**

**Test Valley Borough Council,**

**Beech Hurst**

**Weyhill Road,**

**Andover,**

**SP10 3AJ**

**[phousing@testvalley.gov.uk](mailto:phousing@testvalley.gov.uk)**

**01264 368000**

**August 2018**

## Introduction

Houses in Multiple Occupation (HMOs) are required to comply with certain standards in addition to those applicable to all rented properties. The aim of this guidance is to provide landlords with information on complying with the legislation and standards set.

The definition of an HMO can be complex. For the purpose of this guidance document (\*), an HMO is a property occupied by 3 or more people in 2 or more households who share one or more basic amenities. However properties converted to self contained units where the conversion doesn't meet the 1991 Building Regulations are classed as HMOs (generally known as section 257 HMOs). They are required to meet additional legislation in fire standards and Management Regulations (see below).

A household is members of the same family, or those living together as a co-habiting couple.

Live in landlords renting rooms, will be classed as a HMO when there are 3 or more lodgers.

This guidance is applicable to all HMOs, licensable and non-licensable. It is anticipated that these standards will often be exceeded and this will depend on the local market for private rented property.

This guidance refers to and should be considered alongside legislation and other guidance on the regulation of conditions and the management of privately rented homes, including:

- Part 1 of the Housing Act 2004 (including the Housing Health and Safety Rating System)
- The Management of Houses in Multiple Occupation (England) Regulations 2006 as amended
- Housing – Fire Safety: guidance on fire safety provisions for certain types of existing housing (LACORS)
- Building regulations

**\*Please note that this definition is from the Housing Act 2004 and different definitions may apply in other Council departments (e.g. Planning or Council Tax). You are therefore advised to contact them even if your property does not meet the Housing Act definition.**

## **Categories of HMOs**

The requirements appropriate to an HMO are related to the differing needs of different types of occupiers. The categories of HMOs are described below.

### *Bedsit Type Accommodation*

These are HMOs comprising parts that are rented as individual lettings with exclusive use of certain rooms. Occupiers may share washing, toilet and kitchen facilities, but do not usually have a communal living room. The occupiers of this type of HMO tend to live completely independently of each other and have individual tenancy agreements.

This includes:

- Single room bedsits – who have exclusive use of, or may share, personal washing, toilet and kitchen facilities
- Flatlets – multi room lettings sharing some personal washing, toilet and kitchen facilities

### *Shared Houses – Joint Tenancy Agreement*

These are HMOs that are rented to a group of people, for example students or young professional adults, who are on a group/joint contract. Occupiers share personal washing, toilet and kitchen/dining facilities and usually a communal living room. The occupiers of this type of HMO have come to the property together and tend to operate communally.

### *Shared Houses – Individual Tenancy Agreement*

These are HMOs that are rented as individual rooms to people who are on individual tenancy agreements and rent room independently of each other. The occupants of the house will generally share kitchen and bathroom facilities with communal living spaces. Occupiers may or may not live communally.

### *Hostels*

These are HMOs that are generally referred to as hostels, guest houses, or bed and breakfast accommodation which provide accommodation for people with no other permanent place of residence. The accommodation is often on a temporary basis.

This category includes hostel and bed and breakfast establishments used by local authorities for housing homeless people, or similar establishments which provide accommodation for single people whose financial support is state benefit and who would otherwise be homeless.

## **Licensing of HMOs**

Test Valley Borough Council currently operate the mandatory licensing scheme for HMOs.

From 1<sup>st</sup> October 2018, this covers all HMOs with 5 or more occupants where there are shared amenities. HMOs made up entirely of fully self contained flats (those with all amenities behind the front door of the flat) do not require a licence. Flats in multiple occupation that are in a purpose built block may not require a licence. Please contact us for more details.

### *How do I apply for a licence?*

The HMO application is available to complete online via our website. Alternatively contact us and we can send you a paper version to complete.

### *What is the charge?*

There is a fee payable for the application. There is a discount for members of a recognised Landlord Association. Please see our website for details of the current fee payable.

