

Housing Services
Houses in Multiple
Occupation:
Standards Booklet



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What is a house in multiple occupation?

The Housing Act 2004 gives the definition of a House in Multiple Occupation (HMO) but in general terms see below.

A House in Multiple Occupation (HMO) is a property:

- a) Which is occupied by three or more people in two or more households and where there is sharing of amenities, or
- b) Which contains at least one non self contained flat and is occupied by three or more people in two or more households, or
- c) Which is occupied by three or more people in two or more households and is split into self-contained flats which do not meet the 1991 Building Regulations and where at least $\frac{1}{3}$ of the flats are occupied under short tenancies.

And is 'occupied' by persons:

- a) as their only or main residence , or,
- b) as a refuge by persons escaping domestic violence, or,
- c) during term time by students, or
- d) for some other purpose that is prescribed in regulations from the government.

A household is defined as:

- a) a single person,
- b) a married or unmarried couple,
- c) a family, or
- d) any other relationship as specified by the government.

If you own or manage an HMO you are advised to consult with the Housing & Health Team regarding the requirements.

Management of Houses in Multiple Occupation

The council aims to ensure that all HMO's in the borough are maintained and managed in a proper manner so that tenants are able to live in safe conditions.

In general every manager should ensure that the house is properly managed, and that:

- The common parts (corridors, staircases, and any shared kitchens and bathrooms) are kept clean and in good repair
- The heating, cooking, washing and toilet facilities are maintained in good repair and proper working order
- The gas, water and electricity supplies are maintained in a safe and fully functioning condition
- All living accommodation is kept in good repair
- All rooms are in a clean condition at the start of a tenancy
- Any fire alarms and other fire precautions are maintained in full working order
- The fire escapes are kept free from obstruction
- The windows are maintained in repair and good order
- Any outbuildings, yards and gardens are kept in a reasonable condition
- Refuse and litter is not allowed to accumulate, and suitable refuse bins are provided and maintained
- A notice is displayed in the house showing the name, address and telephone number of the manager or agent

Standards of Repair

The Housing Health and Safety Rating System (HHSRS) applies from April 2006 to all properties. The hazard categories are:

Damp and mould growth	Excess heat / Excess cold	Asbestos	Biocides
Carbon monoxide	Lead	Radiation	Uncombusted fuel gas
Volatile Organic Compounds	Crowding & space	Entry by intruders	Lighting
Noise	Domestic hygiene, pest and refuse	Food safety	Personal hygiene
Water supply	Falls associated with baths etc	Falling on level surfaces etc	Falling on stairs
Falling between levels	Electrical hazards	Fire	Flames and hot surfaces etc
Collision and entrapment	Explosions	Position and operability of amenities	Structural collapse

If we inspect your property and find that there are hazards in your property you will be informed. The council has a duty to act on the worst hazards (Category 1) and a power to act on all others.

We can:

- serve an improvement notice requiring remedial works;
- make a prohibition order, which closes the whole or part of a dwelling or restricts the number of permitted occupants;
- take emergency action;
- serve a hazard awareness notice;
- make a demolition order (only for category 1 hazards)
- declare a clearance area (only for category 1 hazards)

Minimum Room Sizes

The council has adopted minimum room size standards depending on the type of HMO.

Minimum room sizes					
Use of room		1 person		2 persons	
Sleeping area	- individual	9.0m ²	100sq ft	14.0m ²	150sq ft
Kitchen area	- individual	4.5m ²	50sq ft	4.5m ²	50sq ft
Use of room		1-5 persons		6-10 persons	
Living area	- shared*	11m ²	120sq ft	16.5m ²	180sq ft
Kitchen area	- shared*	7m ²	75sq ft	10.0m ²	110sq ft
Kitchen/diner	- shared*	11.5m ²	125sq ft	19.5m ²	210sq ft

Rooms are measured from wall to wall adding any additional floor area (e.g. built in cupboards, etc). Then discount any projection into the floor area (chimney breasts, etc) and any floor area with a ceiling height of less than 1500mm.

A person is determined by age, therefore a child under 1 is discounted as a person, children aged 1 to 10 are treated as ½ a person and those 11 or over as one person.

The council does not consider single rooms to be suitable for more than two persons.

If a living room is provided the Council may allow a bedroom which is under the minimum size given above.

Amenity Standards

Facilities within HMO's are required to meet certain standards depending on the number of occupants. The facilities should be in a convenient position to enable people to use them comfortably.

