



Standards for Houses in Multiple Occupation

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1.0 INTRODUCTION

The Housing Act 1985 and the Housing Act 2004 give the Council statutory powers to control living conditions in Houses in Multiple Occupation (HMOs).

These powers cover matters such as repair, management standards, overcrowding, and provision of facilities for bathing, cooking and means of escape in case of fire. In some cases, HMOs are required to be licensed by the Council.

This booklet contains guidance on the standards which Wycombe District Council will seek to achieve in all HMO accommodation, and the procedures for licensing.

Means of escape in case of fire is an important concern in HMOs and fire safety arrangements must not only satisfy the provisions of the Housing Act 2004 but also the Regulatory Reform (Fire Safety) Order 2005, which is enforced by Buckinghamshire Fire & Rescue Service.

Planning permission and building regulation approval may also be required and you are advised to contact both departments for advice before you let or convert a property to an HMO:

Planning planning@wycombe.gov.uk
01494 412246

Building Control building.control@wycombe.gov.uk
01494 421403

Further advice on the standards required or any other matters relating to HMOs may be obtained from:-

Private Sector Housing Team
Council Offices
Queen Victoria Road
High Wycombe
Bucks
HP11 1BB

HMOlicensing@wycombe.gov.uk
01494 421777

2.0 WHAT IS A HOUSE IN MULTIPLE OCCUPATION?

The full definition of a House in Multiple Occupation is contained in section 254 of the Housing Act 2004.

In essence, a House in Multiple Occupation (HMO) is a building or part of a building, such as a flat, which is occupied as living accommodation by more than two people who are not members of the same household, and who share one or more basic amenity, such as a bathroom, toilet or cooking facilities.

HMOs include houses let to a group of friends, hostels, houses let room by room as 'bedsits' and some buildings containing self contained flats.

A building converted to self contained flats may be an HMO, where the conversion does not meet the requirements of the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies.

Meaning of 'household'

A household* is:

- A single person
- A co-habiting couple
- People who are members of the same family

* *The full definition of a household is available in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 2006 No. 373*

3.0 SPACE STANDARDS AND OCCUPANCY LEVELS

3.1 Number of Occupants

For the purposes of determining the maximum permitted numbers of occupants for an HMO, the Council will have regard to:

- The number of bedrooms in the HMO and the sizes of the rooms
- The number of bathrooms and toilets
- The number of kitchens and the type of food preparation facilities
- The occupancy standards adopted in its Housing Allocations Policy

In no case should the statutory overcrowding standard be breached.

3.2 Minimum Room Sizes

Bedrooms

As a guide, bedrooms should meet the following minimum sizes:

Occupiers	Rooms with separate kitchen facilities	Rooms including kitchen facilities
1 person	8 sq m	11 sq m
2 persons	13 sq m	16 sq m

Any floor area where the ceiling height is less than 1.5m high shall be disregarded when calculating room size.

Smaller bedroom sizes may be permitted where a communal living room or kitchen with a dining area exists. The reduction in acceptable size will depend upon the size, layout and nature of the additional space available, standards of management and other health and safety considerations.

In no case can rooms below the statutory minimum sizes be used as sleeping accommodation. (The statutory minimum standard for bedroom sizes are as follows: 1 child under the age of 10 = 4.64 sq m, 1 person aged 10 or over = 6.51 sq m, 2 persons aged 10 or over = 10.22 sq m.)

Bedrooms should not normally be shared by persons who are not co-habiting/married couples or members of the same family.

Other Shared Rooms

As a guide, communal living rooms and kitchens should meet the following sizes:

	Kitchens	Living Rooms
Used by up to 5 persons	8.5 sq metres	11 sq metres
Used by 6 to 10 persons	12.5 sq metres	15 sq metres

The kitchen sizes are minimum standards based on optimum shape and layout. In practice, it may be necessary to have a larger room to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area, which permits safe use of the kitchen for the number of users.

