

# Information for landlords

## HMO Definition

In simple terms: A house which is occupied by three or more unrelated persons, who do not form a single household – this definition is supported by Sections 254, 257 and 258 of the Housing Act 2004

In more depth: "HMO" means a House in Multiple Occupation as defined by sections 254 to 259 of the Housing Act 2004 and it applies to a wide range of housing types. A building or a part of a building constitutes an HMO if:

- a building or a part of a building, consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- the living accommodation is occupied by persons who do not form a single household - Households are defined as comprising families (including foster children, children being cared for) and current domestic employees, single persons or co-habiting couples (whether or not of the opposite sex).
- two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities;
- The building is converted into self-contained flats and more than one third of the flats are tenanted and the conversion does not comply with Building Regulations 1991 or subsequent Building Regulations.
- In order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students undertaking a full time course of further or higher education and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

## Mandatory HMO Licensing

Mandatory HMO Licensing applies where a building is 3 or more storeys with 5 or more occupants living in multiple occupation. The local authority work actively to identify unlicensed properties which would require a licence and will take appropriate steps when they are identified.

**Please note it is an offence to have control of or manage an HMO which is required to be licensed under Part 2 of the Housing Act 2004 but is not so licensed. A person that commits this offence is liable on summary conviction to a fine of up to £20,000.**

## Runnymede Accreditation Scheme

The Accreditation Scheme is designed to recognise and promote good quality, well managed private sector accommodation let to students in the Borough. Landlords are invited to apply for Accreditation of individual properties through ensuring that the properties will be free from Category 1 Hazards as assessed under the Housing Health and Safety Rating System and that the tenancy will be well managed.

One of the benefits of the scheme is that it enables us to help landlords achieve minimum legal standards without the threat of regulation. Wherever possible we endeavour to work with landlords and provide the necessary information and guidance to help achieve compliance. So far this approach has been very successful and we are happy with the results.

## **Amenity standards in HMO's**

As a guide all HMO's should meet the following minimum requirements:

- Maintained in a reasonable condition with an adequate layout, free from disrepair, safe and secure and with adequate heating, lighting and ventilation.
- Kitchens which meet the minimum floor area of 7m<sup>2</sup> for up to 6 persons with 2.5m<sup>2</sup> per additional user in the ratio of one set of kitchen facilities for every 5 people with adequate facilities.
- Adequate bathroom facilities (WC, wash hand basin with hot and cold running water, bath or shower with hot and cold running water) in the ratio of one set of bathroom facilities for every 5 people in all HMO's.

## **Guide to minimum bedroom sizes in HMO's**

The table below gives an indication of suitable bedroom sizes:

<b>Min Floor area of bedroom</b>	<b>Max. Number of Persons</b>
6.50m <sup>2</sup> (70sq.ft) to 8.36m <sup>2</sup> (90sq.ft)	1 person
10.22m <sup>2</sup> (110sq.ft) to 14.86m <sup>2</sup> (160sq.ft)	2 persons

## **HMO Management Regulations**

Please note the enclosed Management Regulations (or more formally *The Management of Houses in Multiple Occupation (England) Regulations 2006*). These apply to **all** HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings.

If a manager, or occupier, fails to comply with any management regulation without a reasonable excuse they may be prosecuted and liable to a fine of up to £5,000.

## **Non-licensable HMO's and other Private Rented Accommodation**

All HMO's (both licensable and non-licensable) are required to meet certain standards relating to fire precautions, amenities, management standards and general housing conditions using the Housing Health and Safety Rating System (HHSRS) as set out in the Housing Act 2004. (We try and address all these issues informally through the Accreditation Scheme.)

Other properties will be inspected under Part 1 of the Housing Act 2004, as they become known to the department. The inspections under Part 1 of the Housing Act 2004 will be carried out using the HHSRS. The HHSRS looks at the likelihood of an incident arising from the condition of the property and the likely harmful outcome. Where there are hazards, the assessment could show the presence of serious (category 1) hazards and other less serious (category 2) hazards. A category 1 Hazard places a duty on the Council to take appropriate action to remove or reduce the risk and a category 2 Hazard gives the council discretion to take appropriate action. The first step in most cases will be to informally address the deficiencies by writing to the landlord and advising them of the deficiency and what is required to address it. If the informal action fails then there is a range of formal notices available to ensure that the works are completed and timescales can be imposed.

