

HOUSES IN MULTIPLE OCCUPATION STANDARDS (HMOs)

What is a HMO?

A house in multiple occupation (HMO) exists where three or more unrelated people live in a property and who share amenities such as a kitchen, bathroom and/or WC. This could be a flat, maisonette or a house and the occupiers could be on one or multiple tenancy agreements.

Why is the Council concerned about HMOs?

HMOs provide affordable housing for many young and vulnerable tenants. However, it is possible to find the very worst housing standards in HMOs and these tenants are most at risk from poor management.

The most common problems associated with multiple occupancy relate to poor fire safety standards, overcrowding, inadequate facilities and poor or unscrupulous management. HMOs will be inspected for hazards using the housing health and safety rating system under Part 1 of the Housing Act 2004.

MANDATORY HMO LICENSING

A **Mandatory Licensing Scheme** applies to all HMOs throughout England and Wales occupied by 5 or more persons comprising two or more households and where there is a sharing of amenities or where it is a converted building which does not entirely comprise of self-contained flats.

Note: Commercial premises, basements and attics converted into living space all count as a storey

A failure to apply to license such properties can incur a Civil Penalty Notice with a fine of up to £30,000

Licensable HMOs will receive a full inspection on receipt of a valid application and, where found to be deficient in amenity, fire safety or management standards, will be issued with an appropriate schedule of works. Fire safety requirements will be subject to consultation with the Fire Brigade.

DESCRIPTION OF HMO CATEGORIES

1. Bedsit type properties

Houses occupied as individual rooms, including some or all as bed-sits and flat lets. There will be a number of rooms for exclusive occupation, not necessarily behind one door, with some sharing of amenities such as bathroom and/or toilet and generally having its own food preparation and cooking facilities with no communal dining or living area.

In bedsit type accommodation, all lighting, fire alarm systems, emergency lighting is to be provided, maintained and paid for by the landlord or their agent in bedsit type accommodation. This Service would recommend all bills are included within the rent for each unit (water, gas, electric).

2. Shared Houses

Shared houses are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants on a single tenancy agreement.

3. Houses converted entirely into self-contained flats

These are not subject to Mandatory Licensing unless an individual flat meets the licensing criteria. Conversions made under and certified with Building Regulation approval after 1991 are no longer legally HMOs but older conversions will still be HMOs.

LEGAL STANDARDS IN HMO's

All properties shall be free of Category 1 hazards, as determined using the Housing Health and Safety Rating System (HHSRS). Part 1 of the Housing Act 2004 provides a risk-based methodology for assessing hazards in dwelling houses including HMOs.

The assessment considers the type of hazard, severity, potential for harm, etc. The HHSRS consists of 29 hazards which should be assessed in a domestic property. Landlords are required to manage all these hazards to reduce the risk to tenants and visitors to reasonable levels

Further guidance can be found on the Housing and Safety Rating System via the following link

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf

MANAGEMENT REGULATIONS

These regulations set out the minimum standards for HMOs and provide the legal requirements for HMO's

<https://www.legislation.gov.uk/ukxi/2006/372/contents/made>

The Management of Houses in Multiple Occupation apply to all HMO's, irrespective of their licensable status. Licence holders and managers must ensure that their accommodation is adequately managed in accordance with these requirements which reflect the additional risks and responsibilities associated with managing this type of accommodation.

The manager of an HMO must ensure that:

1. Information

Their name, address and telephone number is available to all occupants and are clearly displayed in the HMO.

2. Safety measures

- The means of escape from fire in the HMO is free from obstruction and maintained in good order and repair.
- All firefighting equipment and fire alarms are maintained in good working order.
- Signs to indicate means of escape from fire are displayed.
- Reasonable measures are taken to protect occupants from injury.

3. Water supply and drainage

- The water supply and drainage system is maintained in a good, clean and working condition.
- Any tanks used for storage of water for drinking purposes are kept good, clean and in working condition with a cover.
- Every part of the water supply and drainage system is protected from frost damage.
- Water supply or drainage is not interrupted unnecessarily.