3.3 Dormitory Accommodation

Dormitory accommodation means a room or rooms that is/are being used by two or more people who are not living as co-habitees.

Sleeping Areas

Occupiers	Each room
1 person	6.5 sq m
2 persons	11 sq m
And for each additional person, a further	3.7 sq m*

*exclusive of any area devoted to storage.

This standard shall not be relaxed where bunk beds are in use. Bunk beds shall not be used where the floor to ceiling height does not exceed 3 metres.

Sleeping accommodation for men and women shall be separate.

Common Rooms

Common rooms must be provided. For rooms serving up to 5 persons sharing, the minimum size should be in accordance with the standards for living rooms and dining rooms set out above. For rooms serving more than 6 people, the minimum room size will be 11m² with an additional 1m² per person for every additional person residing at the property.

Cooking facilities

Cooking facilities within dormitory accommodation will not be permitted. Facilities must meet the requirements set out in Section 4 (Kitchen Facilities).

3.4 General

A staircase, landing or any room, which has been appointed as a kitchen or bathroom, shall not be used as sleeping accommodation.

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2140mm. Any floor area with less than 1500mm ceiling height shall be disregarded when calculating room size.

4.0 KITCHEN FACILITIES

Each occupant must have constant access to a kitchen, which may be shared with other occupiers.

4.1 Shared kitchens

Shared kitchens must be accessible from a common area.

Where there is no dining area within or adjacent to the kitchen, kitchen facilities must be sited no more than one floor distance from each letting.

The kitchen must be equipped with one set of the following facilities for each five persons sharing. Where there are up to 7 persons in no more than 5 households, the additional items in the 'enhanced standard' may be accepted instead of a second full set of facilities.

No kitchen shall contain more than two sets of facilities.

Facility	One set of facilities (for up to 5 persons)	Enhanced standard for 6 – 7 persons in no more than 5 households
Sink with draining board	A stainless steel or similar sink and drainer in good condition of minimum dimensions 500 x 800mm set on a stable base, with an adequate and constant supply of hot and cold (drinkable) water. <u>A wash basin shall not be used in place of a sink.</u> The sink should be connected to the drainage system via a suitable trap. Where practicable, a two course tiled splash back shall be provided.	A 1½ bowl sink and drainer or dishwasher
Cooking facility	A full sized gas or electric cooker with at least 4 rings/burners, an oven and a grill.	Plus Microwave oven
Food and utensils storage	Each occupancy shall be provided with secure, lockable dry goods storage either within the kitchen or in an adjacent and readily accessible position. One standard base unit or two standard wall cupboards is required per occupancy (approx. 0.25m ³), plus some additional cupboard/drawer space for utensils and crockery. The space under the kitchen sink will not be accepted for this purpose.	
Fridge-freezers	Each occupancy shall be provided with a at least one shelf of refrigerator space either within the kitchen or an adjacent and readily accessible position. Each refrigerator should have an adequate freezer compartment or a separate freezer provided.	

Food preparation surface(s)	A worktop of smooth and impervious material of minimum size 600mm x 1500mm. This does not include any space taken up by a large appliance, sink or cooker.	
Electrical sockets	Two twin outlet power sockets in addition to those serving major appliances set at a convenient height and safe position above the worktop.	
Refuse disposal facilities	One covered refuse storage container with a minimum capacity of 50 litres.	

4.2 Kitchens for Exclusive Use

Units of accommodation containing kitchen facilities for the exclusive use of the occupiers (ie not shared with other people) must comprise the following minimum facilities:

