

# **Houses in Multiple Occupation (HMO)**

## **STANDARDS**

# CONTENTS

1.0	Introduction	Page 3
1.1	Definition of a House in Multiple Occupation (HMO)	Page 3
1.2	Self-Contained Test	Page 3
2.0	Legislation that Applies to HMO's	Page 4
3.0	HMO Licensing	Page 4
3.1	Room Sizes	Page 3
4.0	Building Control and Planning	Page 5
5.0	Housing Health and Safety Rating System (HHSRS)	Page 5
	<b>Space Standards</b>	<b>Page 7</b>
	<b>Personal Washing Facilities</b>	<b>Page 9</b>
	<b>Sanitary Conveniences (Toilet Facilities)</b>	<b>Page 10</b>
	<b>Sharing Ratio's for Bathrooms and Sanitary Conveniences</b>	<b>Page 11</b>
	<b>Facilities for Storage, Preparation and Cooking of Food</b>	<b>Page 12</b>
	<b>Fire Safety</b>	<b>Page 13</b>
	<b>Management</b>	<b>Page 17</b>
	<b>Waste</b>	<b>Page 18</b>

## 1.0 Introduction

This guidance has been produced by West Lindsey District Council for Houses in Multiple Occupation (HMO's). The guide has been written to assist owners, agents and occupiers in relation to the standards they should expect in such accommodation.

### 1.1 Definition of a House in Multiple Occupation (HMO)

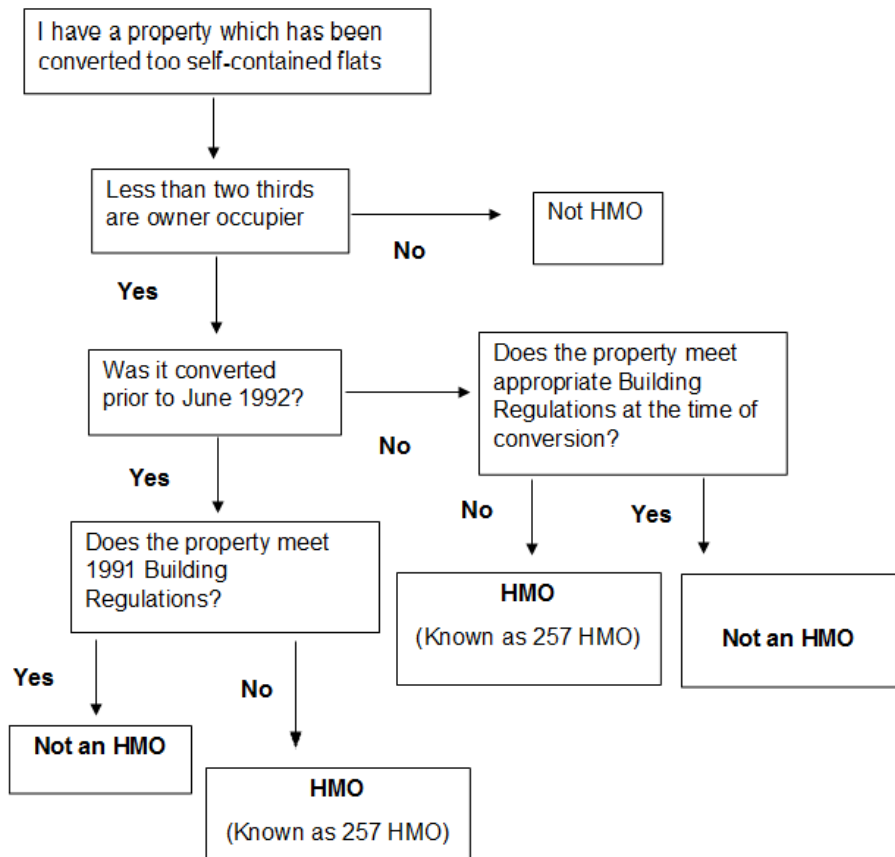
An HMO is defined in detail under Section 254 of the Housing Act 2004. In general terms a HMO is as a house or flat in which 3 or more unrelated individuals forming two or more households share amenities such as a bathroom, toilet or cooking facilities.

A 'Household' is defined as either a single person or members of the same family who are living together.

HMO's are bedsits, shared houses and some converted buildings into self-contained flats (257 HMO)

### 1.2 Self-Contained Test

A building converted into self-contained flats in which less than two thirds are owner occupiers and the conversion does NOT meet appropriate Building Regulations would be classified as an HMO. If the property was converted prior to June 1992, the conversion MUST meet 1991 Building regulations. If the conversion took place after June 1992, the conversion must meet whichever Building Regulations were in force at that time.



