

HMO Licensing

What is Mandatory HMO Licensing?

The Housing Act 2004 changed and improved the way in which Houses in Multiple Occupation (HMOs) are regulated. An HMO is a dwelling occupied by three or more unrelated persons. The Act introduced a national scheme requiring all local authorities to licence properties consisting of three or more storeys (including basements, attics, shops) with five or more persons forming two or more households. This is known as Mandatory HMO Licensing.

The aim of licensing is to ensure that HMOs have the adequate amenities and facilities for the number of occupants and to ensure they are well-managed by “fit and proper persons”. A licence specifies the maximum number of people who can live in the HMO and includes specific standard conditions which apply to every licence, including management, fire safety, space standards and amenities (see Further information).

What is a HMO?

An HMO is any building or part of a building such as a house, flat, maisonette, bungalow, etc. that is occupied by people who do not live as a single household (see below) and where they share (or lack) one or more basic amenities, such as a toilet, or personal washing and cooking facilities. Bedsit accommodation and houses or flats occupied by sharers where there is no family relationship are examples of HMOs.

An HMO can also be a house or building that has been converted into self-contained flats, if the conversion does not meet the Building Regulations 1991 and at least one third of the flats are tenanted. A purpose-built block of flats is not an HMO; however an individual flat within it might be if it is let to three or more tenants. Another example is a converted building where there is a mix of self-contained and non self-contained accommodation. HMOs that consist solely of self-contained units are exempt from Mandatory Licensing.

What is a household?

People are to be regarded as not forming a single household unless they are all members of the same family. Members of the same family include:

- married couples or cohabitees who live together as husband and wife, including same sex couples)
- parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces and cousins
- half-blood relationships, for example, half-brother or half-sister, are treated as full-blood relationships
- stepchildren are treated as children
- a person is also a relative of another person if one of them is a relative of one member of a couple and the other is a relative of another member of the couple.

Why does the government want HMOs to be licensed?

To improve health and safety standards and ensure satisfactory management in this high risk area of the private rented housing market.

How much does an HMO licence cost?

Please refer to our HMO Licensing Fees document for the current schedule of fees. Note: discounts are available for accredited landlords and those who belong to a recognised landlord association. To become accredited, please see website at www.londonlandlords.org.uk/accreditation or phone 020 7974 5893 or e-mail LLAS@camden.gov.uk.

How long will a licence be valid?

The licence will usually last for five years but in exceptional circumstances they can be issued for a reduced period.

What standards apply?

To get a licence an HMO will need to have adequate facilities and space for the number of people it is to be licensed for. However in some cases additional facilities will be required as a condition on the licence to bring the HMO to the minimum standard. The house will also need to meet the standards for management of HMOs including those for safety of gas and electrical appliances and furniture and proper working of fire alarm systems. Please refer to Islington's HMO standards.

Once an HMO has been licensed a council officer will assess the HMO to identify any serious hazards under new housing health and safety rating system. If any serious hazards are found the council will serve a legal notice explaining what the landlord needs to do to remedy them.

What happens if a landlord rents an HMO without a licence?

It is illegal to operate an HMO without a licence (unless it is an HMO that does not need a licence). The courts will be able to impose a fine on landlords of unlicensed HMOs of up to £20,000, in addition the tenants will be able to reclaim up to 12 month's rent.

If you suspect that a property in the borough is occupied by three or more unrelated people who share amenities, please email Residential.Envh@islington.gov.uk. Although we carry out extensive surveillance work, there are inevitably some premises which go unidentified and information from the general public is invaluable to supplement our work

Can a landlord serve a notice to quit if a HMO is not licensed?

If a licensable HMO is operating without a licence, valid application or Temporary Exemption Notice, the landlord **cannot** serve notice to quit on a tenant. If you suspect this has happened, please tell the council.

Can a tenant reclaim rent if an HMO is not licensed?

If the council successfully prosecutes a landlord for letting HMO accommodation without a licence, the tenant can get up to 12 month's rent repaid. The council will advise tenants how to do this if this happens.

Planning permission and other statutory requirements

Planning permission may be required in order to use a property as a HMO. HMO licensing does not grant exemption from the need to obtain planning permission. Further information and advice may be obtained from the enquiries team by email enquiries@islington.gov.uk or telephone on 020 7527 6743.

Further information

More information and links to government websites are available on the council's website at: www.islington.gov.uk/housing/private_housing including leaflets on:

- Does my HMO need a Licence?
- HMO Licensing Fees
- HMO Licence Application Form
- HMO Standards

Copies are also available from:

**Residential Environmental Health
Islington Council
222 Upper Street
London N1 1XR
Email: residential.envh@islington.gov.uk**

Tel: 020 7527 3083