Facility	One set of facilities
Sink with draining board	A stainless steel or similar sink and drainer in good condition of minimum dimensions 500 x 800mm set on a stable base, with an adequate and constant supply of hot and cold (drinkable) water. <u>A wash basin shall not be used in place of a sink.</u> The sink should be connected to the drainage system via a suitable trap. Where practicable, a two course tiled splash back shall be provided.
Cooking facility	A gas or electric cooker with at least 2 rings/burners, an oven and a grill. Alternatively, a combination oven/microwave may be provided.
Food and utensils storage	One standard base unit or two standard wall cupboards is required for food storage (approx. 0.25m ³) plus some additional cupboard/drawer space for utensils and crockery. The space under the kitchen sink will not be accepted for this purpose.
Fridge-freezers	A refrigerator of minimum capacity of 0.15m ³ with a freezer compartment.
Food preparation surface(s)	A worktop of smooth and impervious material of minimum size 600mm x 1000mm. This does not include any space taken up by a large appliance, sink or cooker.
Electrical sockets	Two twin outlet power sockets in addition to those serving major appliances set at a convenient height and safe position above the worktop.
Refuse disposal facilities	One covered refuse storage container with a minimum capacity of 25 litres.

4.3 Premises Providing Meals

Where some but not all meals are provided to the occupiers and taken communally, separate provision of some kitchen facilities for residents to cook and prepare their own meals shall be provided.

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The scale of provision shall be determined by reference to the maximum number of persons likely to use the facilities at any one time, and having regard to the above standards.

Kitchen facilities for the above purpose shall be available for use 24 hours a day.

Kitchens in use for commercial purposes must not be used by residents to prepare their own meals.

Note: These requirements do not apply to night shelters which provide overnight accommodation only.

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5.0 BATHROOM AND TOILET FACILITIES

Each occupancy shall be provided, where practicable, with a bath or shower, a toilet and wash hand basin in a separate room. Where this is not practicable, provision of washing facilities and sanitary conveniences shall be on the following scale:

Number of persons sharing	Minimum Requirement
1-4 persons	One bathroom containing a bath or shower, and wash hand basin. One toilet which may be provided in the bathroom or a separate compartment, with a wash hand basin.
5 persons	One bathroom containing a bath or shower, and wash hand basin. One toilet with wash hand basin which must be in a separate compartment to the washing facilities.
6- 10	Two bathrooms containing a bath or shower and wash hand basin. Two toilets, at least one of which must be in a separate compartment with a wash hand basin.
11-15 persons	Three bathrooms containing a bath or shower and a wash hand basin. Three toilets, at least one of which must be in a separate compartment with a wash hand basin.

5.1 Toilet Facilities

Each separate toilet compartment shall be provided with a suitable wash hand basin with both constant hot and cold water and a suitable splash back of at least 300mm. External toilets shall be ignored.

5.2 Bath and Shower Facilities

A splash back of a minimum height of 300mm is to be provided to the bath. The bath/shower must be equipped with taps providing an adequate supply of cold and constant hot water. Any shower shall have fully tiled walls or a complete self-standing cubicle

5.3 Wash Hand Basins

Where there are five or more occupiers of an HMO, the local authority may require that every unit of living accommodation contains a wash hand basin with an adequate supply of cold and constant hot water.

5.4 General

All bath rooms and toilets in an HMO must be suitably located in, or in relation to the living accommodation in the HMO.

Any toilet, bathroom or shower room which is intended to be shared by two or more households should be accessible from a common area (passageway or hallway).

The walls and floor of any toilet, bathroom or shower room shall be reasonably smooth and non-absorbent and capable of being readily cleansed.

- All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- All bathrooms and toilets in an HMO must be of adequate size and layout.
- All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

6.0 MEANS OF ESCAPE FROM FIRE AND OTHER FIRE PRECAUTIONS

Detailed guidance on the fire safety standards to be achieved is contained in the publication [Housing – Fire Safety](#).

This section provides general guidance in relation to fire safety arrangements for HMOs. It should not be used as definitive advice, merely a summary of the general principles to be used and applied.

6.1 Fire Risk Assessment

Under the Regulatory Reform Order 2005, fire safety arrangements should be subject to a **risk assessment** and any additional arrangements should be provided as a consequence of significant findings identified by the risk assessment.

Further guidance on risk assessment is contained within the more detailed document [Fire Safety Risk Assessment Sleeping Accommodation](#).

