

# Advice for Private Landlords

## *Houses in Multiple Occupation*

Plymouth City Council



## What is a House in Multiple Occupation (HMO)?

The Housing Act 2004 defines the term “HMO” in complex detail.

HMO can include a house, a flat, a house converted into flats, a hostel or a bed and breakfast guest house. This is regardless of how it is considered under planning law (see later).

The Housing Act 2004 has changed the definition of HMO; key points are:

1. Whether the occupiers are members of the same “family” (household). Family includes partners and same sex partners.
2. Whether the house, or flat, is occupied by 2 or more households and 3 or more persons (regardless of age).
3. Student premises let to 3 or more persons are now HMOs.

### Examples of HMOs:

- ◆ Houses occupied as individual bedsitting rooms.
- ◆ “Shared” houses and flats.
- ◆ Buildings converted into flats where one, or more, of the units is not fully self-contained. This could apply to a flat that is missing amenities, or the occupiers have to cross a common hallway to get from one room to another.
- ◆ Hostels
- ◆ Guest houses that only provide for people with no other address.
- ◆ Owner occupied houses where the owner also lets to tenants or lodgers, but in this case to a minimum of 3 such persons.

### The following may be HMOs:

- ◆ Houses arranged as fully self contained flats where less than two thirds of the flats are owner occupied.
- ◆ Guest houses that provide for the “tourist” trade as well as people with no other address.

### The following are not HMOs:

- ◆ Buildings arranged as fully self contained flats where two thirds or more of the flats are owner occupied. **However, a flat in such a house may be an HMO.**
- ◆ Buildings converted into fully self contained flats where the works comply with full standards of the relevant Building Regulations. The minimum is the 1991 Building Regulations, but for more modern conversions the newer regulations apply. **However, a flat in such a house may be an HMO.**
- ◆ Accommodation owned or managed by certain public sector organisations.

## HMOs and Planning Permission

Planning law use classes include the term HMO. However, smaller shared houses may not be considered HMOs for planning purposes, but they will still be HMOs under housing legislation. Similarly houses that have been converted into self contained flats will not be HMOs for planning purposes, but may well need to comply with housing legislation as HMOs.

**If a house falls within the Housing Act definition of HMO, it must comply with the Housing Act HMO requirements regardless of how it is considered under other legislation.**

The use of a house as an HMO may require planning permission. However, many HMOs have been used in this way for so long that they are immune from planning enforcement action. You are advised to contact Development Control to check that the use of a property as an HMO is permitted.

*Development Control can be contacted on (01752) 304024.*

## Creating new HMOs

Development Control will also inform you of the Council's planning policies for applications for new HMOs. These include the consideration of the loss of 'family' housing, and impact of the change of use on the neighbourhood.

## Listed Buildings

If your property is a Listed Building you will need to get permission for any changes that may affect the character (whether internal or external, and usually includes outbuildings and other structures in the grounds of the house). This is required regardless of the existence of permission to use the house as an HMO. If the property is in a Conservation Area there will be controls on changes to the external appearance.

The Historic Environment Officer within Development Consents Team will advise and can be contacted on (01752) 304414.

## Standards in HMOs

What is the significance of the premises being an HMO?

The Housing Act requirements specific to HMOs are:

- ◆ The management regulations apply to HMOs (these set out the duties of the 'Manager' of an HMO including those relating to safety, cleanliness and maintenance of the common parts of the house)
- ◆ HMO Licensing. This applies to some HMOs; those occupied by 5 or more people where the HMO is arranged on 3 or more storeys. Buildings converted into fully self contained flats are excluded from licensing.
- ◆ Provisions for overcrowding.

## What other standards apply to HMOs?

The requirements set out in the leaflet 'Standards in Private Rented Accommodation' apply to HMOs. All housing must comply with the safety requirements of the Housing Health and Safety Rating System (HHSRS).

The Council has adopted standards for amenities. Licensable HMOs must comply with these standards; it is recommended that other HMOs also comply.

The Environmental Protection Act 1990 may be used to deal with problems of noise and refuse.

Further information is available from the Private Rented Team, which will also advise you of any schemes available to assist you.

## Enforcement of HMO Standards

The Private Rented Team are responsible for enforcing housing standards in HMOs. Inspections may be part of an improvement programme, or they may follow a complaint.

There are around 4000 HMOs in the City and inspections are programmed as follows:

- ◆ On a risk basis –HMOs are assessed, and the priority for inspection depends upon the occupancy, property size, condition, and management.
- ◆ For licensed HMOs – prioritised inspections will be carried out to assess the works needed to comply with the requirements of HHSRS. Visits will also be made to check compliance with the conditions of the licence.
- ◆ For licensable HMOs (where no licence application has been made) - These will be considered high priority, and inspected as soon as they are identified.

Wherever possible we will work with

landlords to improve their property, but sometimes dialogue fails and we have to use our powers. The Council's policies for enforcement reflect this. Further information on these policies is available from the Private Rented Team.

## What kind of problems are found in HMOs?

The following problems can occur:

- ◆ Poor safety and physical standards. Inadequate and non fixed heating, lack of insulation, poor fire and electrical safety are key issues
- ◆ Inadequate facilities for the number of people in the house
- ◆ Poor management particularly of communal areas

- ◆ Noise, nuisance and other anti-social behaviour
- ◆ High levels of burglary

## HMOs and Housing Need

HMOs are an important source of housing in the City, for example:

- ◆ Students
- ◆ Professional people looking for an independent home before buying
- ◆ People working on fixed term contracts
- ◆ People who cannot afford to buy a home of their own and are unable to access Social Housing
- ◆ Homeless people in temporary accommodation

There is wide range of quality and rent levels across the HMO market.

### Disclaimer

The information and advice given in this leaflet is accurate to the best of our knowledge. However, you are advised not to rely exclusively on what we say here, as legislation or government advice may have changed since this leaflet was printed.

If you have a particular problem you should take the advice of a qualified expert in the relevant area. Plymouth City Council will not accept liability for loss resulting from relying on advice from this leaflet

This is one of a series of advice leaflets produced for tenants and private landlords. Links to these and all the documents referred to in this leaflet are available at [www.plymouth.gov.uk/housing/rds.htm](http://www.plymouth.gov.uk/housing/rds.htm)

If you have any difficulty in understanding this leaflet or are visually impaired please contact the Private Sector Housing Team on Tel. 01752 307075

**This leaflet is available in other languages and formats, please telephone (01752) 307075 for further information.**

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