

London Borough of Waltham Forest – Standards for Houses in Multiple Occupation [HMOs]

This document sets out the standards and guidance applicable to Houses in Multiple Occupation (HMOs). The Council will have reference to this document in exercising its powers and duties under the Housing Act 2004 and associated legislation.

Scope and application

Under the Housing Act 2004, a variety of properties fall within the HMO definition, including some buildings that have been converted into self-contained flats.

However, this guidance is primarily aimed at HMOs where 3 or more residents, forming 2 or more households, share one or more standard amenity i.e. a bath or shower, WC or kitchen.

A *household* can be a family, a couple (including same sex couples) or a single person but, for example, 3 unrelated adults sharing a home would be considered as 3 separate households, even if they occupied the dwelling on a shared basis with a joint tenancy.

There are a range of properties exempted from the HMO definition, including those occupied by a resident landlord, their family, and not more than 2 unrelated persons or lodgers. All the exemptions are contained in Schedule 14 Housing Act 2004 and Schedule 1 of the Licensing & Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

Application of the HMO standards

In general terms, the guidance is intended to be applied with a degree of flexibility, as there may be more than one way to achieve an acceptable minimum standard.

More specifically, the Council recognises that HMOs occupied by tenants who share one or more amenities, whilst all falling under the legal definition of HMO, will be let and occupied in different ways. The application of a single set of standards to all HMOs with shared amenities would therefore not be appropriate.

The Lacors fire safety guidance [*Housing – Fire Safety; Guidance on fire safety provisions for certain types of existing housing 2008*] recognises that HMOs occupied as a 'shared house' often represent a lower fire risk than traditional bedsit-type accommodation and this is reflected in the published fire safety standards. The Council believes that genuine 'shared houses' should also be approached, in some respects, in a different way to bedsit-type accommodation as regards amenity provision and space requirements and this is reflected in the guidance set out in this document.

Shared House HMO

There is no legal definition of a 'shared house' but, for the purposes of this guidance, shared houses [or flats occupied on a similar basis] are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant would normally have their own bedroom but would share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms.

There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the home as one group. There is a single joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household although the property is legally an HMO.

Shared houses will themselves vary in nature. For example, some shared homes will have both shared dining space and a separate living room, whilst in others shared dining and living space will be very limited.

Allowed variations from the bedsit-type HMO standards will therefore vary depending on the circumstances of each shared house but, in general terms:

- Bedroom sizes may be smaller in shared houses where the residents have access to suitable and sufficient additional shared dining and/or living space
- The requirement for separate food storage facilities for each person in a shared home may not be a necessary requirement

Further guidance may be found in the standards set out below

Standards for bedsit-type accommodation

For the purpose of this guidance, bedsit-type accommodation is HMO accommodation that does not fall within the shared house HMO definition

Space Standards for Sleeping Accommodation

Number of occupiers	Where kitchen facilities provided in a separate room	Where kitchen facilities provided in the same room
One	8.5 sq. m	13 sq. m
Two	13 sq. m	18 sq. m

A maximum of two people are permitted to share a room for sleeping **irrespective of age**. If there are two occupiers, they must be living together as partners, family members or consenting friends. A room shared by more than two people would be considered to be overcrowded, and may be the subject of enforcement action.

A room used for sleeping must not be shared by people of the opposite sex who are 10 and over, unless they are married or living together as husband and wife.

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area.

Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and en-suite bathroom or shower rooms are not.

Rooms must have a minimum floor to ceiling height of at least 2.14 m over 75% of the floor area. Any floor area where the ceiling height is less than 1.53 m is disregarded.

Kitchen Facilities

Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen.

Kitchens must be of an adequate size and shape to enable safe use of food

Number of persons sharing	Minimum Room Size [square metres]
Up to 3	5.5
4 or 5	7.5
6 or 7	9.5
8 to 10	11.5

Where all or some of the lettings within the HMO do not contain cooking facilities, they must be provided for sharing with other households. There should be one full set of facilities per 5 persons sharing, irrespective of age.