6.2 Fire Warning Systems

All premises must be provided with an electrically operated fire warning system:

6.2.1 Fire warning systems - small premises with LESS THAN 3 STOREYS

An electrically operated fire alarm system should be provided. It may consist of domestic standard smoke and heat detectors which comply with BS 5839: Part 6. The grade and type of system will depend on the size of the premises and the risk posed to the occupants from fire.

The smoke alarms and heat detectors must be interlinked such that the detection by any one unit operates the alarm signal in all units. They must have integral battery back-up and be permanently wired to a separately fused circuit at the consumer unit.

6.2.2 Fire warning systems – 3+ STOREY PREMISES

An electrically operated fire alarm system should be provided. In most cases the system should comply with British Standard 5839: Part 6 Grade A, Type LD1. The system must be clearly audible throughout all parts of the premises and provide a minimum sound level of 75dB at bed heads, with all intervening doors, shut.

Upon installation of any fire warning system a commissioning certificate should be provided by a Competent Person to confirm that the system conforms to the relevant British standard and type.

It is recommended that advice and information should be sought as to costs, maintenance requirements and the life span of various systems, prior to installation.

6.3 Emergency Lighting

Emergency lighting provides illumination for the occupants to escape safely, when the normal premises lighting has failed.

Due consideration must be given within the fire risk assessment to the provision of Emergency lighting. British Standard 5266 provides guidance on the installation and provision of such.

Upon installation of any Emergency lighting, a commissioning certificate should be provided by a Competent Person to confirm that it conforms to the relevant British standard.

6.4 Fire Resistance

The walls and partitions to all habitable rooms should be able to resist fire for at least 30 minutes to provide 30 minute fire resistant 'protected route' of exit from all lettings.

Doors to rooms which open on to the shared exit route (other than bathrooms or W.C.s with no fire risk) should be provided with 30 minute fire resisting doors.

A positive action self closing device should be provided on all fire doors to close the door fully onto its stops from all angles of opening. Fire doors are normally required to have intumescent strips and cold smoke seals along the side and top edges of the door.

Staircases used as the means of escape may need to be under drawn to achieve 30 minutes fire resistance.

6.5 Door Fastenings

All doors (including doors to bedrooms or units of accommodation) that could be used in the event of fire to escape from the premises, should be secured solely by a security device capable of being operated by a single action and without the aid of a key. Examples of such devices are: turn snibs, panic bolts or panic pads. Keys in boxes are not considered suitable in most situations.

6.6 Fire Notices

Fire instruction notices should be provided in suitable locations throughout the premises.

All fire resisting self closing doors, should be permanently marked on each side at eye level with a blue circular notice bearing the words "FIRE DOOR - KEEP SHUT" in white letters.

Cupboard doors required to be of fire resisting construction should be permanently marked with a blue circular notices bearing the words, "KEEP LOCKED SHUT" in white letters.

6.7 Fire Fighting Equipment

A minimum requirement of a 1.0m² glass-fibre fire blanket, conforming to British Standard

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7944 1999 or equivalent European Standard, in a quick release container hung on wall brackets at a convenient height, with the base of the container at about 1.5m above floor level, should be provided at all locations containing cooking facilities.

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7.0 GENERAL STATE OF REPAIR

The HMO, including the building containing the HMO, shall meet the Decent Homes Standard, that is:

- Be free from Category 1 hazards under the Housing Health and Safety Rating System.
- Be in a reasonable state of repair
- Have reasonably modern facilities and amenities
- Have a reasonable degree of thermal comfort

As a guide, properties which meet the following standards are likely to meet the Decent Homes Standard:

7.1 Repair and Stability

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated. The house and every part of it shall be structurally stable.

7.2 Dampness

The house shall be free from dampness prejudicial to the health of the occupants, including rising dampness, penetrating dampness and condensation.

7.3 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

7.4 Ventilation

All habitable rooms (ie living rooms and bedrooms) shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and wc compartments shall be ventilated directly to the external air, either by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room, or by suitably sited mechanical ventilation providing a minimum of three air changes per hour, preferably operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient and consideration should be given to the provision of a humidistat.