If it is considered the most appropriate action, local authorities can implement any of the following:

- Serve an improvement notice requiring remedial works (the most likely action)
- Make a prohibition order, which closes the whole or part of a dwelling or restricts the number of permitted occupants
- Serve a hazard awareness notice
- Take emergency remedial action
- Make an emergency prohibition order

Landlords, owners or managing agents face fines of up to £5,000 for not complying with a statutory notice.

**For further advice please contact the Private Sector Housing Team on 01932 425886/425888**

## Guide to the fire safety standards required in HMO's

The following information is a guide, based on previous risk assessments carried out on an HMO without any fire precautions. Exact requirements can only be made by arranging an inspection for a risk assessment to be carried out on the property.

	<b>2 Storey</b>	<b>3 Storey</b>
<b>Fire Doors</b>	<p>30 Minute rated fire resisting door between the kitchen and the means of escape compliant with BS 476, Part 22.</p> <p>An intumescent strip and cold smoke seal must be fitted to the head and edges of the door and be hung on a minimum of three non-combustible steel hinges. Install a self-closing mechanism to each door.</p>	<p>30 Minute rated fire resisting door to all habitable rooms, compliant with BS 476, Part 22.</p> <p>An intumescent strip and cold smoke seal must be fitted to the head and edges of the door and be hung on a minimum of three non-combustible steel hinges. Install a self-closing mechanism to each door.</p>
<b>Staircase</b>	Any under stairs cupboards should be afforded 30 minutes fire separation.	Any under stairs cupboards should be afforded 30 minutes fire separation.
<b>Fire Fighting Equipment</b>	<p>Provide and install a fire blanket compliant to BS EN 1869:1997.</p> <p>Provide and install a 34B rated 2KG CO<sub>2</sub> or powder type extinguisher to a prominent place approximately 1.5 metres above ground level in the kitchen.</p>	<p>Provide and install a fire blanket compliant to BS EN 1869:1997.</p> <p>Provide and install 34B rated 2KG CO<sub>2</sub> or powder type extinguisher to a prominent place approximately 1.5 metres above ground level in the kitchen.</p> <p>Provide and install to the ground floor hallway and the first floor landing 13A rated fire extinguishers. This can either be 9 litre water types or 6 litre Hydrospray. Extinguishers shall be hung on brackets fixed to the wall so that the top of the extinguisher is approximately one meter from the floor.</p>
<b>Fire Alarms</b>	Install mains operated interlinked smoke detectors to the ground floor hallway and the first floor landing with a heat detector in the kitchen. The system should comply with the requirements of BS5839, Part 6.	Install a mains wired automatic fire alarm system with integral standby supply incorporating manually operated call points and sounders. The system should comply with the recommendations of BS 5839: Part 6, Type LD2, Grade A. It should incorporate a control panel, at least one break glass call-point at each exit to the building and the first floor landing, a heat detector in the kitchen and smoke detectors in each bedroom and throughout communal hallways/escape routes (excluding bathrooms, unless they contain a gas appliance). Sufficient sounders must be located so as to ensure that a warning sound of 75 dB is achieved at each bed head in each bedroom.
<b>Means of Escape and General Requirements</b>	<p>Final exit doors should be fitted with easy opening devices, i.e. they should not need a key to be opened from the inside.</p> <p>The means of escape should be kept clear at all times</p> <p>Where bedroom doors are fitted with a lock they should be capable of being opened from the inside without the use of a key</p>	<p>Final exit doors should be fitted with easy opening devices, i.e. they should not need a key to be opened from the inside.</p> <p>The means of escape should be kept clear at all times</p> <p>Where bedroom doors are fitted with a lock they should be capable of being opened from the inside without the use of a key</p> <p>Provision of suitable and sufficient escape lighting throughout the common parts of the building in accordance with the appropriate recommendation of BS 5266-1:2005.</p>