### *What if I don't apply*

It is an offence to operate a HMO that requires a licence without having a licence or having made an application. You are liable to prosecution if you fail to hold a valid licence. You can apply for a Temporary Exemption Notice (TEN) which allows you a period of 3 months to take steps to ensure that the property is no longer required to be licensed.

Please contact us for more details on whether your property requires a licence.

## **Housing Conditions**

HMOs must be free from Category 1 hazards as assessed using the Housing, Health and Safety Rating System (HHSRS).

*Further guidance on the HHSRS can be found in the “Housing Health and Safety Rating System (HHSRS) Guidance for Landlords and Property Related Professionals”*

### Heating

All properties must be fitted with an adequate form of economical space heating. Electric panel heaters are not generally economical and their use should be avoided where possible. If storage heaters are provided you should ensure that the tenants are aware of the correct usage instructions.

Each unit of accommodation must have its own controllable source of fixed heating (i.e. fixed to a wall and either plumbed in or wired into a fixed socket).

Where gas fired central heating is installed, it is recommended that radiators are fitted with thermostatic radiator valves.

It is not acceptable for landlords to set heating on a timer that tenants do not have access to. Any timers and thermostats must be available for tenants to control.

### Ventilation

Each bedroom and living room must be provided with adequate background ventilation. Ideally this will be an openable window. In rooms only fitted with patio or French doors, it may be appropriate to install trickle vents or air bricks to allow constant background ventilation.

If a room is internal, it should be fitted with appropriate passive ventilation system, subject to Building Regulations.

Bathroom extraction is recommended to be humidistat controlled.

### Lighting

All units of accommodation must be provided with adequate natural lighting and adequate artificial lighting commensurate with the use of the room.

It is not generally acceptable for internal rooms to be used as bedrooms unless the occupant has sole use of a room which does have natural lighting and ventilation.

External lighting should be installed as appropriate, with PIR sensors if necessary, to ensure that occupants can safely reach the front door of their property.

## Windows

Windows must be in good repair and condition and able to be opened and closed easily.

Ideally windows should be double glazed and fitted with trickle vents. Where single glazed windows are installed, they should be free from excessive draughts, or fitted with secondary glazing or draught proofing.

Where the property is occupied or is likely to be occupied, or visited, by children, openable windows that have a low sill height (less than 1.1 metre from floor level) should be fitted with restrictive opening devices that prevent the windows being opened more than 10cm. These devices should be easily removed by an adult in case of emergency.

Any replacement windows installed must be fitted to current Building regulations.

## Gas Safety

All gas appliances must be inspected at least every 12 months by a Gas Safe registered engineer and a certificate produced. Tenants must be provided with a copy of this certificate at the start of the tenancy and when the gas safety check is done during the course of a tenancy.

This certificate must be produced to the Council within 7 days of request.

Failure to have a valid gas safety certificate for all gas appliances will be reported to the Health and Safety Executive (HSE) as the enforcing authority for gas safety.

## Carbon Monoxide

Carbon monoxide detectors must be provided in all rooms where there is a solid fuel burning appliance.

It is strongly recommended that carbon monoxide detectors are provided in all properties that have gas appliances, particularly if the boiler is located in a bedroom.

Where detectors are fitted, they should be of the type that is approved to EN50291-1:2010 and kite marked and must be installed in accordance with manufacturers instructions.

Landlords should ensure detectors are tested and working correctly at the start of each tenancy and tenants are aware of the testing process and what to do in event of the alarm activating.

## Electrical Safety

All electrical installations must be inspected and tested at least every 5 years by a competent person. The report must be produced to the Council within 7 days of request.

Any electrical equipment provided by the landlord must be safe and fit for purpose. This can be done by employing a competent person to carry out Portable Appliance Tests (PAT) on a regular basis, including at the change of tenancy. Any inspection or checks should be recorded.

The landlord remains responsible to ensure that appliances provided are safe to use. The same responsibility applies to electrical equipment in the property at the start of the tenancy even if provided by a previous tenant.

Each habitable room must be provided with at least 2 double electrical power sockets (not including those used for kitchen appliances in bedsits) plus 1 single socket on the landing and 1 single socket in the hallway.