Basement rooms used as habitable rooms shall be provided with natural ventilation direct to the external air. In addition, there shall be an unobstructed space immediately outside the window opening, which extends the entire width of the window or more, and has a depth of not less than 600mm measured from the external wall or not less than 300mm in the case of a bay window with side lights.

7.5 Space Heating and Insulation

Each unit of living accommodation must be provided with adequate means of space heating.

To meet the Decent Homes Standard, the dwelling should have an efficient programmable gas, oil or electric central heating system, with thermostatic control.

Where this is not provided, a fixed heating appliance that is capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade is the minimum that should be provided in each unit of accommodation. This provision shall be efficient, safely designed and be so sited and guarded as to minimise any risks to health and safety.

All additional living rooms and bathrooms shall be provided with such suitable means of heating.

No portable oil or gas-fired heaters are to be used in the premises.

The property should be capable of achieving and maintaining a suitable room temperature without undue heat loss. To maximise thermal efficiency, the property shall be provided with cavity wall insulation and 250 mm loft insulation and where there are lofts and cavity walls. Windows and doors shall be draught-proofed, or otherwise well fitting and reasonably free from draughts. Water tanks and pipes shall be insulated.

7.6 Food Safety and Water Supply

Adequate facilities for the storage, preparation and cooking of food shall be provided in accordance with Section 4.0.

Each kitchen sink and any facilities for the provision of drinking water shall be provided with an adequate supply of cold running water suitable for drinking and shall be supplied from the rising main. Constant hot water is to be provided to each kitchen sink.

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Any down service pipe from any water storage tank in an upper storey or roof space shall be provided with an accessible stop valve. The mains water service pipe is to be fitted with a conveniently accessible stopcock.

The water supply shall be protected where necessary from frost damage.

7.7 Hygiene, Sanitation and Drainage

Adequate bathing and wc facilities shall be provided in accordance with Section 5.0.

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

The design, construction and maintenance of the dwelling should, as far as possible, enable internal surfaces to be easily cleaned and decorated and reduce the risk of access by pests.

There should be suitable and sufficient provision for the storage of refuse, both inside the dwelling and outside of the dwelling whilst awaiting collection or disposal.

7.8 Security

The property should be capable of being secured against unauthorised entry. Security lighting, window locks, and entry-phone controls may be appropriate, but security features must not hamper means of escape in case of fire.

7.9 Protection against Accidents

The condition and design of the property and the amenities within it should minimise the risk of accidents such as falls, burns and scalds, collisions, cuts and strains. Whilst it is not possible to be prescriptive about the measures required to protect against accidents, the following are some examples of matters to be considered:

- Provision of a secure handrail and adequate lighting to steps and stairs
- Safe layout of kitchen areas, so that cookers are sited away from doors or thoroughfares
- Removal or reduction of trip and slip hazards (ie small steps, uneven floor surfaces, frayed carpets or loose floor tiles)
- Thermostatic control of stored hot water

7.10 Pollutants

Occupants should not be exposed to harmful levels of pollutants such as asbestos fibres, carbon monoxide, lead etc. In effect, any sources of pollutants should either be avoided or managed.

7.11 Fire Precautions

The property shall be provided with adequate means of escape in case of fire and other fire precautions. Section 6 gives further guidance.

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8.0 GAS AND ELECTRICAL SAFETY

8.1 Gas Installations

The landlord must comply with the requirements of the Gas Safety (Installation & Use) Regulations 1994 (as amended). These Regulations are enforced by the Health and Safety Executive.

Under the HMO Management Regulations, the landlord must provide the Council with a copy of the Landlords Gas Safety record on request.

Where an HMO is licenced by the Council, a copy of the gas safety record must be provided to the council each year.

8.2 Electrical System

The landlord must ensure that the electrical installation at the property is maintained in a proper, safe and working order at all times.

