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## Houses in Multiple Occupation

Lyn Ibbitson, Senior Housing Standards Officer

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### Definition of an HMO – Housing Act 2004

- Most Houses in Multiple Occupation are properties rented out to 3 or more people who do not form the same household and share facilities such as a bathroom or kitchen;
- There are other HMOs including some buildings converted into flats;
- A detailed definition can be found in the Housing Act 2004 s254-259

## Mandatory licensing of HMOs

HA 2004 – *the current situation*

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- Five or more people forming more than one household
- At least three storeys
- The occupants share toilet, bathroom or kitchen facilities
- Currently we have 30 licensed HMOs

## HMO Management Regulations

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- Adequate facilities for the level of occupancy
- Windows and bannisters in good repair
- Clean communal areas
- Regular testing of gas and the electrical system
- Overcrowding
- We risk assess the frequency of inspections

## Standards that apply in HMOs

HHSRS – 29 hazards e.g.

(6) Carbon monoxide (1) damp and mould, and  
(2) Excess cold



## HHSRS - overcrowding

(11) Overcrowding



## Standards that apply to all

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- Safe electrics



## HHSRS-apply to all properties incl. HMOs

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Falls between levels



## Shower in a larder

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## Receptacles strategically placed to catch rainwater

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What's behind the square window today?



A horse on the roof!



## The HMO Licensing process

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- Application completed, information supplied
- Validation (of documents provided)
- Check ownership, planning
- Assess the proposed management arrangements
- Issue a draft licence (consultation period)
- Right of appeal

## Identifying HMOs – how do we find them?

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- Via officers from other departments
- Neighbour's complaint
- Tenant's complaint
- Noise/ASB
- Extra bins being requested
- Police, Fire Service, Gangmaster and Labour Abuse Authority, Immigration
- Facebook, Gumtree!

## HMO investigations

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- Check any history on the property
- Create a new record and log info
- Officer makes contact to check on signs of multi-occupancy
- Visit and assess whether licensable or not
- If licensable, owner advised of process
- Officer, if able to assess the property condition, advise, take appropriate action

## Ministry of Housing, Communities and Local Government\*

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- Housing is back on the agenda at Cabinet level, and for the first time since 1970, *housing* appears in the title of the department and the title of the Secretary of State responsible for it, Sajid Javid.
  
- \* formerly DCLG



Government review of HMO licensing  
*...what is coming*

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- HMO licensing has had a positive impact on improving conditions in larger properties, but growth in the market has led to some smaller properties being let that fall outside the parameters of licensing;
- Expanding licensing will uncover any landlords letting properties below an acceptable standard and help to enable councils to require improvements;

Government proposals: to extend  
mandatory HMO licensing to include:

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- 5 unrelated occupiers – not dependent on having 3 storeys
- Self-contained flats (with 5 occupiers)
- Minimum sleeping room size 6.5m<sup>2</sup>
- Detailed definitions, effective date and guidance awaited (*probably April*)

HMO upstairs from restaurant



Plug socket behind the same bed with  
an extension lead on an extension lead



## HMO above another restaurant

Stairs from 1<sup>st</sup> to 2nd  
very steep  
uneven treads  
no handrail  
lino longer than the tread  
Window at the top only  
No artificial lighting



## A successful prosecution...



not an HMO but...

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unfortunately this is how some live

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## Fire in an HMO



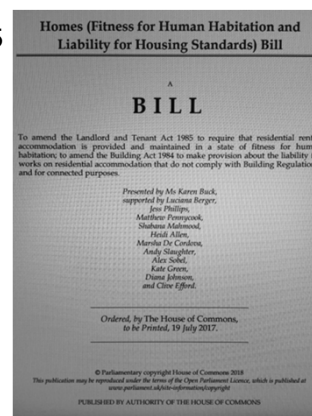
This HMO became a squat





## Homes (Fitness for human habitation)

- The government stated recently that it is going to support Karen Buck MP's Private Member's Bill which requires that properties to be fit when they are let.
- It amends the Landlord and Tenant Act 1985
- and the Building Act 1984
- Tenants will be able to take their own action.
- The second reading was on 19<sup>th</sup> January.