## Energy Performance Certificates

If the property is let as a whole unit, an EPC survey must be carried out at the property every 10 years and a copy of the EPC to be given to tenants at the commencement of their tenancy. A HMO may also have an EPC due to being purchased within a 10 year period. However it may not require renewal after 10 years if the property is let on an individual room basis.

From 1<sup>st</sup> April 2016, Tenants can request consent to carry out energy efficiency improvements in privately rented properties.

From 1<sup>st</sup> April 2018 landlords will not be able to let properties that have a minimum EPC rating below E unless there is an applicable exemption. This applies to new lets and renewals of tenancies. From 1<sup>st</sup> April 2020 it will apply to all existing tenancies.

## Waste Disposal

Adequate general and recyclable waste containers must be provided. This would generally be one standard size (240l) wheelie bin of each type per 4 occupants.

Clear instructions must be passed to tenants to ensure correct recycling of items and preventing contamination of bins, as well as collection days to ensure that waste is properly and regularly collected. All external bins should be located within the boundary of each property, away from windows and ideally in a shaded area. The bins should be carefully located to avoid causing nuisance to adjoining properties.

## Cycle Storage

Where necessary appropriate cycle storage should be provided. It is not acceptable for cycles to be stored in hallways of properties as this can compromise escape routes. If necessary lockable external cycle storage should be provided.

## Legionella

Landlords have a duty to assess the risk from exposure to legionella to ensure the safety of their tenants. This does not require an in-depth, detailed assessment. The risks from hot and cold water systems in most residential settings are generally considered to be low owing to regular water usage and turnover. For most domestic hot and cold water systems temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised. Other simple control measures include:

- Flushing out the system prior to letting the property
- Avoiding debris getting into the system (e.g. ensure any cold water tanks have a tight fitting lid)
- Set control parameters e.g. to ensure water is stored at 60°C
- Make sure any redundant pipework identified is removed

More information is available on the Health and Safety Executive's website ([www.hse.gov.uk](http://www.hse.gov.uk))

## Council Tax

You are advised to contact the Revenues department to inform them that you are letting an HMO and advise who the responsible person for payment of the Council Tax bill will be. Please note in some situations individual lettings may require their own Council Tax bill.

If the occupiers are exempt from paying Council Tax, such as properties occupied only by full time students, then you should inform Revenues accordingly and they will advise what information they will require to process the exemption.

## Planning Permission

Please note that the requirement for planning permission and the requirement for licensing are separate. Planning permission for a certain number of occupants does not automatically mean a HMO licence will be issued for the same number.

There is currently no Article 4 direction in place in Test Valley, however advice should always be sought from the Development Control team as it will depend on the location, the type of tenancy and the number of tenants.



## Fire Safety

The landlord or responsible person is required to carry out a fire risk assessment to determine the appropriate level of fire precautions for each property. Guidance on how to complete this is contained in the LACORS guide, or there is a template for a fire risk assessment on the Hampshire Fire and Rescue Service site ([www.hantsfire.gov.uk](http://www.hantsfire.gov.uk)).

Please note that neither officers from Test Valley Borough Council or Hampshire Fire and Rescue Service will carry out a fire risk assessment on your behalf.

Guidance on basic fire safety systems is given below but more details can be obtained from the LACORS guide.

### *Fire Alarm System*

All HMOs must be fitted with smoke detectors. As a minimum these should be mains wired with battery back up and interlinked to sound simultaneously. Where there is a higher risk it might be appropriate to fit a system with a control panel. Where the detectors are sited will depend on the risk factors of the HMO. A small shared house with a simple layout may only need detectors in the hallway, landing, kitchen and living room. If there are any high risk factors, such as complex layout, vulnerable tenants, large HMOs, bedrooms located off kitchen, etc., then detectors should be located in additional areas such as bedrooms and any other rooms which may cause an increase in risk.

Any kitchen areas should be fitted with heat detectors as these respond to an increase in heat rather than smoke and are therefore not set off by cooking activities.

If a property is fitted with a credit meter, the landlord should ensure that the smoke detectors will not become disabled as a result of the meter having no credit. If necessary a separate landlord electricity supply should be established. This would apply mainly in properties occupied as individual lets or self contained units, however it should be included in the risk assessment where it applies.

