

HOUSES IN MULTIPLE OCCUPATION STANDARDS (HMOs)



What is a HMO?

A house in multiple occupation (HMO) exists where three or more unrelated people live in a property and who share amenities such as a kitchen, bathroom and/or WC. This could be a flat, maisonette or a house and the occupiers could be on one or multiple tenancy agreements.

Why is the Council concerned about HMOs?

HMOs provide affordable housing for many young and vulnerable tenants. However, it is possible to find the very worst housing standards in HMOs and these tenants are most at risk from poor management.

The most common problems associated with multiple occupancy relate to poor fire safety standards, overcrowding, inadequate facilities and poor or unscrupulous management. HMOs will be inspected for hazards using the housing health and safety rating system under Part 1 of the Housing Act 2004.

IMPORTANT NOTE ABOUT MANDATORY HMO LICENSING

A **Mandatory Licensing Scheme** applies to all HMOs throughout England and Wales with 3 or more storeys and 5 or more persons comprising two or more households and where there is a sharing of amenities or where it is a converted building which does not entirely comprise of self-contained flats.

In addition, the Royal Borough of Kingston introduced an **Additional Licensing Scheme on 1st December 2012**. This applies to those properties that are 1 or 2 storeys in height and are occupied by 5 or more people and 3 or more storeys in height and are occupied by 3 or 4 people.

Note: Commercial premises, basements and attics converted into living space all count as a storey.

A failure to apply to license such properties can incur an unlimited fine as well as other possible sanctions.

Licensable HMOs will receive a full inspection on receipt of a valid application and, where found to be deficient in amenity, fire safety or management standards, will be issued with an appropriate schedule of works. Fire safety requirements will be subject to consultation with the Fire Brigade.

1. Bedsit type properties

Houses occupied as individual rooms, including some or all as bed-sits and flatlets. There will be a number of rooms for exclusive occupation, not necessarily behind one door, with some sharing of amenities such as bathroom and/or toilet and generally having its own food preparation and cooking facilities with no communal dining or living area.

In bedsit type accommodation, all lighting, fire alarm systems, emergency lighting is to be provided, maintained and paid for by the landlord or their agent in bedsit type accommodation. This Service would recommend all bills are included within the rent for each unit (water, gas, electric).

2. Shared Houses

Houses occupied on a shared basis as though by a single family or “household” but are legally HMOs, as the occupants are not all members of the same family. (N.B. the Housing Act 2004 defines a “household” as comprising members of the same family, therefore, student accommodation with 3 or more occupants is an HMO).

3. Houses converted entirely into self contained flats

These are not subject to Mandatory or Additional Licensing unless an individual flat meets the licensing criteria. Conversions made under and certified with Building Regulation approval after 1991 are no longer legally HMOs but older conversions will still be HMOs.

FIRE SAFETY

The Royal Borough of Kingston has adopted the LACORS Housing Fire Safety Guidance. This can be viewed online at:

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Where the Council proposes enforcement action the actual level of fire protection deemed appropriate will be in accordance with the fire hazard rating assessed by the council officer and will include consultation with the fire brigade. HMO owners are required to undertake a fire risk assessment of communal parts under the Regulatory Reform (Fire Safety) Order 2005.

When a house is let in multiple occupation, the fire risks are increased because separate sources of heating, cooking, etc., are normally provided for each occupation. The occupancy of these properties will often include persons who do not know each other and who might present increased risk through drink or drug habits or may, unknown to other occupants, have limited mobility or other physical impairment. It is because of these increased risk factors that it is important that fire protection is properly provided and maintained.

Where any special measures are required for the means of escape for disabled occupants, these should be provided in accordance with BS 9999:2008 (Fire precautions in the design, construction and use of buildings, Code of practice for means of escape for disabled people).

Locks to internal and exit doors must meet the requirements specified in LACORS Housing Fire Safety Guidance.