## Changes affecting bad landlords

- Civil Penalties – up to £30,000  
(money to the Council, not the Court)
- Rent Repayment Orders – up to 12 months' rent returned to tenant (or Council)
- Banning Orders – where a landlord with a poor track record can be regarded as not *Fit & Proper* not just for housing offences but those involving offences unrelated to housing

APPENDIX 1- Financial Penalty Notice Matrix

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total
1 - Deterrence & Prevention (Pick only one box to the right)	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending (e.g. no contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.	
2 - Application of Financial Incentive (Pick only one box to the right)	No significant assets. No or very low financial profit made by offender.	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.	
3 - Offence & History (Pick only one box to the right)	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offence of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.	
4 - Harm to Tenant(s) (Weighting x 2) (Pick only one box to the right)	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants	Double score



	impact.	primary or secondary evidence.	more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	exposed. Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).	
Final Total					Add total of above here

Score Range	Fee
1 - 5	£250
6 - 10	£500
11 - 20	£750
21 - 30	£1,000
31 - 40	£2,500
41 - 50	£5,000
51 - 60	£10,000
61 - 70	£15,000
71 - 80	£20,000
81 - 90	£25,000
91 - 100	£30,000

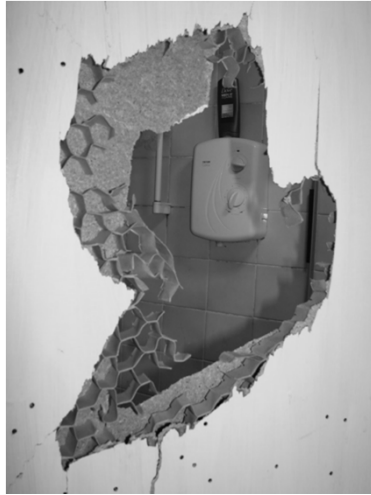
Scoring regime –

- Each row should be scored in order with only one option being chosen for each row.
- All rows MUST be scored.
- Note the score in the Total column.
- Factor 4 - Harm to Tenants has an additional weighting, which will double the selected score.
- In the final cell at the bottom of this column insert the final total.
- The score should then be compared to the sliding scale of enforcement fee to be levied.

## Minimum Energy Efficiency Standards

- MEES Regs – working towards rented properties only being rented out with satisfactory thermal insulation
- From April 18 for a new tenancy, a property should be rated an E on an Energy Performance Certificate (EPC)
- Bedsits don't require EPCs unless the building had previously been assessed. But a self contained flat within an HMO with shared facilities etc. does need one.

Boo



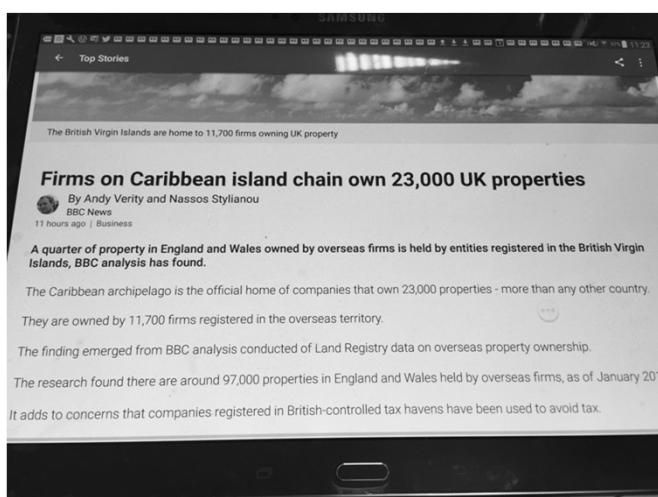
Poo



## Housing and Planning Act ...

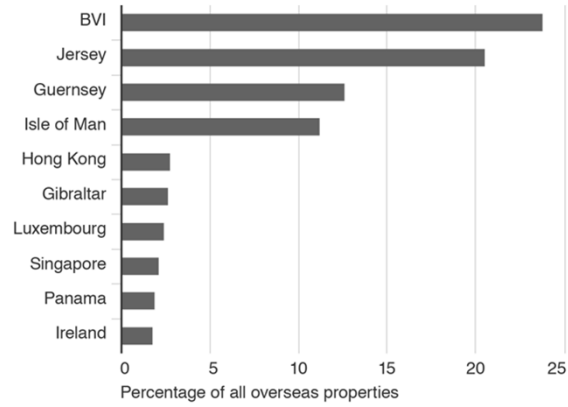
- Insert the following new Clause—
- **“Electrical safety standards for properties let by private landlords**
- in relation to—
- (a) the installations in the premises for the supply of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a
- qualified person has checked that the electrical safety standards are met.
- (5) The regulations may require the landlord—
- (a) to obtain a certificate from the qualified person confirming that
- electrical safety standards are met, and
- (b) to give a copy of a certificate to the tenant, or a prospective tenant, or
- any other person specified in the regulations.
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## Property owners overseas



### Top 10 countries owning properties in England and Wales

One in four properties registered overseas are owned by companies in the British Virgin Islands (BVI)



Source: Land Registry Overseas Company Ownership Data, January 2018