### *Fire Doors*

Where a 30 minute protected route is required, 30 minute fire doors and the doorset will need to be provided. These doors must be fitted with intumescent strips. It is also required to fit smoke seals as they will restrict the passage of smoke into the escape route from the room in which the fire is situated. This is not necessary where fire doors are fitted to rooms but the fire detection system is limited to the escape route e.g. low risk three storey shared houses.

In small low risk HMOs it may not be necessary to provide fire doors if the existing doors are well fitted and constructed solid doors in sound condition.

Self closers should be fitted to fire doors. They should be compliant with BS EN 1154:1997 and at least power level 3.

### *Escape Route*

Where possible a 30 minute protected route should be provided, including floors, ceiling and walls. Generally 12.5mm plasterboard with skim coat and in sound condition will be adequate. 9mm plasterboard partitions and lath and plaster construction (in sound condition) may offer a lower standard of fire resistance and may be acceptable in lower risk premises. This should be included in the fire risk assessment.

### *Exit Doors*

Where doors on the escape route are fitted with a lock, this should be of a type that can be opened from within without the use of a key in an emergency i.e. thumb turn locks. This would include bedroom doors (where locks are fitted) and the final exit doors.

### *Fire Extinguishers*

It is not generally recommended to provide fire extinguishers in HMOs as occupants are generally not trained to use them and this can cause delay in exiting the property. If they are provided, they must be appropriately serviced and maintained.

### *Fire Blankets*

A fire blanket should be provided in all kitchen areas. This should be wall mounted and located in an appropriate location not directly over the cooker.

### *Emergency Lighting*

If the escape route is long, complex or dark it may be necessary to provide emergency escape lighting. Where this is fitted it should comply with BS 5266. In most cases non maintained luminaires with three hour duration would be adequate.

### *Automatic Water suppression Systems*

Water suppression systems such as sprinkler systems and automist systems may be used in conjunction with other fire safety systems to provide additional protection, particularly where there is a high risk layout. These systems are triggered by a high level of heat and are only activated at the particular outlet that is affected by the heat. For example, a property fitted with sprinkler heads throughout has a fire in the living room, only the sprinkler in the living room will activate provided the fire could not spread through open doors to other areas. If you wish to fit these systems you should consult with Private Sector Housing.

## **Bathrooms and Personal Washing Facilities**

Bathroom in this document refers to a room containing a bath or shower, a toilet and a wash hand basin. It is not necessary for the bath/shower to be in the same room as the toilet; however a wash hand basin must always be in the same room as any toilet.

Wash hand basins should be of an adequate size for normal personal hygiene purposes including personal washing, the cleaning of teeth and shaving.

No bathroom should be more than one floor distant from the users of that facility in the case of a bedsit HMO or hostel; or two floors distant in the case of a shared house.

All amenities must be appropriately connected to hot and cold water supplies and drainage system. New facilities must be installed in accordance with Building Regulations.

Bathrooms should be fitted with mechanical extraction capable of 15 litres/second. It is recommended that extracts are fitted with humidistat control to ensure they operate at high humidity levels.

### *Shared Houses – Joint tenancy and Individual Tenancy*

At least one bathroom and one toilet must be provided for every 5 occupiers (not including occupiers who have their own en-suite facilities).

In licensed HMOs one wash hand basin to be provided within each sleeping room where reasonably practicable, taking into account the size, layout of the room and the property as a whole and the nature of occupation of the property; as well as the age and character of the building, water pressure and the existing provision of wash hand basins.

### *Bedsit Accommodation*

At least one bathroom and one toilet must be provided for every 5 occupiers (not including occupiers who have their own en-suite facilities).

Each unit of accommodation must be provided with a wash hand basin with hot and cold water supplies and connected to the drainage system, except where there is a kitchen sink provided in the room.

## **Kitchen Facilities**

### *General Notes*

No kitchen facility should be more than one floor distant from the users of that facility; except where a communal living or dining space is available on the same floor, or not more than one floor away from the kitchen.

Microwave ovens may be considered satisfactory as a supplementary cooking appliance but should not be the only cooking appliance.