The new Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduce new requirements for smoke detectors in non-licensed HMOs.

Fire early warning systems and emergency lighting requires regular maintenance. HMO owners need to put in place systems and checks to ensure the proper working order of fitted alarms and lights.

AMENITY & SPACE STANDARDS

1. Size Of Accommodation

All rooms shall have a minimum floor to ceiling height of 2.3m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53m shall be disregarded.

The following is a guide as to what would be expected as minimum room sizes.

Area of room	Maximum Number of Persons Allowed
Bedsit rooms Containing Cooking Facilities:	
13m ²	1
18m ²	2
Shared House Rooms Not Containing Cooking Facilities:	
6.5m ²	1*
10m ²	1**
15m ²	2

* Where a shared house HMO has a separate communal lounge which is not a kitchen.

** Where a shared house HMO has no separate communal lounge.

Note: No more than two people, who are living as a couple, are permitted to sleep in one room.

2. Facilities for the Storage, Preparation and Cooking of Food

Each occupancy should have adequate kitchen facilities within the unit of accommodation. A refrigerator with a suitable power point shall be considered a proper food store. A cupboard under the sink will not be considered as adequate.

Kitchens for exclusive use facilities should comprise of the following and be of reasonable size providing adequate functional space:-

- a) A sink with drainer made of smooth and impervious material with a supply of hot and cold water. The sink should be properly connected to pipes which safely carry away waste water to discharge into drainage system.

- b) An oven with grill facility and at least two cooking rings.
- c) A suitable and impervious work top(s) shall be provided for the preparation of food. A minimum size of 600mm x 500mm should be provided.
- d) Two 13 amp electric power sockets in each kitchen (excluding any socket used for an electric cooker, oven, washing machine or fridge freezer). Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- e) A fridge with a gross capacity of a minimum of 130 litres, with a frozen food compartment of at least 15 litres.
- f) A dry food storage cupboard of at least 0.93m³ per unit of accommodation.

Where this is not practicable, each occupancy should have shared kitchen facilities which are suitably located and shared by no more than five persons. There are to be no more than two sets of kitchen facilities in one room

Shared kitchen facilities should comprise of the following and have a minimum floor area of 7m² providing adequate functional space:-

- a) A sink properly located within a base unit and properly connected to drainage and with at least one drainer or second bowl, each of reasonable size. The sink should have an adequate and wholesome supply of cold drinking water. It should also have an adequate supply of hot water, which may be from a central source or from a plumbed-in water heater unit capable of maintaining a constant flow of hot water.
- b) A full size cooker with at least four rings or equivalent and an oven and grill. In one and two person units, cooking facilities should normally consist of an electric appliance with at least 2 hot rings or equivalent and a grill and oven.
- c) A suitable and impervious work top(s) shall be provided for the preparation of food. A minimum size of 600mm x 500mm per person should be provided.
- d) A minimum of four 13 amp electric power sockets in each kitchen (excluding any socket used for an electric cooker, oven, washing machine or fridge freezer). Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- e) A fridge freezer with a gross capacity of at least 300 litres.
- f) Lockable dry food storage cupboard of at least 0.93m³ per unit of accommodation.

In all shared kitchens we would recommend that in addition to the above, a microwave oven is provided for every five people.

3. Personal Washing Facilities

Number of Occupants	Number of Bathrooms Required	Number of WCs Required	Minimum Number of WCs required in a separate compartment
1 – 5	1	1	0
6 – 10	2	2	1
11 - 15	3	3	2
16 -20	4	4	2
21 – 25	5	5	3
26 - 30	6	6	3

Each bath shower and wash hand basin should be provided with an adequate supply of hot and cold water. The supply of hot water should be from a central source or from a plumbed-in unit water heater capable of maintaining a constant flow of hot water.

All baths and showers should be located in properly compartmented rooms which have adequate lighting and natural or mechanical ventilation. In addition, each bathroom should have surfaces which are designed to be reasonably smooth and non-absorbent and capable of being readily and easily cleaned.

