

# Houses in Multiple Occupation (HMO)



## Guide for Landlords







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## Introduction

This guidance has been produced by the Private Sector Housing Team of Stratford-on-Avon District Council to assist owners/agents and occupiers in relation to houses in multiple occupation (HMO's), indicating the standards that are expected in this type of accommodation.

HMOs are subject to:-

- The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI 2006 No 372),
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No 373).

The guidance highlights amenities and facilities that will be expected as part of the HMO Licence Conditions under Part 2 of the Housing Act 2004. Larger HMO's must also comply with:-

- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 2007 No 1903) This is in addition to the requirements of the above 2006 Regulations plus other parts of the Act.

## Definition of an HMO

A HMO is defined in law as a building or part of a building (e.g. a flat) in which three or more unrelated persons, forming two or more households, share an amenity such as a bathroom/toilet or kitchen, (refer to section 254 of the Housing Act 2004).

A 'household' is defined as a single person, married couple, cohabiting couple, or members of the same family (blood relatives) who live together (refer to section 258 of the Housing Act 2004).

All HMO's in Stratford-on-Avon district must comply with the space and amenity standards as detailed below.

## Space and Amenities

### Kitchens

Where kitchen facilities are provided within bedrooms or bedsitting rooms they must have the following:

- a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback.
- a fixed impervious worktop measuring not less than 1.0m x 0.6m , with tiled or other impervious splashback.
- a dry food storage cupboard of 0.18 cubic metres (6.4 cubic feet) wall/base unit (sink units are discounted)
- storage cupboard/drawer for crockery and utensil storage
- a refrigerator (minimum gross capacity 66 litres or 2.3 cubic feet)
- a 4 ring cooker with oven and grill (2 rings for single person use), except a microwave oven may be substituted for 2 rings.
- a minimum of two 13 amp electric sockets in the food preparation area adjacent to the worktop.

The kitchen area must have adequate space, suitable layout, ventilation, artificial lighting, and a suitable and impervious floor covering. Kitchens must be arranged to allow safe access and easy use. All facilities must be fit for the purpose.

Where kitchens are shared they should not be more than one floor distant from any user (unless an adjacent dining area is provided), and be provided with the following facilities for every 6 persons:-

- a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback. (Where there are 7 persons sharing, a dishwasher may be installed in lieu of an additional sink/drainage).
- a fixed impervious worktop, not less than 1.5m x 0.6m with tiled or other impervious splashback.
- dry food storage cupboards of 0.18 cubic metres (6.4 cubic feet) per person wall/ base unit or larder (sink units are discounted)
- refrigerator (minimum gross capacity 150 litres or 5.3 cubic feet)
- freezer (minimum gross capacity 120 litres or 4.2 cubic feet)
- 4 ring cooker with oven and grill. (if there are 7 persons sharing, an additional 2 ring cooker, with grill and oven may be provided in lieu of an additional 4 ring cooker, provided it can be suitably accommodated).
- a minimum of four 13 amp electric sockets in the food preparation area adjacent to the worktop, in addition to those provided for major appliances (fridge, microwave, washing machine etc.)
- suitable and sufficient refuse disposal facilities
- a suitable fire blanket and Carbon Monoxide (34B rating) type fire extinguisher

Kitchens must have sufficient space for the number of persons sharing them, and facilities must be fit for the purpose. Kitchens must be arranged to allow safe access and easy use. The kitchen area must have adequate extract ventilation, artificial lighting, and a suitable impervious floor covering.

