

THE BOROUGH COUNCIL OF BASINGSTOKE AND DEANE

HOUSING ACT 2004

**GUIDANCE ON STANDARDS FOR DECIDING THE
SUITABILITY FOR OCCUPATION OF A HOUSE IN MULTIPLE
OCCUPATION BY A PARTICULAR MAXIMUM OF
HOUSEHOLDS OR PERSONS**

**HOUSING & BENEFITS
CIVIC OFFICES
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1. What is a HMO?

A house in multiple occupation (HMO) can be any building or a part of a building used for living accommodation by more than two people who are not part of the same family, where they occupy the property as their only or main residence, where they share one or more basic amenities, and they pay rent for their accommodation. The full definition of an HMO is contained in sections 254 - 260 of the Housing Act 2004.

In general terms, a house in multiple occupation (HMO) can be any one of the following:

- A **shared house** lived in by people who belong to more than one family sharing one or more basic amenities, such as a toilet, personal washing facilities and cooking facilities.
- A **house in bedsits** lived in by people who belong to more than one family sharing one or more basic amenities.
- An **individual flat** lived in by people who belong to more than one family sharing one or more basic amenities.

To be of the same family, the occupants must be married to each other, live together as husband and wife, live together in a same sex relationship, or be related to each other, such as a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

Certain **converted blocks of flats** may also be an HMO where a building has been converted into, and consists of self-contained flats. To be determined as an HMO, the works of conversion did not comply with the appropriate building standards and still do not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

“Appropriate building standards” means –

- (a) in the case of a converted block of flats completed before 1st June 1992, or which was dealt with by the Building Regulations 1991, and which would not have been exempt under those Regulations, the building standards equivalent to those imposed by those Regulations as they had effect on 1st June 1992; and
- (b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under the Building Act 1984.

The fact that certain converted block of flats may be classed as an HMO does not affect that status of any flat in the block being an HMO.

2. When does a HMO require a licence?

To require a licence, the HMO must:

- be three or more storeys high, and
- have five or more people in residence, forming more than one household

‘Storeys’ include basements and attics if they are occupied (including by a resident landlord), have been converted for occupation, or which are in use in connection with the occupation of the HMO. Commercial premises on the ground or any upper floor will also be included in the calculation of number of storeys, but not basements in purely commercial use.

The following HMO’s do not require a licence:

- A building managed by a Registered Social Landlord
- A building managed by a health service body
- A dwelling occupied by the owner and their family, with no more than two lodgers

3. What must the owner/manager of an HMO do?

- Should the HMO require a licence, the owner/manager must apply for a licence. To operate an HMO, which requires a licence, without a licence is an offence liable to a maximum fine of £20,000. To apply for a licence, please contact Housing Services on (01256) 845331.
- The owner/manager should be satisfied that the HMO meets the minimum standards detailed in section 4.1 below.
- The owner/manager should ensure that the HMO is free from any avoidable category 1 and category 2 hazards, or minimise any such hazards which are unavoidable. Further details on hazards can be found on the Basingstoke and Deane website:
www.basingstoke.gov.uk/housing/standards.
- The owner/manager must manage the property in compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006. See section 5 below for further details.

4. What standards are required in an HMO?

Most of the standards for a licensed HMO are prescribed by Government and are therefore a minimum requirement. Other standards are given as a guide to what the Council believes are reasonable for the health and safety of the occupants. Consideration shall be given to the individual circumstances of the dwelling and what is reasonably practicable in determining the level of amenities and space standards in any particular HMO.

4.1 HMO Standards

Heating

- Adequate controllable heating must be provided within the property. This must include fixed, wall-mounted heaters (can be radiators or other suitable heaters) in every bedroom, lounge, dining room, bathroom, kitchen and other habitable rooms, together within the general circulation areas (e.g. hallways, landings, etc).

Washing facilities and sanitary conveniences

- There must be one toilet with wash hand basin with appropriate splash back for every five sharing occupiers. Where there are four or fewer occupants sharing a single toilet this may be situated in the bathroom. Where there are five persons sharing a toilet, this must be separate from the bathroom but can be contained within a second bathroom. Where there are more than five persons sharing, there must be at least one toilet with wash hand basin which is separate from the bathrooms.
- There must be at least one bathroom with a fixed bath or shower for every five sharing occupiers.
- Where there are four or fewer occupants there is no requirement for wash hand basins to be provided within each unit of accommodation. Where there are five or more occupants, and it is reasonably practicable to do so, every unit of accommodation must contain a wash hand basin (suitable for personal washing) with appropriate splash back (this may be dispensed with if the letting has a sink for the preparation of food). Where this provision is not reasonably practicable, wash hand basins of adequate size shall be provided in the ratio of not less than one amenity per five individuals sharing. These shall be located in or adjacent to the water closet compartments.

- All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water. The cold water serving the wash hand basins must come from a source which is suitable for drinking purposes.
- All bathrooms must be suitably and adequately heated and ventilated.
- All bathrooms and toilets must be of adequate size and layout.
- All baths, toilets and wash hand basins must be fit for purpose.
- All bathrooms and toilets must be suitably located in or in relation to the living accommodation.

Facilities for the storage, preparation and cooking of food

- Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food. The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities
 - sinks with draining boards;
 - an adequate supply of cold and constant hot water to each sink supplied;
 - installations or equipment for the cooking of food;
 - electrical sockets;
 - worktops for the preparation of food;
 - cupboards for the storage of food or kitchen and cooking utensils;
 - refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - appropriate refuse disposal facilities; and
 - appropriate extractor fans, fire blankets and fire doors.
- Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with
 - adequate appliances and equipment for the cooking of food;
 - a sink with an adequate supply of cold and constant hot water;
 - a work top for the preparation of food;
 - sufficient electrical sockets;
 - a cupboard for the storage of kitchen utensils and crockery; and
 - a refrigerator.