Bath / Shower	1 bath (min length 1670mm) shared by up to 5 persons, or
	1 shower (min size 800 x 800mm) shared by up to 5 persons
Toilet	1 toilet with wash hand basin shared by up to 5 persons
Wash Hand Basin	1 basin (min size 560 x 430mm) shared by up to 5 persons
Cooker	2 hot rings plus grill and oven per unit, or
	4 hot rings plus grill & oven shared by up to 5 persons
Sink	1 sink & drainer with hot & cold water per unit, or
	1 sink & drainer with hot & cold water shared by up to 5 persons
Worktop	Minimum size 1000 x 500 mm per unit, or
	Minimum size 2000 x 500 mm shared by up to 5 persons
Food Storage	1 standard base unit (not sink unit) per person
Refrigerator	1 standard size fridge with freezer per unit, or
	1 standard sized fridge and freezer shared by up to 5 persons
Electrical Sockets	2 free electrical sockets above worktop per unit, or
	4 free electrical sockets above worktop shared by up to 5 persons

Fire Precautions

People who live in Houses in Multiple Occupation are at a greater risk of dying in a fire than those who live in a house occupied by a family.

Fire safety is an important aspect of the council's involvement with HMOs. The council requires landlords to improve the level of fire precautions if they do not meet an acceptable standard.

All properties are assessed on an individual basis; you are advised to contact the Housing and Health Team for advice **before** you carry out any works. Alternatively for more information please read the Housing – Fire Safety Guidance on fire safety provisions in certain types of existing houses published by LACoRS in 2008.

In general there should be:

- A mains-powered interlinked smoke detection system, the size and type will be dependant on the size and type of the HMO.
- A fire blanket fixed to a wall in each kitchen.
- Night-latch locks rather than mortice locks if doors are to be provided with locks.

In addition we may require:

- 30 minutes fire resistance to walls and ceilings.
- Fire doors to the rooms off the staircase and landings.
- Emergency lighting at all changes of direction and level.

Licensing

The Housing Act 2004 places a duty on landlords and managers with properties which are occupied by five or more people in at least two households to licence them with the Council. Since 1st October 2018 this includes an HMO with any number of floors.

Purpose built flats where there are three or more flats in the block are exempt. Section 257 HMOs (buildings converted into self-contained flats) are also exempt although an individual self-contained flat occupied as an HMO by five people may be licensable.

We recommend that you contact us if your property meets the above criteria. We will then tell you if the property needs a licence and how to apply for one.

The licence will:

- Last for five years.
- Specify the maximum number of occupants that the property can contain at any one time.
- Include conditions.

If the responsible person fails to:

- Licence the property they could be fined* and rent may be recovered by the tenant.
- Keep the number of persons in occupation to the maximum specified in the licence they could be fined*.
- Keep to the conditions they could be fined* per breach.

*fine currently unlimited.

Gas Safety

Any appliance which burns a fossil fuel (such as gas, coal, or oil) has the potential to produce carbon monoxide (CO). CO is a poisonous gas which has no smell, colour, or taste and which is responsible for the deaths of around 60 people each year. The symptoms of CO poisoning are easily mistaken for those of other commonplace illnesses such as colds or flu.

Under the Gas Safety (Installation and Use) Regulations 1998, all landlords have a duty to ensure:

- That gas appliances provided within rented accommodation are properly maintained
- All gas appliances must be checked for gas safety at least once every 12 months
- All works to gas appliances must, by law, be carried out by CORGI Registered gas installers
- Tenants must be provided with copies of the CORGI gas safety certificate within 28 days of the safety check being completed

Failure to ensure that the gas appliances are checked for gas safety as required by the Regulations is an offence which is enforced by the Health and Safety Executive (HSE).

Any person who carries out works to gas appliances must be Gas Safe Registered and should carry an identity card. If you would like to check a gas installer's Gas Safe Registration please visit www.gassaferegister.co.uk or call 0800 408 5500.