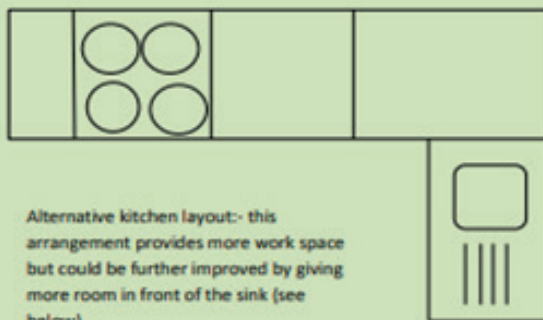
## Kitchen Layouts

### Good Practice

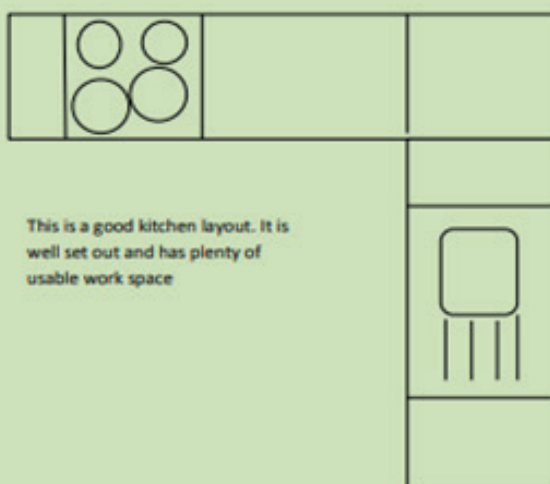
A satisfactory kitchen must be safe, convenient to use whilst allowing good hygiene practices. It must be possible to stand directly in front of the cooker/sink and be able to place utensils/pans/plates down on sides of each. Worktops must be secure, level, impervious and be of an adequate size. Adjacent walls must have tiled 'splash backs' and electric power points must be suitably located



This is the minimum requirements for a kitchen. It incorporates worktop to both sides of the cooker, and working space both sides of the sink-bowl. NB:- the 300mm worktop is the minimum and if possible should be made wider.



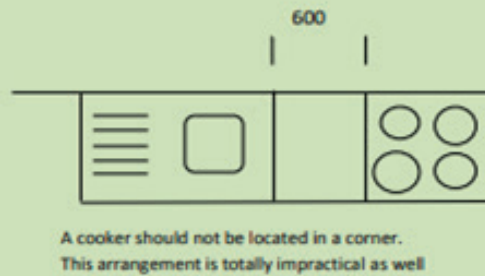
Alternative kitchen layout:- this arrangement provides more work space but could be further improved by giving more room in front of the sink (see below)



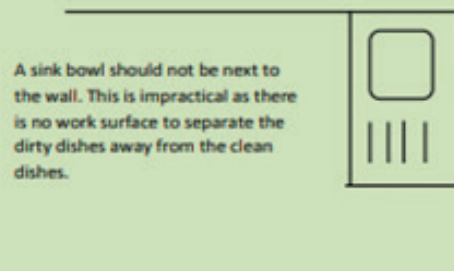
This is a good kitchen layout. It is well set out and has plenty of usable work space

### Unacceptable Layouts

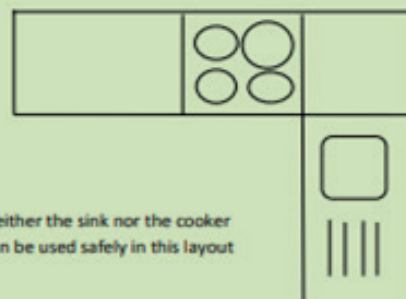
Cookers cannot be used safely if they are located in a corner, and do not have adequate worktop on both sides, or are too close to the sink. Sinks require space to put both the dirty crockery on one side and the clean crockery on the other.



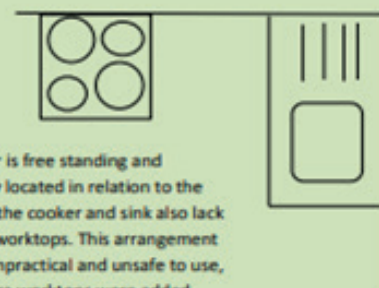
A cooker should not be located in a corner. This arrangement is totally impractical as well as being unsafe to use



A sink bowl should not be next to the wall. This is impractical as there is no work surface to separate the dirty dishes away from the clean dishes.