Some flexibility may be considered in well-managed properties where there are 6 or 7 persons, subject to a risk assessment carried out by the local authority.

Where there are 8 – 10 persons, either an additional full set of cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lettings where the room is large enough. If two sets of facilities are in the same shared kitchen, each set must be separated and in distinct areas of the room.

Kitchen facilities where provided in a bedsit should be sited remote from the entrance door. The cooker should not be situated below a window.

A kitchen must not be the sole access to a room used for sleeping and must not be installed in a hallway.

A humidistat-controlled mechanical extractor must be provided where there is inadequate natural ventilation by means of a window. Newly converted kitchens

must have a mechanical extractor regardless of whether there is an openable window.

With the exception of an extractor hood, fixtures and fittings are not to be directly located above cooking appliances.

Sufficient refuse storage to be provided adequate for the number of occupiers.

A set of cooking facilities is comprised as follows:

Number of Occupiers	Facilities	Specifications
Up to 5	Cooker	Cooker with a 4-ring hob, oven and grill [a cooker with a 2-ring hob permanently and safely installed on a fixed worktop <i>may</i> be allowed within single person bedsits only]
6 or 7		Four-ring hob, oven and grill and an additional combined microwave oven and grill
Up to 5	Sink/Drainer	1000mm sink/drain set on a base unit, provided with a constant supply of hot and cold water and properly connected to the drainage system
6 or 7		A double sink/drain set installed as above <u>or</u> A single sink/drain set plus a dishwasher
One household	Worktop	1000mm x 600mm worktop, fixed at an appropriate height and made of suitable impervious material
Up to 5		The equivalent of 2000mm x 600mm worktop space provided and fitted as above
6 or 7		The equivalent of 2000mm x 600mm worktop space provided and fitted as above, plus additional space for extra appliances
All	Splashback	300 mm tiled Splashback or its equivalent to be provided to the sink/drain set, worktop and any cooker without an integral Splashback.
Up to 5	Electrical Sockets	One suitably located electrical socket for each dedicated appliance such as a cooker, refrigerator and washing machine. In addition, 4 sockets (in either double or single combinations) to be provided above the worktop
6 or 7		As above plus an additional 2 sockets
All	Floor covering	Impervious and washable floor covering to cover the floor area of the kitchen

Per household	Food storage cupboard <i>Must be secure and provided for a specific household if provided within shared kitchen</i>	One double wall cupboard [1000mm wide] or one single base cupboard [500mm wide] per household – may be provided within bedsit or within shared kitchen <i>The base unit below the sink/drainers is not acceptable for food storage</i>
Per household	Refrigerator <i>A suitable Refrigerator for each household is the preferred option. Should be secure or provided for a specific household if provided within shared kitchen</i>	A small fridge freezer where provided within lettings
Up to 5		Where provided in a shared kitchen, equivalent of 2 worktop height refrigerators both with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer
6 or 7		As per shared kitchen for up to 5 persons, plus the equivalent of an additional worktop height refrigerator with freezer compartment

Personal washing and WC facilities

Bathrooms and WC's should normally be within one floor of lettings and, where shared, must be accessible from a common area.

WC's and bath/shower rooms must be fitted with a suitable and functioning lock and all room surfaces must be impervious and readily cleansable.

Bath/shower rooms and WC's must be adequately ventilated, and bath and shower rooms must be adequately heated, such as by radiator, wall-mounted convector or fan heater, or under floor heating. Electric bar heaters are not permitted. In newly provided bathrooms, a mechanical extractor must be installed in addition to any openable window.

Where only one bathing facility is provided in the premises, it must be a bath, preferably equipped with a fixed overhead shower. A fixed shower rail and curtain must be installed.

Where a shower cubicle is provided, it must be of a sufficient size that the user can bathe and dress without injury [minimum size 1600mm x 900mm for single-purpose shower room].

Separate WC compartments are required to be a minimum of 1300 x 800mm

Windows to bathrooms and WCs are to be glazed with obscured glass.