## 2.0 Legislation that Applies to HMO's

- All HMO's are subject the Management of Houses in Multiple Occupation Regulations 2006
- 257 HMO's are subject to the requirements of The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- Housing Act 2004 – Housing, Health and Safety Rating System (HHSRS)
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require kitchens, bathrooms and WC's to be of adequate size as set out by this guide.
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- The minimum room sizes are prescribed in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

This guide will explain the legal requirements and provide the Councils approach on how those standards should be achieved.

## 3.0 HMO Licensing

HMO's that are occupied by a least 5 persons in at least two households in accommodation, irrespective of the number of storey's, need a licence.

Any person wishing to apply for a HMO licence can visit [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk) to find out more

When the Local Authority grant a licence for an HMO property, conditions are imposed relating to the minimum room size which maybe occupied as sleeping accommodation.

### 3.1 National Minimum Room Size

Conditions MUST be require the licence holder to ensure that any room used for sleeping accommodation is

- ✓ Not less than 6.51m<sup>2</sup> for one person over 10 years
- ✓ Not less than 10.22m<sup>2</sup> for two persons over 10 years of age
- ✓ Not less than 4.64m<sup>2</sup> for one person aged under 10 years

Specific guidance from the Government on HMOs can be found here <https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities>

## 4.0 Building Control and Planning

In relation to any change of use, the Planning Authority MUST be consulted and the appropriate planning approvals sought.

All works are to be completed in line with current Building Regulations.

Should works be required to a listed building, the Planning Authority and Conservation Officer MUST be consulted prior to any remedial works occurring.

Further information can be found here

[www.west-lindsey.gov.uk/my-services/planning-and-building/planning-and-building-advice/](http://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-and-building-advice/)

## 5.0 Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced a new way in which Local Authorities assess housing conditions in England and Wales. It uses a risk assessment approach called HHSRS, which provides a system (not a standard) to enable risks from hazards to health and safety in dwellings to be removed or minimised.

### 5.1 How do Local Authorities Apply the System?

Local Authorities have a duty to keep the housing conditions in their area under review. Either as a result of that review, or for some other reason, complaint from tenant or neighbour, officers can inspect a property if they have reason to think a health and safety hazard exists there.

As well as providing the legal basis for HHSRS the 2004 Act contains a package of enforcement measures for Local Councils to use. These powers are used to deal with poor housing in the private sector.

Councils have a legal duty to deal with hazards which are assessed as Category 1 under HHSRS and discretionary powers to deal with Category 2 hazards.

**Principles:** The key principle of the system is that a dwelling including the structure and associated outbuildings and garden, yard, and/or another amenity space and means of access, should provide a safe and healthy environment for the occupants and by implication, for any visitors.

**Inspection Process:** A risk base assessment and considers the effect of any hazards in the property. Hazards are rated according to how serious they are and the effect they are having, or could have, on the occupants, that is 'the effect of the defect'. The basic principle is that the property be safe for occupation.

### HAZARDS

There are 29 hazards in relation to the following:

- Dampness, excess cold/heat
- Pollutants, i.e.: asbestos, carbon monoxide, lead
- Lack of space – security or lighting or excess noise
- Poor hygiene, sanitation, water supply
- Accident – Falls, shocks, fire, burns and scalds

- Collisions, explosions and structural collapse

## **5.2 Landlords Role**

The intention of HHSRS is to ensure that owners maintain their properties in a safe and 'healthy' state. E.g. free from hazards that may affect the occupier's health and safety.

If as a landlord you employ an agent, you must ensure that the agent is able to arrange necessary works and ensure that adequate funds are available to do this.

If you require any further information about the Housing Act 2004 or HHSRS then please access the following link:

[www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9](http://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9)

# Space Standards

## Legal Requirements

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 sets out minimum room sizes  
 The Minimum size for a bedroom occupied by 1 person is to be 6.5m<sup>2</sup>  
 The minimum size for a bedroom occupied by 2 people is to be 10.2m<sup>2</sup>

## West Lindsey Requirements

West Lindsey District Council has adopted the following space standards as the minimum requirements

Bedroom Requirements	1 person room	2 person room	3 person room	4 person room
Bedroom with no lounge/dining space elsewhere and cooking facilities not provided in bedroom	10m <sup>2</sup>	15m <sup>2</sup>	20m <sup>2</sup>	25m <sup>2</sup>
Bedroom with adequate lounge or dining space elsewhere & cooking facilities not provided in bedroom	8m <sup>2</sup>	12m <sup>2</sup>	17m <sup>2</sup>	22m <sup>2</sup>
Bedrooms with cooking facilities provided in the room	14m <sup>2</sup>	18m <sup>2</sup>	23m <sup>2</sup>	28m <sup>2</sup>