Neither the sink nor the cooker can be used safely in this layout



The cooker is free standing and improperly located in relation to the sink. Both the cooker and sink also lack adequate worktops. This arrangement is totally impractical and unsafe to use, even if extra worktops were added.

## **Bathrooms**

A bath or shower with hot and cold water supplies and waste drainage must be provided in a suitable room, not more than two floors distant from any occupier, so that there is one bath or shower to not more than 5 persons. Persons with en-suite facilities will be disregarded for the purpose of this ratio. A bath or shower room may contain a WC where there are exactly 5 persons sharing, provided there is also a separate WC in the HMO.

Each bath or shower room must have adequate ventilation, electric lighting and fixed heating.

Each bath or shower room must have a smooth impervious floor covering and sufficient splashback tiling or equivalent to each bath or shower.

Each bath or shower room must be of adequate size and layout, and facilities must be fit for the purpose.

## **WC's**

The following shared toilet provision is required:-

1-4 persons	1 WC (permitted within a bathroom)
5 persons	1 WC (must be separated from the bathroom)
6-10 persons	2 WC's (permitted within bathrooms)
11-15 persons	3 WC's (permitted within bathrooms)
16-20 persons	4 WC's (permitted within bathrooms)
21-25 persons	5 WC's (permitted within bathrooms)
26-30 persons	6 WC's (permitted within bathrooms)

Persons with en-suite facilities will not be counted for the purposes of these ratios.

A WC must be located not more than two floors distant from any occupier.

Outside toilets are disregarded for the purposes of this standard.

Each toilet must have adequate ventilation and artificial lighting, and a smooth impervious floor covering.

Each toilet must be provided with a wash hand basin with hot and cold water supplies, adequate drainage and splash back tiling.

Each toilet must be of adequate size and layout, and facilities must be fit for the purpose.

## **Heating, Lighting and Ventilation**

Space and water heating should be controllable by the occupiers. It must be safely and properly installed and maintained and be appropriate to the design, layout and construction, such that the whole of the HMO can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be managed to ensure that occupiers are not exposed to cold indoor temperatures and should be provided with controls to allow them to regulate the temperature within their sitting rooms and bedrooms.

Adequate written instructions must be made available to occupiers to ensure they can be acquainted with the safe operation of space and water heating equipment. This should include boilers, gas fires, immersion heaters and thermostats.

Each bedroom, sitting room, dining room and bath/shower room must be equipped with adequate means of fixed space heating.

Each bedroom, sitting room and dining room must be provided with adequate natural and artificial lighting. Generally, this should be window(s) having a glazed area of not less than 10% of the room's floor area and suitable electric light point(s). Additional requirements may be imposed in respect of underground (basement) rooms.

Each bedroom, sitting room and dining room must be provided with adequate natural ventilation. Generally, this should be window(s) having an opening area of not less than 5% of the room's floor area.

All halls, stairs, landings and external steps must be provided with adequate artificial lighting.

## **Thermal Insulation**

Each loft space must be fully insulated with a minimum 250mm (10") of insulating material.

All external doors and windows to be suitably draught proofed.

All hot water cylinders must be suitably lagged with an appropriate insulating jacket or factory fitted insulating material.

All water tanks and pipework liable to freezing must be suitably lagged.



## Management of the property

### Fire Precautions

Smoke alarms that are installed in the HMO must be kept in proper working order. The licence holder must supply to the Council, on demand, a declaration as to the condition and positioning of such alarms.

All structural means of escape from fire must be maintained in good order and repair and kept free from obstruction. This includes staircases, passageways, corridors, halls, lobbies and entrances (including entrance doors, porches, steps, gardens and yards).

The integrity of all floors, walls, ceilings and doors shall be maintained to give the necessary fire resistance required.