Means of escape from fire and other fire precautions

- There shall be provided such means of escape from fire and other fire precautions as the Council considers necessary after consultation with the Hampshire Fire and Rescue Service.

Room sizes and space standards

- No habitable room, regardless of size, shall be occupied by more than two persons.
- In determining the suitability of a room for occupation, children under the age of 1 year shall not be counted, and in no case shall sleeping arrangements be such that any two persons, being 10 years of age or over, of opposite sexes, be required to sleep together in the same room, unless they are co-habitees.

SINGLE PERSON UNIT OF ACCOMMODATION (Minimum areas)

i) One room unit providing bedroom/kitchen/living room;	13.0m ²
One room unit providing bedroom/living room with a separate shared kitchen	10.5m ²
One room unit providing bedroom with a separate shared kitchen and living room	6.5m ²
ii) Two or more roomed units;	
- each living/kitchen	11.0m ²
- each living room	9.0m ²
- each bedroom	6.5m ²

TWO PERSON UNIT OF ACCOMMODATION (Minimum areas)

i) One room unit providing bedroom/kitchen/living room;	15.0m ²
One room unit providing bedroom/living room with a separate shared kitchen	14.0m ²
One room unit providing bedroom with a separate shared kitchen and living room	10.5m ²
ii) Two or more roomed units;	
- each living/kitchen	12.0m ²
- each living room	10.0m ²
- each bedroom	10.0m ²
- each living/bedroom	14.0m ²

4.2 Hostels

Hostels provide accommodation for people with no other permanent place of residence as distinct from hotels which provide temporary accommodation for visitors to the area. This category would include establishments used by the local authority to house homeless families pending permanent placement and houses occupied by people whose occupation is ancillary to their employment and is made available through their employer.

The standards which apply to hostels are the same as for 4.1, except:

- Toilets shall be provided for every five persons sharing irrespective of age. Where only one toilet is required this shall be separate from the bathroom. Where more than one toilet is required, at least 50% of the toilets shall be in accommodation separate from the bathrooms.
- A suitable wash hand basin with constant supplies of hot and cold water shall be provided in every bedroom. A suitable wash hand basin with constant supplies of hot and cold water shall also be located in every shared toilet compartment and shared bathroom.
- There shall be provided within the premises a working telephone available for use by the occupiers and a notice shall be displayed by the telephone with information on the address and telephone numbers of: the local Council, Fire Brigade, Gas Company, Electricity Company, Police Station and local doctors.

- Where the hostel provides accommodation for families with young children, the facilities shall include a safe play area(s) that is located away from the sleeping accommodation and cooking areas.
- Where cooking facilities are shared, the following facilities shall also be provided within each separate letting:
 - a suitable worktop with a minimum surface area of 1000mm x 600mm.
 - a storage cupboard with a minimum capacity of 0.4 m³
- Each shared kitchen shall be no more than one floor distant from any room occupied by the persons for whom it is provided. In smaller hostels of not more than three storeys where this may not be appropriate, a suitable dining room of adequate size shall be provided adjacent to the kitchen(s). Adequate number of chairs and tables shall be provided in dining rooms.
- Where meals are provided by the management, facilities for the preparation, cooking and serving of food shall comply with the relevant housing legislation and food hygiene regulations.
- Room sizes and space standards
 - a) In no case shall a room be occupied by more than 5 persons irrespective of age.
 - b) In no case shall sleeping arrangements be such that any two persons, being 12 years of age or over, of opposite sexes, be required to sleep together in the same room, unless they are co-habitees.
 - c) All rooms must have a minimum floor to ceiling height of at least 2.14 metres over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded.

BEDROOMS

i) Where cooking facilities are provided in a separate kitchen:-

1 person	6.5m ²
2 persons	10.5m ²
3 persons	14.9m ²
4 persons	19.6m ²
5 persons	24.2m ²

ii) Where cooking facilities are provided within the room:-

1 person	10.5m ²
2 persons	13.9m ²
3 persons	18.6m ²
4 persons	23.2m ²
5 persons	27.9m ²

COMMON ROOMS

The area (or aggregate areas if more than one is provided) shall be calculated on the basis of 1m² per person. This shall include one area of at least 15m².

5. What are the management standards for HMO's?

All HMO's are subject to the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006.

These Regulations make provision for ensuring that the manager of an HMO observes proper standards of management. Failure to comply with these Regulations is a criminal offence.

The manager must:

- provide information to the occupiers by ensuring his name, address and any telephone number are clearly displayed in the HMO;
- ensure that each unit of living accommodation and any furniture supplied with it are in a clean condition at the beginning of a person's occupation of it;
- ensure the internal structure of any living accommodation is maintained in good repair and any fixtures, fittings or appliances belonging to the owner/manager are maintained in good repair and in clean working order;
- ensure all common parts, fixtures, fittings and appliances are maintained in good and clean decorative order, maintained in a safe and working condition, and kept clear from obstruction;
- ensure all means of escape in case of fire are kept free from obstruction and are maintained in good order and repair;
- ensure all reasonable measures are taken to ensure the HMO is safe for the occupiers;
- ensure the water supply, all water fittings and drainage system are maintained in good, clean and working condition, and not to unreasonably interrupt these services;
- not unreasonably interrupt the supplies of gas or electricity;
- ensure all outbuildings, yards and forecourts used in common are maintained in repair, clean condition and good order, and any garden belonging to the HMO is kept in a safe and tidy condition; and
- ensure adequate provisions for the storage of refuse.

The manager must also:

- supply the latest gas appliance test certificate to the Council within 7 days of receiving a request; and
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a qualified person, and supply a certificate to the Council within 7 days of receiving a request.