The landlord must instruct a competent (e.g. NICEIC Registered) and suitably qualified electrical inspector to carry out a full Electrical Installation Condition Report on the entire electrical installation at least every five years.

Under the HMO Management Regulations, the landlord must provide the Council with a copy of the Electrical Installation Condition Report on request.

Where the Condition Report identifies remedial works, the landlord must instruct a competent contractor to carry out works as necessary in order to maintain the electrical installation in a proper and safe working condition.

9.0 FURNITURE SAFETY REQUIREMENTS

Landlords should ensure that all furniture provided in their premises complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

These regulations set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in accommodation that is made available for letting complies with the fire safety requirements detailed in the regulations.

All soft furnishings should be thoroughly checked for compliance. Where tenants wish to bring in their own furniture only those items complying with the Standards specified in the legislation should be permitted.

These Regulations are enforced by Trading Standards Departments and are included here for information purposes. Further information can be obtained from Local Trading Standards Departments or from the Institute of Trading Standards Administration.

10.0 MANAGEMENT OF HMOs

Managers of HMOs must comply with the Management of Houses in Multiple Occupation (England) Regulations 2006, (known in short as the HMO Management Regulations) which cover matters such as maintenance, safety and supplying information to tenants.

These Regulations are reproduced below.

The Management of Houses in Multiple Occupation (England) Regulations 2006

Interpretation

1. In these Regulations:-
 - (a) "The Act" mean the Housing Act 2004;
 - (b) "fixtures, fittings or appliances" are: -
 - i. lighting, space heating or water heating appliances;
 - ii. toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory.
 - iii. Cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
 - iv. Washing machines or other laundry appliances; and
 - (c) "the manager", in relation to an HMO, means the person managing the HMO.

Duty of the manager to provide information to occupier

2. The manager must ensure that: -
 - a) his name, address and any telephone contact number are made available to each household in the HMO; and
 - b) such details are clearly displayed in a prominent position in the HMO.

Duty of the manager to take safety measures

3. (1) The manager must ensure that all means of escape from fire in the HMO are:-
 - a) kept free from obstruction; and
 - b) maintained in good order and repair.
- (2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.
- (3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- (4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to: -
 - a) the design of the HMO;
 - b) the structural conditions in the HMO; and
 - c) the number of occupiers in the HMO.

For the meaning of "Person managing" see section 263(3) of the Act.

(5) In performing the duty imposed by paragraph (4) the manager must in particular: -

- a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
- b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the dangers of accidents which may be caused in connection with such windows.

(6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

Duty of manager to maintain water supply and drainage

4. (1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that: -

- a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and
- b) any water fitting which is liable to damage by frost is protected from frost damage.

(2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

(3) In this regulation "water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

Duty of manager to supply and maintain gas and electricity

5. (1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.

(3) The manager must:-

- a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

- b) obtain a certificate from the person conducting that test, specifying the results of the test; and
- c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Duty of the manager to maintain common parts, fixtures, fitting and appliances

6. (1) The manager must ensure that all common parts of the HMO are:-
- a) maintained in good and clean decorative repair;
 - b) maintained in a safe and working condition; and
 - c) kept reasonably clear from obstruction.
- (2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that: -
- a) all handrails and banisters are at all times kept in good repair;
 - b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
 - c) any stair coverings are safely fixed and kept in good repair;
 - d) all windows and other means of ventilation with the common parts are kept in good repair;
 - e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
 - f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.
- (3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fitting or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- (4) The manager must ensure that:-
- a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
 - b) any garden belonging to the HMO is kept in a safe and tidy condition; and
 - c) boundary walls, fences and railing (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
- (5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.
- (6) In this regulation:-
- a) "common parts" means -

- (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
- (ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
- (iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

Duty of the manager to maintain living accommodation

8. (1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.

(2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that: -

- b) the internal structure is maintained in good repair;
- c) any fixtures, fittings, or appliances within the part are maintained in good repair and in clean working order; and
- d) every window and other means of ventilation are kept in good repair.