Fire resisting doors shall be maintained with three 4 inch steel hinges, and where appropriate smoke and heat activated seals and self-closing devices.

The fire alarm system, smoke and heat detectors, sounders, call points and control panels must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5839-1:2002 and BS5839-6:2004 as appropriate.

Any emergency lighting system must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5266-1:2005

Any firefighting equipment must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified service engineer in accordance with BS5306-3:2003.

The responsible person shall bring to the attention of each resident at the beginning of their occupation of the HMO information regarding any fire precautions installed in the HMO and instructions for escape in the event of a fire.

The responsible person must keep furniture (supplied by him to the occupier) in a safe and reasonable condition and supply to the Council, on demand, a declaration by him as to the safety of such furniture, to confirm compliance with the [Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#).

Occupants should be made aware that fire fighting equipment within the property is to facilitate safe exit only.

HMO's are subject to the provisions of the LACORS Housing Fire Safety guidance

## **Gas Installation and Appliances**

Where gas is supplied to the HMO, the responsible person must supply to the Council, on demand, a copy of a current gas safety certificate obtained in the last 12 months and covering each appliance supplied by the landlord. The certificate must be issued by a member of Gas Safe Register. A copy of this certificate must be either displayed in a suitable location within the property or given to the occupiers.

The responsible person shall ensure that liquefied petroleum gas (LPG) is not used or stored on the premises and take suitable steps to prevent occupiers from so doing.

## **Electrical Installation and Appliances**

The responsible person must keep all electrical appliances (supplied by him to the occupier) in a safe condition and supply to the Council, on demand, a PAT (portable appliance test) Certificate issued by a competent person.

The responsible person must supply to the Council, on demand, a copy of a periodical inspection report for the mains wiring installation, carried out by a competent electrician within the last 5 years in accordance with BS7671:2008.

*\*\* A copy of the above items must be either displayed in a suitable location within the property or given to the occupiers.*

The responsible person must undertake a full visual examination of the electric wiring installation and portable electric appliances at the end of the occupier's tenancy or licence period. Any defects identified must be suitably remedied by a competent person.

## **Supply of Services**

The responsible person must not unreasonably cause or permit the supply of gas, electricity, water, or drainage that is used by any occupier to be interrupted.

## **Security**

The responsible person must ensure that external doors and ground floor/basement and other easily accessible windows are fitted with suitable locks. External doors forming the means of escape route in case of fire must be fitted with locks which do not necessitate the use of a key to escape from the inside. Occupiers must be provided with sufficient keys to operate all door and window locks.

## **Anti-Social Behaviour**

The responsible person must ensure that such steps as are reasonably practical are taken so that the HMO is managed in such a way as to seek to prevent or deal effectively with any anti-social behaviour by occupiers or their visitors within the HMO. This includes noise nuisance caused by the playing of loud music at any time of the day but particularly between 23.00 and 8.00.

## **Repair and Maintenance Etc.**

### **Common Parts, Fixtures, Fittings and Appliances**

The responsible person must ensure that all common parts of the HMO are-

- a) maintained in good and clean repair (including where appropriate decorative repair).
- b) maintained in a safe working condition, and
- c) kept reasonably clear from obstruction

In particular:-

- a) all handrails and banisters to be kept in good repair
- b) such additional handrails or banisters required for the safety of the occupiers must be provided
- c) any stair coverings must be safely fixed and in good repair
- d) all windows and other means of ventilation within the common parts must be kept in good repair
- e) common parts must be fitted and maintained with adequate light fittings, including bulbs
- f) fixtures, fittings and appliances (including sanitary conveniences, baths/showers, sinks, wash hand basins, laundry facilities and installations for cooking or storing food) used in common by 2 or more households must be maintained in good and safe repair and in clean working order (otherwise than those which the occupier is entitled to remove or are outside the control of the manager).
- g) outbuildings, yards and forecourts must be maintained in repair, clean condition and good order.
- h) any garden must be kept in a safe and tidy condition
- i) boundary walls, fences, gates and railings must be maintained in good and safe repair so as not to constitute a hazard to occupiers or visitors.