<b>Kitchen Requirements</b>	7m <sup>2</sup> if used by 1 – 5 persons For over 5 persons an additional 3m <sup>2</sup> per person sharing the kitchen
<b>Dining Space Requirements</b>	2m <sup>2</sup> per person (for those sharing the space) Any dining space (shared or for exclusive use) shall be suitable, and conveniently located (normally not more than one floor from the living unit)

## HMOs with kitchen facilities for the exclusive use of occupants – BEDSITS

1. A bedsit is where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (I.e. One room)
2. A bedsit can be occupied by a maximum number of 2 people
3. Room sizes:
  - 1 person bedroom/sitting room/kitchen must be a minimum of 14m<sup>2</sup>
  - 2 person bedroom/sitting room/kitchen must be a minimum of 18m<sup>2</sup>

## **1 or 2 person self-contained flats contained within a licensable HMO**

1. Where the building is an HMO consisting of self-contained flats, the bedrooms must meet the minimum sizes of 6.5m<sup>2</sup> for one occupant and 10.2m<sup>2</sup> for two occupants
2. The kitchen must be of adequate size and layout. The requirements for this are set out in the above table

### **Notes**

The measured space in any room must be 'usable' space. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room.

**\*Any floor space that has a ceiling height of less than 1.5m (5ft) shall be disregarded for the purpose of measuring the total space in the room\***



# **Personal Washing Facilities**

## **Legal Requirements**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 sets standards for washing facilities as below:

1. Bath/Showers shall be provided in the ratio of at least 1 to every 5 persons sharing
2. The bathroom or shower room shall be readily accessible and normally not more than 1 floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall provide an adequate supply of hot and cold running water, designed to ensure reasonable temperature control
5. Bathroom and shower rooms must have adequate lighting, heating and ventilation
6. Bathroom must be fit for purpose

## **West Lindsey District Council Requirements**

1. Bathrooms MUST have mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second in addition to any window(s). The system is to be an appropriately set humidistat. This is in addition to any windows.
2. A tiled splash back (2 tiled height) shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiles walls and be provided with water-resistant curtain or door to the cubicle. Bathrooms and shower rooms shall have smooth impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
3. Bathrooms and shower rooms must be constructed to ensure privacy.

# **Sanitary Conveniences (Toilet Facilities)**

## **Legal Requirements**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 sets standards for sanitary conveniences as below:

1. Where there are 4 or fewer occupiers sharing facilities there MUST be one toilet which may be situated in the bathroom
2. Where there are five or more occupiers there must be 1 separate toilet with wash hand basin for every five sharing occupiers.
3. Toilets are to be provided in bathrooms or separate compartments of an adequate size and layout. The rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
4. Toilets should be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities MUST be inside the building.
5. A toilet provided in a separate compartment must have a wash hand basin with an appropriate splash-back.

## **West Lindsey District Council Requirements**

1. Each toilet in a separate compartment is required to have a window equivalent to 1/20<sup>th</sup> of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of six litres per second.
2. The wash hand basin MUST be provided in the same compartment as the toilet.
3. Compartments MUST be constructed to ensure privacy.

# Sharing Ratio's for Bathrooms and Sanitary Conveniences

## Legal Requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for the number of bathrooms/showers and toilet facilities in HMO's.

The table below explains the requirements:

<b>Number of people, irrespective of age</b>	<b>Facilities required</b> <i>(If a child under 10 lives in the property, a bath must be provided)</i>
1 – 4 People	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin The bathroom and toilet maybe in the same room
5 People	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin The separate toilet maybe located in the second bathroom
6 – 10 People	The minimum provision is  2 bathrooms containing a bath or shower 2 toilets with wash hand basins, one of which must be in a separate room
11 – 15 People	The minimum provision is:  3 bathrooms containing a bath or shower 3 toilets with wash hand basins, one of which must be in a separate room
Bedrooms with en-suites	Where a bedroom is provided with a complex en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provisions of sanitary facilities.  Six occupants and one occupant had exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for 5 people.  If, however, the en-suite only provides one facility (either a bath, shower or WC) then the occupant will not be disregarded for the missing amenity.