All bathroom and WC compartments should have adequate lighting and natural and / or mechanical ventilation.

All bathrooms should be laid out to provide adequate functional space for the user.

4. Space Heating

Each unit of accommodation should be provided with a fixed form of space heating (gas central heating or electric storage heater). This should be capable of achieving and maintaining an average minimum temperature of 21°C in living rooms and 18°C elsewhere. The cost for running the heating is an important consideration and measures to insulate a property should be undertaken where possible

All bathrooms must contain suitable space heating. Portable heating devices are not acceptable.

The occupier of each unit of accommodation must be able to control the temperature within their dwelling, for example via thermostatic temperature valves where central heating is provided or individual wall mounted electric heaters.

5. Natural Lighting

All habitable rooms shall be provided with an area of clear glazing within a window opening to the external area, equivalent of total area to at least 1/10th of the floor area of the room.

All glazing to windows in bathrooms and WCs shall be obscured. Where windows are not possible in bathrooms / WCs / kitchens, a sufficient form of artificial lighting must be provided.

Where a window is present in a staircase, landing and/or hallway, this should be clear glazing.

6. Artificial Lighting

All habitable rooms, kitchens, bathrooms, WCs, staircases, landings and passages shall be adequately lit.

There should be sufficient switches to operate the artificial lighting on each landing, hallway or passage and each switch should allow all areas to be lit at the same time.

Time switches are only allowed to common landing, hallways and staircases and should stay on for an adequate time to allow a person to climb stairs etc and enter a room.

7. Ventilation

All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room. Ventilation must be sufficient to allow the control of indoor pollutants and humidity. Additional mechanical ventilation should be considered in some situations.

All kitchens, bathrooms and WCs without openable windows, must have a sufficient form of mechanical extraction.

8. Water Supply

Each dwelling shall be provided with a supply of cold running water suitable for drinking purposes, directly off the rising main and located over a sink or wash hand basin.

9. Refuse Storage and Disposal

Refuse storage container(s) shall be provided, sufficient for the needs of the house and placed in such a manner as to prevent nuisances (smells, obstruction etc.). This applies to internal and external facilities.

10. Soft Furnishings

You must ensure that any furniture and furnishings you supply meets the fire resistance requirements laid down in the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

11. Gas Safety

The Gas Safety (Installation and Use) Regulations 1988 place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. Landlords must ensure an annual safety check is carried out on each gas appliance / flue in the HMO by a competent GasSafe registered engineer. They should keep a record of each safety check for at least two years and provide a copy of the most recent certificate to the tenants.

All gas appliances should be serviced and maintained in line with manufacturers' recommendations.

This Service strongly recommends the provision of long life sealed carbon monoxide detectors in any rooms containing gas appliances. These should be installed in line with manufacturers' guidelines and meet the European Standard EN 50291, show a British Standards Kitemark or another European approval organisation's mark on it.

12. **Electrical Safety**

Landlords are required to ensure that the electrical equipment and installations in the HMO are safe. The testing of electrical installations should be undertaken at regular intervals in accordance with an approved contractor's recommendations and not exceeding five years. A visual check of the installation should be carried at each change of tenancy.

If landlords provide any electrical appliances (cookers, kettles, toasters, washing machines, immersion heaters, fridges, tumble driers etc) as part of the tenancy, the Electrical Equipment (Safety) Regulations 1994 and the Management of Houses in Multiple Occupation (England) Regulations 2006 requires them to ensure the appliances are safe to use. All portable appliances should be tested annual by an approved contractor.

13. **Management**

A proper standard of management should be observed in the house, in particular to ensure the repair, maintenance, cleansing and good order of the property.

Reference should be made to the Management of Houses in Multiple Occupation (England) Regulations 2006 which places specific duties on the person managing / in control of a HMO.

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

For further advice and guidance, please contact:

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