### **Living Accommodation**

The responsible person must ensure that each unit of living accommodation and any furniture supplied by him to the occupier are in clean condition at the beginning of a person's occupation of it.

The responsible person must ensure that the internal structure including windows and other means of ventilation, fixtures, fittings and appliances supplied by him to the occupier, are maintained in good repair and in clean working order. This requirement is enforceable so far as the occupier acts in a tenant-like manner. i.e. where he treats the property in accordance with the covenants or conditions contained in his lease or licence or otherwise conducts himself as a reasonable tenant or licensee would do.

## Water Supply and Drainage

The water supply and drainage system must be maintained in good order. Any tank cistern or similar receptacle for water storage must be kept in a good, clean and working condition and the water supply must be potable, of sufficient pressure and suitably protected from contamination. Water fittings and pipes liable to frost damage must be suitably protected.

## Gaining entry to your property

Whilst tenants are expected to be flexible when allowing access for inspections, repairs and viewings, tenants do not have to allow access where it is not convenient. Clauses in the tenancy agreement which allow entry without notice and/or consent would not be enforceable.

All tenants must be given 24 hours' notice in writing if you, the managing agent or contractor wish to gain access to the property. You should not enter the property without permission unless the tenants have confirmed it is ok to do so. You must not enter the property using your key without permission, doing so may be regarded as an interference with the occupier's enjoyment of the property and harassment.

## Overcrowding and Privacy

Bedrooms, sitting rooms and bed sitting rooms must be of an adequate floor area for the number of occupants in accordance with the following: -

Single bedroom	6.5m <sup>2</sup> .
Single bedroom with cooking facilities	10 m <sup>2</sup> .
Single bed sitting room	10 m <sup>2</sup> .
Single bed sitting room with cooking facilities	13 m <sup>2</sup> .
Double bedroom	11 m <sup>2</sup> .
Double bedroom with cooking facilities	15 m <sup>2</sup> .
Double bed sitting room	15 m <sup>2</sup> .
Double bed sitting room with cooking facilities	20 m <sup>2</sup> .

*Note 1: Where ceiling height is less than 1.52m (5ft) e.g. in an attic room, the corresponding floor area will be disregarded.*

*Note 2: Children less than 12 months old are discounted for the purposes of the space standards set out above.*

*Note 3: Communal sitting rooms will be expected to have a floor area based upon 1.9 sq.m.(20.5 sq.ft) per person. There is no specific requirement for a separate dining area, however, if the communal room is a combined kitchen/sitting/dining room, consideration will be given to the proportion of practicable useable space.*

*Note 4: Where there is judged to be inadequate communal space for sitting/dining purposes, sleeping rooms will be regarded as bedsitting rooms and the appropriate space standards will be applied.*



No persons over the age of ten (10) years and of opposite sexes shall be allowed to sleep in the same room unless they are living as husband and wife or cohabiters. The number of persons residing in the HMO shall not exceed the maximum stated in the licence. The use and occupancy levels must not be varied except by approval of the Council.

No communal room must have its only form of access through a bedroom.

Reasonable sound and fire insulation must be afforded between bedrooms and between bedrooms and living rooms. Glazing and doors providing secondary access must be suitably insulated or replaced with plastered studwork where appropriate.