# **Facilities for Storage, Preparation and Cooking of Food**

## **Legal Requirements**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require:

1. A kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities such as to adequately enable those sharing the facilities to store, prepare and cook food.
2. 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:
  - i) sinks with draining boards
  - ii) an adequate supply of cold and constant hot water to each sink supplied
  - iii) installations or equipment for the cooking of food
  - v) worktops for the preparation of food
  - vi) cupboards for the storage of food or kitchen and cooking utensils
  - vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers)
  - viii) appropriate refuse disposal facilities; and
  - ix) appropriate extractor fans, fire blankets and fire doors

## **West Lindsey District Council Requirements**

- The kitchen **MUST** be contained in the main building and located not more than one floor distance from the bedrooms
- All kitchen facilities must be available for use 24 hours a day
- The kitchen layout **MUST** be safe, convenient and allow good hygienic practices
- Cookers should be located away from doorways and have enough floor space for items to be safely retrieved from the oven
- It **MUST** be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each
- If two sets of facilities are provided the layout **MUST** allow them to be used safely at the same time

# Fire Safety

The fire precautions recommended for all HMO's include:

- Means of detection
- Means of escape
- The formulation of an emergency plan

The tables below highlight requirements depending upon the HMO type

Please NOTE if there is excessive travel distance to exit the building or it has listed building status, expert advice is to be sought.

## **Bedsit Type of 3 or 4 storey's**

Escape routes	30 Minute protected route: <ul style="list-style-type: none"> <li>✓ 30 minute fire resisting construction</li> <li>✓ FD30S doors to all risk rooms</li> </ul>
Fire separation	30 minute fire separation between units of accommodation throughout
Fire detection and alarm systems	<p><b>Mixed system</b> Grade A, LD2 system</p> <ul style="list-style-type: none"> <li>✓ Smoke detectors located throughout the escape route</li> </ul> <p>Where cooking facilities are sited <b>within</b> the bedsits</p> <ul style="list-style-type: none"> <li>✓ Heat detectors located in each bedsit</li> <li>✓ Additional Grade D, non-interlinked smoke alarm with integral battery back-up located in each bedsit</li> </ul> <p>Where cooking facilities are sited in a shared kitchen, <b>not</b> within bedsits</p> <ul style="list-style-type: none"> <li>✓ Smoke detectors located in each bedsit</li> <li>✓ Heat detectors located in each kitchen</li> <li>✓ Additional interlinked smoke alarms with integral battery back-up located in any cellar</li> </ul>
Lighting of escape routes	Emergency escape lighting required Conventional artificial lighting required
Firefighting equipment	Fire blanket to be provided in each bedsit within cooking facilities and in shared kitchens.

## **Shared house up to 3 storey's**

Escape routes	<ul style="list-style-type: none"> <li>✓ Sound traditional construction required</li> <li>✓ Suitable escape door or escape windows to bedrooms and living rooms</li> <li>✓ Escape route should NOT pass through risk rooms</li> </ul>
---------------	---

	✓ Sound, well-constructed and close fitting, conventional doors required
Fire separation	Walls and floors of sound traditional construction If a cellar is present, 30 minute separation between the cellar and the ground floor escape route required.
Fire detection and alarm systems	<b>Mixed system</b> Grade D, LD3 system <ul style="list-style-type: none"> <li>✓ Interlinked mains wired smoke alarms with integral battery back-up located in the escape route at ground and first floor levels</li> <li>✓ Additional interlinked heat alarm with integral battery back-up located in the kitchen</li> <li>✓ Additional interlinked smoke alarm with integral battery back-up located in the lounge</li> <li>✓ Additional interlinked smoke alarm with integral battery back-up located in any cellar</li> </ul>
Lighting of escape routes	No requirement for emergency escape lighting required <ul style="list-style-type: none"> <li>✓ Conventional artificial lighting required</li> </ul>
Firefighting equipment	Fire blanket to be provided in the kitchen.

## Management and Maintenance of Fire Safety

The responsible person (the manager) is responsible for ensuring that the day to day management of the fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out.

### Escape Routes

- ✓ Must be free from obstruction at all times and regular checks should be made to guarantee this
- ✓ There should be no storage within the routes
- ✓ There should be no trip hazards such as travelling electrical leads or worn carpets
- ✓ All fire resisting doors should be effectively self-closing to engage their latches throughout with no obstruction or hindrances such as catching carpets. No fire door should be propped or edged open. Any damage to fire doors should be noted and repaired. Any damaged or missing smoke seals must be replaced like-for-like
- ✓ Final exit doors MUST have a security lock that can be opened from the inside without a key.
- ✓ Locks on bedroom doors (where provided) must be provided with a lock that can be opened without a key from the inside