A standard cooking appliance should comprise four rings or hot plates, an oven and a grill. An appliance with 2 rings or hot plates and oven is satisfactory for a one person unit of accommodation.

The sink/drainer do not qualify as worktop.

An extractor fan which vents to the outside is to be provided to all kitchen areas. If positioned above the hob it must be capable of 30 litres/second. If positioned elsewhere in the kitchen area it must be capable of 60 litres/second.

*Shared Houses – Single Joint Tenancy*

Cooker	<p>1 standard sized cooker to be provided within the shared kitchen for every 5 persons occupying the property.</p> <p>The provision of a microwave oven in addition to the above would be sufficient to allow the cooking facilities to be used by an additional 2 persons.</p> <p>For more than 7 persons, two cookers must be provided, for up to 10 occupiers.</p>
Sink	<p>1 single bowl sink and drainer to be provided within the shared kitchen for every 5 occupiers.</p> <p>For 6-10 occupiers the provision of a dishwasher can be counted as an additional sink.</p> <p>Additional sinks must be provided with a drainer.</p> <p>Half bowl sinks are not counted towards the provision.</p>
Worktop	<p>At least 2m by 0.5m of worktop to be provided for every 5 persons occupying the property; or 0.4m of 0.5m deep worktop per person, whichever is the greater.</p>
Dry Food storage	<p>Sufficient storage for crockery and cutlery.</p> <p>Double base unit for every 5 persons</p> <p>One wall unit per occupant</p>
Refrigerated Storage	<p>A standard size fridge and freezer to be provided for every 5 persons occupying the property.</p> <p>(NB Double height fridge or freezer will be considered equivalent to 2 units for 6-10 persons)</p>
Electrical Power Sockets	<p>2 double sockets provided above worktop for every 5 occupiers.</p> <p>This is in addition to any sockets used for the cooker, dishwasher, refrigerator/freezer, washing machine or microwave oven.</p>

*Shared Houses – Individual tenancies/ Bedsits with shared kitchen*

Cooker	1 standard sized cooker to be provided within the shared kitchen for every 3 lettings within the property.
Sink	1 single bowl sink and drainer to be provided within the shared kitchen for every 3 lettings. For 4-6 occupiers the provision of a dishwasher can be counted as an additional sink. Additional sinks must be provided with a drainer. Half bowl sinks are not counted towards the provision.
Worktop	At least 2m by 0.5m of worktop to be provided for every 3 lettings at the property; or 0.4m of 0.5m deep worktop per letting, whichever is the greater.
Dry Food storage	Sufficient storage for crockery and cutlery. Single wall unit and single base unit to be provided in the kitchen area for each separate letting. Cupboards to be lockable.
Refrigerated Storage	A small refrigerator with freezer compartment to be provided for each letting. This can be provided within the kitchen or within the letting room.
Electrical Power Sockets	2 double sockets provided above worktop for every 3 lettings. This is in addition to any sockets used for the cooker, dishwasher, refrigerator/freezer, washing machine or microwave oven.

*Bedsits with kitchen facilities in letting rooms*

Cooker	1 small cooker with 2 rings or hotplates.
Sink	1 single bowl sink and drainer .
Worktop	At least 1m by 0.5m of worktop to be provided.
Dry Food storage	Single wall unit and single base unity to be provided.
Refrigerated Storage	A small size refrigerator with freezer compartment
Electrical Power Sockets	2 double sockets provided above worktop. This is in addition to any sockets used for the cooker, dishwasher, refrigerator/freezer, washing machine or microwave oven.

## Room Sizes

Sleeping rooms should not be occupied by more than two people. No persons should share a room unless:

- They are married, or living together as if married
- They are parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if the opposite sex)
- They are related children of the same family and are both of the same sex, e.g. two brothers (if below 10 years of age, opposite sexes can share a room)

There may be exceptions to the above sharing rule in genuine hostels and similar establishments. Advice should be sought from the Council in these cases.

It is not considered acceptable for one room units in bedsit accommodation to be occupied by children over the age of 12 months. Two room units may be suitable as long as there is adequate space for play and children over the age of 10 of the opposite sex are not sharing rooms.