(3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.

(4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(5) For the purposes of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or license or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

Duty to provide waste disposal facilities

9. The manager must -

- a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Duties of occupiers of HMO's

10. Every occupier of the HMO must:-
- a) conduct himself in a way that will not hinder or frustrate the manager in performance of his duties;
 - b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
 - c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out such duty;
 - d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
 - e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and
 - f) comply with the reasonable instruction of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

General

11. (1) Nothing in these Regulations shall:-
- a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or
 - b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.
- (2) Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

11.0 LICENSING OF HOUSES IN MULTIPLE OCCUPATION

HMOs occupied by five or more persons who form two or more households will require a licence from the local authority.

11.1 Applying for a Licence

The onus is on the HMO landlord to make an application for a licence, where one is required, but the local authority will take steps to ensure that landlords are aware of the need to apply.

The application for a licence is made by completing an application in the form prescribed by the local authority.

Regulations require the landlord to notify all people with an interest in the property eg mortgagees, head leaseholders etc, of your application.

11.2 Granting a Licence

The Housing Act 2004 requires that in deciding whether to grant or refuse an application for a licence, the local authority must have regard to the following matters:

- Whether the house is reasonably suitable for occupation by the number of persons specified in the application

National amenity standards which set out the minimum requirements for numbers of bathrooms, wc, kitchen facilities etc, will be used to determine this.

- Whether both the licence holder and the proposed manager or person having control of the house is a "fit and proper" person

In considering this matter, the local authority must have regard (amongst other things) to evidence which shows that a person has committed any offences involving fraud, dishonesty, violence, drugs or sexual offences, practiced unlawful discrimination or contravened any housing or landlord and tenant law, or any Approved Code of Practice.

- Whether the proposed management arrangements are satisfactory

In considering this matter, the authority must have regard to whether a manager has a sufficient level of competence and whether any proposed management structures and funding arrangements are suitable.

Licences will be granted where the house is reasonably suitable for occupation as a HMO (or can be made suitable), the management arrangements are satisfactory and the licensee and manager are fit and proper persons. The applicant must be the most appropriate person to hold the licence.

11.3 Fees

The Act enables local authorities to charge a fee to accompany an application for a licence which may take into account their costs incurred in carrying out their licensing functions.

Fee levels are reviewed on an annual basis. Please contact the Council to find out the current fee level.

11.4 Terms and Conditions

Licences will be valid for up to five years and will specify the maximum number of occupiers or households. The number of occupants permitted by the licence will depend on the number and size of rooms and the kitchen and bathroom facilities.

All licences will be issued with the following mandatory conditions:

- to provide copies of gas safety certificates annually
- to keep electrical appliances and furniture safe
- to install smoke alarms and keep them in working order
- to install carbon monoxide detectors (where there is a solid fuel burning appliance) and keep them in working order
- to provide tenants with a written tenancy agreement
- to ensure that the statutory minimum bedroom sizes are not breached
- to comply with the Council's waste collection policy

Local authorities have powers to attach additional conditions as considered appropriate in relation to the management, use, occupation or condition and contents of the HMO.

11.5 Temporary Exemption Notices

The council may serve a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances.

Applications for a TEN must be made in writing specifying the steps being taken which will mean that the house will not require a licence.

11.6 Penalties and Enforcement

Restriction on terminating tenancies

No section 21 notice may be served under the Housing Act 1988 in relation to a shorthold tenancy of part of an unlicensed HMO.

Revocation of Licence

The local authority may revoke a licence where there are serious or repeated breaches of licence conditions or where the authority considers that the licence holder or manager is no longer a fit and proper person.

