

Houses in multiple occupation (HMO) Licence Conditions

Housing Act 2004 Section 67

1 Permitted Occupation

A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below
- A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence

2 Tenancy management

2.1 Provide all tenants with a written statement of the terms on which they occupy the property and the arrangements in place to deal with repairs and emergency issues.

2.2 Protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. Provide the tenant the prescribed information about the scheme being used at the time the deposit is taken.

2.3 Provide suitable emergency (including out of hours' response).and management arrangements

2.4 When requested provide the Council, in writing, details of the tenancy management arrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property.

2.5 Conduct an inspection of the property at least every 6 months to identify any problems relating to the condition and management of the property and check that common parts and external areas are free from waste. Keep a written record of the inspection specifying:

- the name of person conducting inspection
- date and time of inspection
- issues identified
- action taken

2.6 Take prompt action to address antisocial behaviour arising from the conduct of occupants or visitors to the property by complying with the following requirements:

- On receipt of a complaint of anti-social behaviour concerning a visitor or occupant of the property do not ignore nor fail to take action and take appropriate action to monitor the allegation.
- Inform the occupants in writing about any allegation of antisocial behaviour within 14 days of receipt and consequences of its continuation.
- Where the antisocial behaviour continues after 28 days from receipt of the complaint, visit the property within 7 days and issue a warning letter advising the behaviour is not acceptable, that they are responsible for the conduct of all occupants and visitors, the impact on the local community and the consequences of its continuation.
- Take formal steps under the written statement of terms for occupation if after 14 days of giving the warning letter the anti-social behaviour is unresolved
- Notify the appropriate authorities of antisocial behaviour suspected to involve criminal activity
- Keep a written record of any meetings, telephone conversations or investigations and copies of correspondence regarding antisocial behaviour for 3 years.
- Attend any case conferences or multiagency meetings arranged by the Council or Police upon request.

3 Property Management

- 3.1 Take appropriate steps to remedy any disrepair reported by occupants.
- 3.2 Take immediate action to deal with any pest problem or infestation at the property and ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs
- 3.3 Any gas installation and gas appliance shall be kept in a safe condition at all times. All work on gas appliances must be carried out by a Gas Safe registered engineer.
- 3.4. A current valid gas safety certificate from a Gas Safe registered engineer obtained within the last 12 months, or a Gas Safe Installation Certificate if the boiler was installed in the last 12 months shall be provided to the council annually
- 3.5 The electrical installation in the property shall be maintained in a safe condition. Where requested by the council provide, an electrical installation report issued by a competent person within the last 5 years.
- 3.6 All electrical appliances made available by the licence holder shall be kept in a safe condition. Where requested by the council provide a written declaration to the safety of such appliances
- 3.7 All furniture made available by the licence holder shall be kept in a safe condition. Where requested by the council, provide a written declaration as to the safety of such furniture. All upholstered furniture, covers, fillings, cushions and pillows shall comply with current fire safety requirements.

- 3.8 Appropriate fire precaution facilities and equipment must be in place to protect the safety of the people on the premises and in the immediate vicinity. .
- 3.9 Install and maintain in good working order appropriate smoke alarms in the property in accordance with the LACORS Housing Fire Safety Guidance.
- 3.10 A smoke alarm shall be installed on each storey of the house (which includes half-landings) on which there is a room used wholly or partly as living accommodation.
- 3.11 Each smoke alarm installed in any room in the house shall be kept in proper working order.
- 3.12 Where requested by the council, provide a written declaration confirming the positioning and condition of smoke alarms
- 3.13 Maintain in good working order any fire-precaution facilities and equipment.
- 3.14 Where requested by the council provide a copy of all inspection reports and test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property
- 3.15 Install a carbon monoxide alarm in any room in the property used wholly or partly as living accommodation (including a hall, landing bathroom or WC) and contains a solid fuel burning combustion appliance.
- 3.16 Any carbon monoxide alarm installed in any room in the property shall be kept in proper working order
- 3.17 Where requested by the council provide written statement confirming the positioning and condition of any carbon monoxide alarms
- 3.18 Provide and maintain adequate security measures to prevent access by intruders and ensure that:
- The access to the property, such as locks, latches and entry systems are maintained in good working order at all times.
 - The front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five lever security level.
 - Where window locks are fitted, the keys are provided to the relevant occupants.
 - Where a burglar alarm is fitted to the property, the occupants are informed in writing about the circumstances under which the code for the alarm can be changed, and are given details on how this can be arranged.
 - Where previous occupants have not returned keys, the relevant locks will be changed prior to new occupants moving in.
- 3.19 Within 7 days of the start of occupation provide written information to all occupants on the arrangements for the storage and disposal of household recycling and waste. This

information must be provided in a clear and easy to understand format which occupants can refer to