4. Supply and Maintenance of gas and electricity

- Every gas installation is tested annually (by Gas Safe
- Engineer). Electric supply is tested at least every five years (by IEE recognised engineer).
- Gas and electric test certificates must be made available on demand Gas or electric supplies are not interrupted unnecessarily.

5. Common Parts & Installations

- All common parts and installation are in good, clean decorative repair and are in working condition and kept reasonably free from obstruction. Handrails, banisters are kept in good repair.
- Stair coverings are safely fixed and in good repair.
- All windows and other means of ventilation in common parts are in good repair.
- Common parts have adequate lighting available to all occupants.
- All installations used by occupants are in good and safe repair.

6. Maintain Living Accommodation

- Each unit of living accommodation and any furniture supplied is in a clean condition at the beginning of a person's occupation.
- All furniture should comply with current regulations – 'The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993)'
- Each unit of living accommodation is maintained in good repair.
- Every installation in the unit is in good repair and clean working order.
- Every window and other means of ventilation is kept in good repair.

7. Waste disposal facilities

Sufficient bins are provided for storage of refuse and litter.

8. Responsibilities of others persons

Managers do not have to do anything with regard to the gas and electricity supply that is the responsibility of the local authority or any other person other than bring it to their attention promptly. There is no duty on a manager to repair or maintain anything which the occupant is entitled to remove from the house.

Occupiers of HMOs must:

- Not hinder the manager in performance of his duties
- Allow manager to enter living accommodation to carry out duties
- Provide manager any information required to allow him to carry out his duties
- Comply with instructions from the manager in respect of means of escape from fire, the prevention of fire and the use of fire equipment.

FIRE SAFETY

The Royal Borough of Kingston has adopted the LACORS Housing Fire Safety Guidance. This can be viewed online at:

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Where the Council proposes enforcement action the actual level of fire protection deemed appropriate will be in accordance with the fire hazard rating assessed by the council officer and will include consultation with the fire brigade. HMO owners are required to undertake a fire risk assessment of communal parts under the Regulatory Reform (Fire Safety) Order 2005.

When a house is let in multiple occupation, the fire risks are increased because separate sources of heating, cooking, etc., are normally provided for each occupation. The occupancy of these properties will often include persons who do not know each other and who might present increased risk through drink or drug habits or maybe, unknown to other occupants, have limited mobility or other physical impairment. It is because of these increased risk factors that it is important that fire protection is properly provided and maintained.

Locks to internal and exit doors must meet the requirements specified in LACORS Housing Fire Safety Guidance.

Fire early warning systems and emergency lighting requires regular maintenance. HMO owners need to put in place systems and checks to ensure the proper working order of fitted alarms and lights.

AMENITY & SPACE STANDARDS

1. Size Of Accommodation

All rooms shall have a minimum floor to ceiling height of 2.3m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53m shall be disregarded. Any area used as an ensuite is not counted towards the floor area

The following is a guide as to what would be expected as minimum room sizes

Bedrooms Containing Cooking Facilities (m ²)	
Number of Occupants	Minimum Room Size
1	13
2	18

Bedrooms not containing cooking facilities		
Number of Occupants	Minimum Room Size (m ²)	Where a separate communal lounge or combined kitchen/dining room is provided
1	10	6.51
2	15	10.22

Note: No more than two people, who are living as a couple, are permitted to sleep in one room.

Minimum size of other rooms (m ²)			
Number of Occupants	Kitchen	Lounge (optional)	Combined kitchen/dining area (optional)
1-5	7	11	17
6-10	10	1m ² for each occupant above 5	1m ² for each occupant above 5

Note: To take advantage of the lower bedroom sizes there must be a lounge or combined kitchen with dining area.

2. Facilities for the Storage, Preparation and Cooking of Food

Each occupancy should have adequate kitchen facilities within the unit of accommodation. A refrigerator with a suitable power point shall be considered a proper food store. A cupboard under the sink will not be considered as adequate.

Kitchens contained within bedrooms should comprise of the following and be of reasonable size providing adequate functional space:-

A sink with drainer made of smooth and impervious material with a supply of hot and cold water. The sink should be properly connected to pipes which safely carry away waste water to discharge into drainage system.