The facilities must be adequate for the number of occupiers, and the following guide should be followed when determining the adequacy of the provision. External WC's are not counted.

Those persons having exclusive use of a bath/shower or WC will be discounted when calculating the level of shared facilities required

Number of occupiers	Facilities	Specifications
Up to 5	<p>1 bath with wash hand basin</p> <p>At least 1 WC. The WC should, wherever possible, be in a separate compartment from the bathroom but may be within the bathroom if up to 4 persons accommodated</p> <p>Where 5 persons accommodated, and cooking facilities [including a sink] are not provided to each letting, wash hand basins should be provided within each letting, <i>wherever this is practical</i></p>	<p>Standard size bath [minimum 1700mm x 700mm] with minimum 450 mm Splashback</p> <p>Full-size wash hand basin [minimum 500mm x 400mm] with tiled Splashback.</p> <p>Both to have constant supply of hot and cold water.</p> <p>If the WC is separate, it must have an additional wash hand basin [which does not need to be full-sized] & tiled Splashback within the compartment</p>
6 to 10	<p>2 bathrooms with wash hand basins in each</p> <p>One of bathrooms must contain bath, and the other a shower which may be a fixed over bath type</p> <p>At least 2 WCs, at least one of which should be in a separate compartment from a bathroom</p> <p>Where cooking facilities</p>	<p>As above but at least 2 sets of bathroom/WC amenities are required</p>

	[including a sink] are not provided to each letting, wash hand basins should be provided within each letting, <i>wherever this is practical</i>	
More than 10	<p>An additional set of bathroom and WC amenities for every 1 to 5 persons accommodated</p> <p>At least 50% WCs to be in compartments separate from bathrooms</p> <p>Where cooking facilities [including a sink] are not provided to each letting, wash hand basins should be provided within each letting, <i>wherever this is practical</i></p>	<p>11-15 persons – 3 sets of facilities</p> <p>16-20 persons – 4 sets of facilities etc</p>

Standards for shared house HMO accommodation

Space Standards for Sleeping Accommodation

Where shared house type HMOs are provided with suitable shared dining and/or living space, the following space standards will apply:

Number of occupiers	Minimum room size [square metres]
One	6.5
Two	10.2

Where the residents occupying a shared house type HMO do not have access to suitable dining and/or living space, the bedsit-type space standards will apply in determining minimum bedroom sizes

Where a communal living room is provided [in addition to any space that is required for shared kitchen and dining] it should normally be at least 13 square metres for a 3 person shared house, plus 1 square metre added for every additional person thereafter.

If dining facilities are combined with the living room, the room should be at least 14 square metres for 3 people, plus 1 square metre for every additional person thereafter.

Kitchen Facilities

As per the standard for bedsit-type HMOs except that food storage cupboards and refrigerators would normally be located within the shared kitchen and would not be required to be secure or identifiable to a particular household member

Personal washing and WC facilities

As per the standard for bedsit-type HMOs except that wash hand basins will not be required to be provided within each bedroom/letting.

Fire Safety

Fire safety standards will be based on the latest edition of the Lacors Housing Fire Safety Guidance.

Heating

A fixed heating system must be provided to all lets. Radiators must be fitted with thermostatic valves. Fixed storage heaters are preferred where there is no gas supply although fixed modern programmable convector heaters may be provided in buildings with a high level of thermal insulation.

Additional Considerations

Compliance with these standards does not negate the need for compliance with other statutory provisions, including the Housing Act 2004 and supporting Regulations. For further information contact the Council's Housing Standards section.

Sources

The following sources were consulted in producing this guide:

- DOE Design Bulletin: Spaces in the Home [1972]
- Statutory Instrument 2006 No 373 and Statutory Instrument 2007 No 1903
- Joint London Boroughs Code of Practice for Hostel Accommodation
- East London Guidance on HMO standards
- GLA Housing Space Standards
- Housing Act 2004
- Housing Health and Safety Rating System Operating Guidance
- Building Regulations Part F
- Lacors guidance on overcrowding