- ✓ Under stair cupboards MUST have a ceiling that is 30 mins fire resistant

### **Artificial Lighting**

- ✓ Conventional staircase lighting must be working properly throughout at all times. Any blown bulbs should be replaced and all switches should be working.
- ✓ Any emergency escape lighting must be serviced and maintained in accordance with BS 5266-8:2004

### **Automatic Fire Detection and Warning Systems**

- ✓ Automatic fire detection and fire alarm systems should be tested and serviced in accordance with the recommendations of BS 5839-6

### **GRADE A Systems**

- ✓ A weekly test by the responsible person which could be the landlord, managing agent or person appointed by them. At least 1 detector or call point in each zone should be tested to ensure correct operation. Any defect should be recorded in the log book along with the date and extent of the remedial action.
- ✓ A six monthly service must be carried out by a competent person, usually a specialist alarm engineer under a maintenance contract. It entails a full test to ensure compliance as specified within BS5839-6 and it should be recorded in the log book and a periodic inspection and test certificate issued.

### **GRADE D Systems**

- ✓ A weekly test where each alarm is activated using the test button
- ✓ All alarms should be cleaned periodically in accordance with the manufacturers recommendations

### **Fire Blankets and Extinguishers**

- ✓ Where provided, these should be checked periodically to make sure that they are in place and available for use. Extinguishers must be tested on an annual basis, and in accordance with the manufacturer's instructions.

### **Gas Installations**

- ✓ The Gas Safety (Installations and Use) Regulations require that gas installations and appliances receive a gas safety check annually. It must only be carried out by a Gas Safe Registered Engineer. The findings must be recorded and the records kept for 2 years.

## **Electrical Installations**

- ✓ All electrical equipment should be installed and maintained in a safe manner by a competent person and should be inspected periodically by a competent electric engineer. Every 5 years is recommended.

## **Information and Training**

Each occupier should be given specific advice on fire prevention and fire safety in the home. This should be given at the start of each new tenancy and reviewed periodically. Information should include:

- ✓ An explanation of the escape routes particularly where secondary means of escape is provided
- ✓ How the fire detection and alarm system operates and what to do if it activates
- ✓ If extinguishers or fire blankets are provided, training in their application and safe use
- ✓ Avoidance of false alarms
- ✓ How and when to call the fire brigade
- ✓ How to report defects
- ✓ The importance of maintaining clear escape routes, free of storage
- ✓ The importance of keeping fire doors closed, not propped or wedged open
- ✓ Smoking and cooking safely
- ✓ Gas safety advice
- ✓ Safe storage and disposal of refuse

## **Record Keeping**

- ✓ It is recommended that a property log book is kept and all routine maintenance and servicing activity, as recommended in this guide, is recorded in it along with all reported defects and remedial action taken, including false alarms. Model log books may be available from landlord associations or via landlord accreditation schemes.



# Management

## Legal Requirement

There are management regulations that apply to all HMO's.

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all HMO's except those consisting of entirely of self-contained flats. For HMO's consisting of self-contained flats, then the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply.

The Regulations can be accessed in full at [www.legislation.gov.uk](http://www.legislation.gov.uk). Under both sets of Regulations the person in control of or managing the HMO has a number of duties:

- Provision and display of the managers contact information to the occupiers
- Maintenance of common parts, fixtures, fittings and appliances
- Maintenance of living accommodation
- Safety measures, including fire safety
- Supply and maintenance of gas and electricity
- Maintenance of water supply and drainage
- Provision of waste disposal facilities

Occupiers of HMO's have a duty to ensure that they take reasonable care to avoid damage and disrepair to the property, and do NOT act in such a way as to obstruct the manager in complying with any Management Regulation. It is an offence to fail to comply with the Regulations. The Council can prosecute when landlords or agents do not comply with the Regulations. If found guilty, on conviction the Court can impose a fine of up to level 5 on the standard scale (currently £5000) per breach. Local Authorities are now able to impose a civil penalty of up to £30,000 as an alternative to prosecution for **each** separate breach of the management regulations.

# **Waste**

## **Legal Requirement**

The Management of Houses in Multiple Occupation (England) Regulations 2006 require landlords to provide adequate bins for the storage of refuse, having regard to the disposal services provided by the local Authority.

## **West Lindsey District Council Requirements**

Properties in some areas of West Lindsey remain on sack service for their refuse and recycling collections.

An HMO, however, is a commercial enterprise and West Lindsey offer a solution in relation to commercial waste. More information is available here [www.west-lindsey.gov.uk/my-business/business-services/commercial-waste-solutions/](http://www.west-lindsey.gov.uk/my-business/business-services/commercial-waste-solutions/)