- 3.20 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose. Old furniture, bedding, or rubbish from the property must not be left immediately outside the property nor on private land.
- 3.21 Carry out regular checks to ensure that occupants are complying with the storage, recycling and disposal of waste arrangements and warn occupants if they, or their visitors, are not using the waste and recycling facilities provided or are leaving waste outside the property.
- 3.22 Provide adequate facilities for storing, recycling and disposing waste for the number of occupants so that bags or loose refuse or waste for recycling are not stored outside the property. Ensure that these containers provide for the adequate separation of recyclable, garden (where applicable), food and residual waste.

4 Documents to be displayed

4.1 Either provide to all tenants at the start of the tenancy or display in the common parts of the property:

- a copy of the licence to which these conditions apply
- a notice with the name, address and emergency contact number of the licence holder or managing agent for the property
- a copy of the current gas safety certificate
- a copy of a valid electrical inspection condition report
- a copy of a valid portable appliance test certificate (PAT) covering all electrical appliances supplied within the HMO
- a copy of a valid test certificate for the automatic fire alarm system (dated within the last 12 months)
- a copy of a valid test certificate for the emergency lighting system (dated within the last 12 months)
- an appropriate Energy Performance Certificate (EPC)

Note: Landlords cannot grant a new tenancy after 1 April 2018 where the EPC is band F or G. After 1 April 2020 landlords must not continue to let a let property where the EPC is band F or G.

5 Financial Management

5.1 No person other than the licence holder or the agent named on the licence may collect or receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.

5.2 Where rents are collected or received from occupants, payment must be recorded and all occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

6 Material change of circumstances

6.1 The Licence Holder must inform the Authority within 21 working days of any material changes in their own circumstances and, within 21 days of becoming aware of them, of any known and material change in the circumstances of any person managing or involved in the management of the property, such as details of

- unspent convictions not previously disclosed to the Authority that may be relevant to the Licence Holder or the property manager or the status of either of them as a 'fit and proper person', including in particular a conviction in respect of any offence involving fraud or dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- finding by a court or tribunal against the Licence Holder and/or the property manager that he or she has practiced unlawful discrimination.
- a contravention on the part of the Licence Holder or property manager relating to housing, public health, environmental health, or landlord and tenant law, which has led to civil or criminal proceedings and a judgment or finding being made against him or her.
- information about any property the Licence Holder or property manager owns or manages, or has owned or managed:
 - i. which has been made subject to a control order under section 379 of the Housing Act 1985, in the five years preceding the date of the application; or
 - ii. which has been the subject of any enforcement action described under Part 1 sections 5(2) or 7(2) of the Housing Act 2004, concerning Category 1 and Category 2 housing condition hazards; or
 - iii. in relation to which a local housing authority has either refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence.
 - iv. which has been the subject of an interim or final management order under the Housing Act 2004

7 General Requirements

7.1 Provide, maintain and keep in good working order the facilities and equipment specified in the Standards for HMOs.

7.2 Where requested in writing provide written copies of any information or records required by these conditions to the council within 28 days of the date of the request.

- 7.3 Inform the Council's Residential Environmental Health Team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
- 7.4 Arrange for access to be granted at any reasonable time and must not obstruct Council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 7.5 When requested provide the council the names and numbers of individuals/households accommodated in the property, specifying the rooms they occupy within the property and the number of individuals in each household.
- 7.6 When requested provide the council with a plan of the property showing the location and size of all rooms (in square meters), including kitchen, bathroom and toilet facilities. The plan shall be provided to the Council within 28 days on demand.
- 7.7 When requested provide the council with a copy of the tenancy agreement
- 7.8 Inform the Council of any change in ownership or management of the house.
- 7.9 Whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 7.10 Ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

8 Deviation from the Licence Conditions

- 8.1 Any landlord who wishes to provide accommodation that requires a licence but that does not meet the licence conditions may apply in writing for a deviation from the licence conditions. The request will be considered and the landlord informed of the decision in writing.

Islington Council
Residential Environmental Health Team
222 Upper Street London N1 1XR
Phone: 020 7527 3083
Email: property.licensing@islington.gov.uk