Advisory room sizes do not include an en-suite bathroom facilities that may be provided, and do not include any floor area that is not effectively useable, for example, where the ceiling slopes to a low level (below 1.5m in height).

All rooms must be suitable for purpose and capable of containing all furniture required in that room. If any room falls below the required standard, the property as a whole will be considered when reaching a final decision as to suitability.

Kitchens must be of a suitable size to fit in required kitchen facilities and to enable them to be used safely.

### National Minimum Sleeping Room Size

From 1<sup>st</sup> October 2018, a condition will be included in all new HMO licences relating to the minimum room size which may be occupied as sleeping accommodation in the HMO. The minimum room sizes are:

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



### Advisory Room Sizes

#### Shared house – Joint Tenancy

Bedroom for 1 person	<b>6.5m<sup>2</sup></b> (10m <sup>2</sup> if there is no communal living room)
Bedroom for 2 occupants in a co-habiting couple	<b>10m<sup>2</sup></b> (14m <sup>2</sup> if there is no communal living room)
Shared Kitchen	<b>7m<sup>2</sup> for up to 5 persons</b> <b>10m<sup>2</sup> for 6-10 persons</b>
Shared Kitchen/Dining Room	<b>11.5m<sup>2</sup> for up to 5 persons</b> <b>19.5m<sup>2</sup> for 6-10 persons</b>
Shared Living Room	<b>12m<sup>2</sup> for up to 5 persons</b> <b>16.5m<sup>2</sup> for 6-10 persons</b>

#### Shared house – Individual Tenancies

Bedroom for 1 person	<b>10 m<sup>2</sup></b> (If a communal living room is provided a smaller size may be acceptable)
Bedroom for 2 occupants in a co-habiting couple	<b>14m<sup>2</sup></b> (If a communal living room is provided a smaller size may be acceptable, at least 10m <sup>2</sup> )
Shared Kitchen	<b>7m<sup>2</sup> for up to 5 persons</b> <b>10m<sup>2</sup> for 6-10 persons</b>
Shared Kitchen/Dining Room	<b>11.5m<sup>2</sup> for up to 5 persons</b> <b>19.5m<sup>2</sup> for 6-10 persons</b>
Shared Living Room	<b>12m<sup>2</sup> for up to 5 persons</b> <b>16.5m<sup>2</sup> for 6-10 persons</b>

### Bedsit Type Letting with Shared kitchen facilities

Single Room unit for one occupant	<b>10 m<sup>2</sup></b>
Two room unit for one occupant	Living room <b>9m<sup>2</sup></b> Bedroom <b>6.5m<sup>2</sup></b> Bed/living room <b>10m<sup>2</sup></b>
Single Room Unit for a co-habiting couple	<b>14m<sup>2</sup></b>
Two or more roomed unit for two persons living as a single household	Kitchen <b>4.5m<sup>2</sup></b> Living/kitchen <b>11m<sup>2</sup></b> Living room <b>9m<sup>2</sup></b> Bedroom <b>10m<sup>2</sup></b> Bed/living room <b>14m<sup>2</sup></b>
Shared Kitchen	<b>7m<sup>2</sup> for up to 5 persons</b> <b>10m<sup>2</sup> for 6-10 persons</b>

### Bedsit Type Letting with Kitchen Facilities within the letting

Single Room unit	<b>13 m<sup>2</sup></b>
Two room unit for one occupant	Kitchen <b>4.5m<sup>2</sup></b> Living/kitchen <b>11m<sup>2</sup></b> Living room <b>9m<sup>2</sup></b> Bedroom <b>6.5m<sup>2</sup></b> Bed/living room <b>10m<sup>2</sup></b>
Bedroom for 2 occupants in a co-habiting couple	<b>16.5m<sup>2</sup></b>
Two or more roomed unit for two persons living as a single household	Kitchen <b>4.5m<sup>2</sup></b> Living/kitchen <b>11m<sup>2</sup></b> Living room <b>9m<sup>2</sup></b> Bedroom <b>10m<sup>2</sup></b> Bed/living room <b>14m<sup>2</sup></b>