## Housing Health and Safety Rating System (HHSRS)

The HHSRS System (part of the Housing Act 2004), is currently used by officers to assess risks in domestic residential accommodation. The aim of the system is to either minimize or remove risks from hazards to health and safety in dwellings. When a hazard is individually assessed (scored) a rating for each is generated. This information can then be used to determine the best course of action. The 29 hazards that can be assessed are those associated with, or arising from the following:

Physiological Requirements	Protection Against Infection
01. Damp and mould growth	15. Domestic hygiene, pests and refuse
02. Excess cold	16. Food safety
03. Excess heat	17. Personal hygiene, sanitation and drainage
04. Asbestos (and MMF)	18. Water supply for domestic purpose
05. Biocides	Protection Against Accidents
06. Carbon monoxide & fuel combustion products	19. Falls associated with baths
07. Lead	20. Falling on level surfaces
08. Radiation	21. Falling on stairs
09. Un-combusted fuel gas	22. Falling between levels
10. Volatile Organic Compounds	23. Electrical hazards
	24. Fire
Psychological Requirements	25. Flames, hot surfaces
11. Crowding and space	26. Collision and entrapment
12. Entry by intruders	27. Explosions
13. Lighting	28. Position and operability of amenities
14. Noise	29. Structural collapse and failing elements

Further guidance can be found in on the GOV.uk website

[Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-health-and-safety-rating-system-hhsrs)

## **Waste Storage & Disposal**

The responsible person must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each person or household occupying the HMO for the storage of refuse and litter pending disposal.

The responsible person must make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, either in default of previous/existing occupants or otherwise, having regard to any service for such disposal provided by the Council.

The responsible person shall ensure that refuse and litter are not allowed to accumulate in the HMO except where properly stored pending disposal. In HMO's where no external provision for storage of refuse is made, he shall ensure that satisfactory internal storage is provided, without compromising the means of escape in case of fire.

## **Information for Occupiers**

The landlord/manager must ensure that his name, address and telephone number or that of his manager is conspicuously displayed in the common parts. The licence holder must ensure that a copy of the licence is conspicuously displayed in the common parts.

The responsible person must ensure that occupiers are given clear advice on what action is to be taken in the event of an emergency and that occupiers are provided with contact details for emergencies.

The responsible person must supply to the occupiers a written statement of the terms in which they occupy the HMO upon commencement of occupation. e.g. a tenancy agreement or licence to occupy. A copy of such a statement shall be available on request to the Council.

The responsible person shall maintain comprehensive buildings insurance and property owners' liability insurance in accordance with any approved standards and shall advise his tenants of their responsibility to insure their own possessions.

The responsible person shall provide occupiers with a copy of any instruction manuals necessary to enable them to operate central heating boilers, cookers and gas fires.

Except in emergency, the responsible person must give 48 hours written notice of his intention to enter the HMO to the occupiers and be able to demonstrate that he has reasonable cause for so doing.

## Planning permission

HMO's with six (6) or more tenants may require planning permission and owners/agents/managers are recommended to contact the Stratford-on-Avon District Council Planning Service to clarify the current planning status of the HMO.

Additional issues may arise if the property is a listed building or the proposal involves other planning issues. Landlords/Owners/Managers are advised to visit our website <http://www.stratford.gov.uk> or contact the Planning Service for further information.

Planning Services

Telephone: 01789 267575

Email: [planningenquiries@stratford-dc.gov.uk](mailto:planningenquiries@stratford-dc.gov.uk)

Web page: <http://www.stratford.gov.uk>

## Building Control

Any works of alteration and/or improvement including those requested by the Council may require relevant approval. This includes works such as drainage works to provide additional bathroom facilities; window replacement or alterations to the electrical system, these may require Building Regulation or Building Notice approval. For further information Landlords/Owners/Managers are advised to visit our website <http://www.stratford.gov.uk> or contact the Building Control department.

Building Control

Telephone: 01789 260626

Email: [buildingcontrol@stratford-dc.gov.uk](mailto:buildingcontrol@stratford-dc.gov.uk)

## Further information on Houses in multiple occupation

For further information in respect of the required standard of accommodation, necessary improvement works, management matters or HMO licensing, contact the Private Sector Housing Team

Telephone: 01789 260848

Email: [psht@stratford-dc.gov.uk](mailto:psht@stratford-dc.gov.uk)

Web page: <http://www.stratford.gov.uk>



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