Electrical Safety

There are a number of measures that can be taken to ensure the safety of the electrical installation:

- Electrical repairs must be carried out by competent persons – ideally an electrician registered with the NICEIC (National Inspection Council for Electrical Installation Contracting) or the ECA (the Electrical Contractors Association) and be in compliance with the Building Regulations.
- The installation should be inspected periodically by a competent electrician.
- Periodic Inspection Reports for the electrical installation should be carried out at a minimum of five yearly intervals. The report will certify that there are no dangerous defects.
- All fire alarm, smoke detection and emergency lighting systems should be inspected periodically (as per guidance) by a competent electrician.
- Sufficient electrical sockets outlets should be provided to prevent overloading and the use of trailing extension cables. The following number of double sockets should be provided:
 - 4 sockets in the kitchen
 - 3 sockets in the living room
 - 2 sockets in the bedroom
 - 1 socket in the hallway and landing(s)

Where electrical installations are found to be hazardous the council may serve notices on landlords requiring remedial works to remove the risk to the tenants.

Fire Safety of Furniture and Furnishings

The Furniture and Furnishings (Fire) (Safety) Regulations 1988, set levels of fire resistance for domestic upholstered furnishings. These regulations are enforced by Trading Standards Officers from Kent County Council.

Upholstered furniture filled with polyurethane foam tends to burn quickly and gives off large amounts of smoke and poisonous fumes. Older or second-hand furniture can only be used if it has the appropriate label showing that it is cigarette and match resistant.

The Regulations apply to:

- Beds, mattresses, headboards and pillows
- Sofa beds, futons, scatter cushions and seat pads
- Loose and stretch covers for furniture

The Regulations do not apply to:

- Sleeping bags or loose covers for mattresses
- Bed clothes, duvets and pillow cases
- Carpets and curtains

New furniture that complies with the regulations is sold **with a permanent label** stating that it is cigarette and match resistant. Landlords should ensure that they do not let accommodation with furniture that is not fire resistant.

Energy Efficiency

An energy efficient house is more comfortable to live in and costs less money to run. The advantages of an energy efficient house include:

- Increased asset value of the property
- Reduced maintenance and redecoration costs for the landlord
- Increased tenant satisfaction and fewer complaints
- Reduced problems with damp and mould growth

Minimum Energy Efficiency Regulations:

Since April 2016 private residential landlords cannot unreasonably refuse their tenant's request for energy efficiency improvements where they can be carried out at no cost to the landlord.

Since April 2018 private landlords letting residential properties, need to ensure their properties reach an EPC (energy performance certificate) rating of E or above, before granting a new tenancy. HMOs are exempt from being required to have an EPC but if one is registered for the property it will need to meet the regulations. Please see the private property minimum standard landlord guidance on the gov.uk website for more information.

If the landlord wants to rely on an exemption they will need to register the exemption on the National Exemptions Register. Failure to comply with the regulations, including failure to register an exemption can result in a fine. You can read the full regulations at www.legislation.gov.uk

From April 2020 these requirements above will also apply to privately rented properties with existing tenancies.

Kent Warm Homes Scheme

In Kent, the Warm Homes Scheme provides heavily subsidised loft and cavity wall insulation for domestic properties that is funded by Energy Company Obligation (ECO) funds. You may also find some energy companies will fully or partly fund energy efficiency works. For more information on Energy Efficiency measures, grants and discounts visit www.energysavingtrust.org.uk email energy-advice@est.org.uk or call **0300 123 1234**.

Building and Planning Controls

Building Regulations are designed to protect the health and safety of people living in or near a building, and includes controlling structural stability, drainage and means of escape in case of fire.

Building Regulations approval is required for:

- New building work
- Conversion of a building into flats
- Installing toilets, sinks, baths, showers etc
- Replacement windows
- Replacement heating systems
- Structural alterations including removing load bearing walls

If a person intends to carry out works which may require Building Control approval they should visit www.maidstone.gov.uk/buildingregulations or call **01622 602 701**.

Planning Permission

Planning permission may be required for any external alterations, extensions, or to change the use of a house into a house in multiple occupation. For more information visit www.maidstone.gov.uk/planning email PlanningSupport@MidKent.gov.uk or call **01622 602 736**.

Contact Numbers

Maidstone Borough Council:	01622 602 000
<i>Building Surveying</i>	01622 602 701
<i>Council Tax</i>	01622 602 003
<i>Housing Benefits</i>	01622 602 557
<i>Housing Options</i>	01622 602 440
<i>Housing & Health</i>	01622 602 440
<i>Planning Enquiries</i>	01622 602 736
<i>Refuse & Recycling Collection</i>	01622 602 600
Other Agencies:	
Citizens Advice Bureau	01622 757 882
Gas Safe Register	0800 408 500
Gas Emergency	0800 111 999
Kent Fire & Rescue Service	01622 774 160
Kent Police	01622 677 055
Kent Trading Standards	08457 585 497

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October 2018