

Houses in Multiple Occupation (HMO) Licensing Frequently Asked Questions

What is an HMO?

The abbreviation 'HMO' stands for 'House of Multiple Occupation'. This is a house or flat that is occupied by three or more unrelated people, forming more than one household who share basic amenities.

What forms a 'Household'?

A household is a single person or members of the same family who live together. A family consists of people who are:

- Married or living together as a couple, including people in same-sex relationships and/or;
- Relatives or half-relatives, e.g. grandparents, aunts, uncles, siblings, step-parents, and step-children.

New Legislation

The new legislation comes into force on **Monday 1 October 2018**.

How is the legislation changing?

All HMOs, irrespective of the number of storeys (floors), which are occupied by five or more unrelated persons must be licensed by the council.

In addition to the standard conditions there will be two new ones;

There will be minimum room sizes in a Licensable HMO, which cannot be let if they do not meet the new minimum standards.

There will be a condition relating to the management and provision storage for domestic refuse.

Why is the legislation changing?

The Government intends that the new legislation will improve the standard and safety of accommodation in the private rented sector.

What are the minimum room sizes?

From 1 October 2018, the floor area of any room in a licensed HMO, which is being used as sleeping accommodation, must not be less than;

- 6.51 square metres for 1 person, aged over 10 years,
- 10.22 square metres for two persons, aged over 10 years,
- 4.64 square metres for one person, aged under 10 years.

Any room in an HMO with a floor area of less than 4.64 square metres cannot be used as a bedroom. Any part of the floor area of a room, where the ceiling height is less than 1.5m, is not taken into account in determining the floor area of that room.

The licence holder must ensure that any room in the HMO which is used as sleeping accommodation is not used as such by more than the maximum number of persons specified on the licence.

What happens if a tenant already occupies a room below the minimum size?

If a room is already occupied and a licence is granted on or after 1 October 2018, regardless of whether a licence was in place prior to this or not, a condition will be put on the licence prohibiting the room but depending on the individual circumstances up to 18 months may be given to comply with the condition..

Wash Hand Basins

Wash hand basins are required in all bedrooms of a licensable HMO where reasonable and practicable. The requirements for each individual property are discussed at the point of inspection by one of our technicians.

The requirements are:

One standard sized wash hand basin (approx. 550mm x 400mm) must be installed in each of the required bedrooms. Each wash hand basin should be supplied with a suitable 300mm waterproof splash back and a constant supply of hot and cold running water. The wash basin shall be connected to the drainage system via a suitable trap and provided with a plug. Any electrical sockets within 300mm of a basin need to be either RCD/RCBO protected or the socket outlet needs to be an RCD socket outlet. All works must comply with current Building Regulations.

How do I apply for a licence?

This can be done via the council's website www.welhat.gov.uk/multipleoccupancy, where you can find details of the applicable fee and required documentation.

How long does a licence last?

A licence will generally be granted for up to 5 years from when the property becomes licensable. However, we may grant a licence for a shorter period in certain cases.

What does the licence fee cover and can I pay in instalments?

The fee covers the cost of processing the application plus the cost of inspections and enforcement throughout the licence period.

The licence fee must be paid in full when submitting the licence application.

An HMO licence is a personal licence and non-transferable and therefore a new licence will be required if the ownership of the property changes.

How long will it take to process my application?

We are expecting a large number of new applications, therefore, it may take some time to receive your licence.

However in order to ensure that you are not in breach of the legislation, it is important we receive your licence application, fee and all required documentation **PRIOR** to the 1 October 2018 or before your property becomes licensable thereafter.

Public register

We are legally required to keep a public register of all licensed HMOs. A summary version can be viewed on the council's website or the full register provided on request.

If my application is refused am I entitled to a refund?

We will retain a part of the fee to cover the cost of work done by the council up to the point of refusal.

Can I appeal?

Yes. We will always inform you of our decision to refuse an application and explain our reasons. However, you have the right to appeal our decision and we will provide you with information on how to do this.

Do you inspect every property?

Yes, we inspect every licensed HMO. We also inspect non-licensable HMOs.

What happens if I do not apply for a licence by 1 October 2018?

It is a criminal offence under section 72(1) of the Housing Act 2004 to operate a licensable HMO without having made a valid application. There are several penalties for operating an unlicensed HMO, i.e.

- If convicted at a magistrates court, an unlimited fine and a criminal record.
- The council can issue a civil penalty or fine, of up to £30,000.
- A rent repayment order can be made to the First Tier Property Chamber who can award the repayment of rent paid by the tenants of an unlicensed HMO for up to a year.
- Section 21 Notices to Quit are not valid whilst an HMO remains unlicensed.
- Any enforcement action will be taken into account when deciding whether you are a 'fit and proper person' to hold a licence.

Repeated offences may result in your inclusion in the Government's database of rogue landlords and property agents.

Note: We can enter HMOs at any reasonable time to investigate offences without having to give notice.

How can I find out if a property has a licence?

If you are unsure if the HMO you are living in needs a licence or has one, then please contact us and we can advise you.

<https://www.welhat.gov.uk/contact/housing-and-community-services>

Reporting an HMO

We would like to hear about any HMOs that may need to be licensed. If you are aware of any properties that you think may be licensable please contact us. The report will be kept confidential and we will not disclose your name to the owner of the property.

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

These regulations impose various duties on the landlord to ensure that the HMO is maintained in a safe condition.

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

The council's amenity standards for all HMOs

This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by Welwyn Hatfield Borough Council.

Do I need planning permission to convert my house to an HMO?

Hatfield

Any property that is changed from a dwelling house to an HMO will require planning permission. This does not affect existing HMOs. For more information refer to Hatfield Article 4 Direction. <https://www.welhat.gov.uk/article4>

Welwyn

Any property that is changed to a **large** HMO (those with more than 6 people sharing) will require planning permission.

Welwyn Garden City Estate Management Scheme (EMS)

If your property falls under the Estate Management Scheme consent is required from the council to convert it from a single dwelling house to an HMO.

<https://www.welhat.gov.uk/EMS>

How do I know if a house I am considering buying (to let) is already being occupied as an HMO?

You will require a Certificate of Lawfulness, which should be obtained by the current owner of the property. Please contact our planning policy team who will be able to advise you further.

<https://www.welhat.gov.uk/article/482/Planning-Policy>

Does there need to be smoke detectors in every bedroom in an HMO?

Yes. The type of fire alarm system required will depend on the property. For more information on fire precautions in HMOs see the GUIDE TO HMOS – INCLUDING FIRE SAFETY. [‘Guide to HMOs – Including Fire Safety’ leaflet](#)