- a) An oven with grill facility and at least two cooking rings, a grill and oven.
- b) A suitable and impervious work top(s) shall be provided for the preparation of food. A minimum size of 600mm x 500mm should be provided.
- c) Two 13 amp electric power sockets in each kitchen (excluding any socket used for an electric cooker, oven, washing machine or fridge freezer). Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- d) A fridge with a gross capacity of a minimum of 130 litres, with a frozen food compartment of at least 15 litres.
- e) A dry food storage cupboard of at least 0.1m³ per unit of accommodation.

Where this is not practicable, each occupancy should have shared kitchen facilities which are suitably located and shared by no more than five persons. There are to be no more than two sets of kitchen facilities in one room.

Shared kitchen facilities for 1- 5 occupants should comprise of the following:-

- a) A sink properly located within a base unit and properly connected to drainage and with at least one drainer or second bowl, each of reasonable size. The sink should have an adequate and wholesome supply of cold drinking water. It should also have an adequate supply of hot water, which may be from a central source or from a plumbed-in water heater unit capable of maintaining a constant flow of hot water.
- b) A full size cooker with at least four rings or equivalent and an oven and grill.
- c) A suitable and impervious work top(s) shall be provided for the preparation of food. A minimum size of 600mm x 500mm per person should be provided.
- d) A minimum of four 13 amp electric power sockets in each kitchen (excluding any socket used for an electric cooker, oven, washing machine or fridge freezer). Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- e) A fridge freezer with a gross capacity of at least 300 litres.
- f) Lockable dry food storage cupboard of at least 0.1m³ per unit of accommodation.

In all shared kitchens we would recommend that in addition to the above, a microwave oven is provided for every five people.

Note: A shared kitchen for 6 – 10 occupants are required to contain additional facilities to include a cooker or a microware, an extra sink and drainer or a dishwasher and an additional fridge/freezer

3. Personal Washing Facilities

Number of occupants	Number of bathrooms	Number of WC's	Minimum number of separate of WC's
1-5	1	1	0
6-10	2	2	1
11-15	3	3	2

1. Each separate occupancy shall be provided, where reasonable and practicable, with a wash hand basin together with its own supplies of hot and cold (drinking) water, delivered by way of fixed taps, situated within the unit of accommodation, and of minimum dimension 500mm x 400mm. A 300mm tiled splash back is to be provided. These must be fit for purpose.

If a sink is provided to comply with the requirements in section D, a separate wash hand basin will not be required.

Where there are only 4 occupiers sharing facilities (e.g. the other parts of the licensable HMO have exclusive use of amenities) a separate wash hand basin will not be required.

2. All baths and showers must be located in a proper room of adequate size and layout and the room and fittings must be fit for their purpose. Baths and showers shall not be provided in kitchens. Every sharing occupant must have access to such a shared bathroom within one floor's distance of his or her letting and be readily accessible (unless en-suite).
3. Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. This must be fit for purpose and not a non-slip surface.
 - Baths should be at least 1.67m in length.
 - A 300mm splash back shall be provided to each wall adjacent to the bath. Where a shower is provided over this is to be extended to ceiling height, and a suitable shower curtain or screen provided.
 - Shower trays should be at least 800mm x 800mm.
 - Where a shower is provided, a shower curtain or shower door is to be provided to the opening side. An impervious splash back is to be provided to all sides. The splash back is to extend to ceiling height.
 - The hot water supply shall be of sufficient capacity, temperature and flow for the bath or shower and be available at all times. The fitting must be permanently plumbed into the hot/cold water system. See section E for shared facilities.
 - Bathrooms must be provided with effective and safe means of heating.

- An effective means of natural/artificial ventilation shall be provided in accordance with the standards of the current building regulations.