Prosecution and fines

The following breaches are criminal offences for which a landlord can be prosecuted. On conviction, an unlimited fine can be imposed by the courts. As an alternative to a prosecution, the Council can impose a fine of up to £30,000 for each offence:

- Operating a HMO which is required to be licenced without a licence
- Allowing more people to occupy the house than is permitted in the licence
- Failing to comply with a licence condition
- Failing to comply with the HMO Management Regulations

Orders by the First-tier Tribunal

The local authority may apply to the First-tier Tribunal for the following penalties in respect of some licencing offences:

- **Rent Repayment Orders**

Where a landlord fails to license a HMO, the Tribunal may issue a Rent Repayment Order, requiring the landlord to repay up to 12 months rent to the Council (if paid in housing benefits) or to the tenants.

- **Banning Order**

For the most serious breaches of management regulations or failure to licence an HMO, the Tribunal can issue a Banning Order which prevents a person from letting a house or engaging in letting agency or property management work for at least 12 months. (Banning Orders can also be issued in respect of a number of other housing and non-housing related offences such as theft, criminal damage, fraud, violence.)

- **Management Orders**

Where there is no prospect of an HMO being licensed (or a licence has been revoked) the Tribunal can permit the council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In some cases this can be extended to five years with the council also having the power to grant tenancies.

Rogue Landlord Database

The Council has powers to include details of any landlord who has been convicted of a Banning Order offence or has received at least two financial penalties on the national database of rogue landlords.

12.0 ENERGY EFFICIENCY

12.1 What is Energy Efficiency?

Energy efficiency is about getting the most out of each unit of energy and measures to make a dwelling energy efficient include:

- Insulation of loft and walls
- Draught-proofing of doors and windows
- Decent, controllable heating system
- Low energy lighting
- Energy efficient appliances

12.2 Benefits of Energy Efficiency

A warm, energy efficient home can help to ensure that your property structure is protected. For example, tank and pipe insulation will help to give protection against burst pipes, decent heating systems help to avoid tenants using unsuitable supplementary heating such as bottled gas heaters. More significantly, energy efficiency measures help to reduce or eliminate condensation dampness.

Furthermore, energy efficient homes are better for the environment. Domestic properties account for 25% of carbon dioxide emissions, a major greenhouse gas and key contributor to climate change. Improving energy efficiency of our homes will help to reduce energy use and the associated carbon dioxide emissions, and help to combat climate change.

Very often, the HMO landlord is responsible for paying fuel bills, which gives little incentive for tenants to reduce their energy use. In these circumstances, an energy efficient home is all the more important. Low energy lighting, A-rated appliances, a heating system comprising a modern efficient boiler, thermostatic controls and a programmer (timer) and good insulation, will help to reduce the amount of energy used in the property.

12.3 Energy Saving Tips

Landlords may also want to consider providing tenants with guidance on using energy wisely.

The National Energy Foundation has produced a booklet (*Easy Save*) which is full of useful advice and information about reducing energy use in the home. The booklet is particularly useful for tenants as it focuses on behavioural changes, such as use of heating systems and appliances. Copies can be obtained from the Council for you to pass on to your tenants or for your own use.

12.4 Energy Performance Certificates

Legislation introduced by the European parliament requires all homes to have an Energy Performance Certificate when they are sold or rented. The certificate gives each building an energy rating from A to G, similar to those seen on white goods. The rating will be determined by an independent, qualified assessor.

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Each certificate will last for ten years unless major renovation work is carried out on the property. Property owners can voluntarily get a new certificate after installation of energy efficiency measures - particularly if these improve the energy rating.

The requirement for an Energy Performance Certificate does not currently apply to homes where rooms are rented individually, but would apply to shared house HMOs.

12.5 Minimum Energy Efficiency Standards in Rented Dwellings

Where the property is legally required to have an Energy Performance Certificate, landlords must ensure that their properties reach at least a rating of E before granting a new tenancy to new or existing tenants.

12.5 Grants for Energy Efficiency Measures

Private tenants in receipt certain income or disability benefits may be eligible for free or discounted insulation and heating measures under the Energy Company Obligation.

For more information, contact the Energy Saving Advice Line on 0300 123 1234.

Residents of Buckinghamshire can also receive free, impartial advice on energy saving and grants from the Better Housing Better Health telephone helpline on 0800 107 0044.

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