Drainage and Sanitary

1. Every sharing occupant must have access to such a shared toilet within one floor's distance of his or her letting.
2. Each shared water closet shall be situated in a room separate from a bathroom or shower room and shall have independent means of access from a common area. All water closet compartments must be of adequate size, and safely and conveniently laid out.
3. There must be adequate natural or mechanical ventilation. Any water closet sited so as to open directly and immediately on to a space intended for the storage or preparation of food shall be provided with mechanical ventilation in accordance with Building Regulations.
4. Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. This must be fit for purpose and not a high slip surface.
5. HHSRS will require that the risk of falls/slips is assessed.
6. A wash hand basin shall be provided in each separate water closet compartment. If this is not possible provide adjacent to the compartment. Each wash hand basin must be supplied with continuous supplies of hot and cold running water delivered by way of fixed taps. A tiled 300 mm splash back shall be provided immediately above each wash hand basin.

4. Space Heating

Each unit of accommodation should be provided with a fixed form of space heating (gas central heating or electric storage heater). This should be capable of achieving and maintaining an average minimum temperature of 21°C in living rooms and 18°C elsewhere. The cost for running the heating is an important consideration and measures to insulate a property should be undertaken where possible

All bathrooms must contain suitable space heating. Portable heating devices are not acceptable.

The occupier of each unit of accommodation must be able to control the temperature within their dwelling, for example via thermostatic temperature valves where central heating is provided or individual wall mounted electric heaters.

5. Natural Lighting

All habitable rooms shall be provided with an area of clear glazing within a window opening to the external area, equivalent of total area to at least 1/10th of the floor area of the room.

All glazing to windows in bathrooms and WCs shall be obscured. Where windows are not possible in bathrooms / WCs / kitchens, a sufficient form of artificial lighting must be provided.

Where a window is present in a staircase, landing and/or hallway, this should be clear glazing. From 1st October 2018

6. Artificial Lighting

All habitable rooms, kitchens, bathrooms, WCs, staircases, landings and passages shall be adequately lit.

There should be sufficient switches to operate the artificial lighting on each landing, hallway or passage and each switch should allow all areas to be lit at the same time.

Time switches are only allowed to common landing, hallways and staircases and should stay on for an adequate time to allow a person to climb stairs etc and enter a room.

7. Ventilation

All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room. Ventilation must be sufficient to allow the control of indoor pollutants and humidity. Additional mechanical ventilation should be considered in some situations.

All kitchens, bathrooms and WCS without openable windows, must have a sufficient form of mechanical extraction.

8. Water Supply

Each dwelling shall be provided with a supply of cold running water suitable for drinking purposes, directly off the rising main and located over a sink or wash hand basin.

9. Refuse Storage and Disposal

Refuse storage container(s) shall be provided, sufficient for the needs of the house and placed in such a manner as to prevent nuisances (smells, obstruction etc.). This applies to internal and external facilities.

10. Soft Furnishings

You must ensure that any furniture and furnishings you supply meets the fire resistance requirements laid down in the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

11. Gas Safety

The Gas Safety (Installation and Use) Regulations 1988 place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. Landlords must ensure an annual safety check is carried out on each gas appliance / flue in the HMO by a competent Gas Safe registered engineer. They should keep a record of each safety check for at least two years and provide a copy of the most recent certificate to the tenants.

All gas appliances should be serviced and maintained in line with manufacturers' recommendations.

This Service strongly recommends the provision of long life sealed carbon monoxide detectors in any rooms containing gas appliances. These should be installed in line with manufacturers' guidelines and meet the European Standard EN 50291, show a British Standards Kitemark or another European approval organisation's mark on it.

12. Electrical Safety

Landlords are required to ensure that the electrical equipment and installations in the HMO are safe. The testing of electrical installations should be undertaken at regular intervals in accordance with an approved contractor's recommendations and not exceeding five years. A visual check of the installation should be carried at each change of tenancy.

If landlords provide any electrical appliances (cookers, kettles, toasters, washing machines, immersion heaters, fridges, tumble driers etc) as part of the tenancy, the Electrical Equipment (Safety) Regulations 1994 and the Management of Houses in Multiple Occupation (England) Regulations 2006 requires them to ensure the appliances are safe to use. All portable appliances should be tested annually by an approved contractor.

For further advice and guidance, please contact:

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