



Chichester District Council

Guidance for Managing Houses in Multiple Occupation



www.chichester.gov.uk



What is a house in multiple occupation (HMO)?

Generally a house in multiple occupation will be a property occupied by more than one household and more than two people, and may include bedsits, shared houses, non self-contained flats and some self-contained flats.

A household is defined as being people who are linked by certain family relationships; house sharers e.g. students are typically unrelated individuals who, within housing law, comprise a number of households and occupy as an HMO.

Houses fully converted into self-contained flats will generally not be HMOs provided they were converted in accordance with the 'appropriate' Building Regulation standards. This will mean, as a minimum, full compliance with the standards of the 1991 Building Regulations.

The Housing Standards Team is responsible for inspecting and enforcing standards in licensed and non-licensed HMOs.

Examples of HMOs:

- Houses occupied as individual bedsitting rooms with access to a shared bathroom
- 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

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
- Any owner occupied building where the owner also lets it to lodgers or tenants

There are some exemptions from the definition and further details can be found on our website www.chichester.gov.uk

Do I require a licence?

The Housing Act 2004 requires local authorities to licence certain HMOs. A licensable HMO is one with at least 5 occupants. These properties must have a licence to operate. It is an offence to operate such a property without a licence or to fail to comply with any conditions.

Before a licence can be issued the Council will carry out an inspection to assess compliance with the Prescribed Standards for HMOs see www.chichester.gov.uk/article/24487/licensing. The Council will also need to determine whether the proposed licence holder is a fit and proper person. In addition a valid application form submitted with the appropriate fee is required (the application form and fee structure are available at www.chichester.gov.uk).

If you think your property will fall within the definition of a licensable HMO, please contact the Housing Standards Team as soon as possible to discuss the application process.

All licensed HMOs are listed in a public register, which can be obtained from Chichester District Council on request.

Housing Act 2004 - Housing, Health and Safety Rating System (HHSRS)

The HHSRS is a scoring system used by all local authorities to risk assess the effect of housing hazards on the health, safety and wellbeing of the occupants. The system allows local authorities to take action to remedy these hazards in order to ensure housing is safe to live in.

There are a total of 29 hazards, which include:

- Damp and mould, excess cold/heat
- Pollutants e.g. asbestos, biocides, carbon monoxide, lead, radiation, etc.
- Overcrowding, lack of space, entry by intruders, lighting and noise
- Poor hygiene e.g. pests, food safety, drainage, water supply, etc.
- Accidents e.g. falls, electric shocks, burns, fires, etc.
- Collisions, entrapment, explosions, etc.

These hazards are scored by the Officer, using the rating system. The score determines whether there are any serious hazards (Category 1) or less serious hazards (Category 2) present. If the local authority discovers there is a Category 1 hazard present, there is a duty to take appropriate enforcement action. For more information, please see the Chichester District Council website.

Standards for HMOs

The Council has introduced standards for houses in multiple occupation to assist landlords to comply with the relevant legislation. The standards were produced in partnership with other Sussex Local Authorities and are used as a means of deciding the suitability of an HMO for occupation by a maximum number of households or individuals.

It is expected the guidance is followed. However, there may be exceptional circumstances when a lesser or higher standard may be required. The standards can be found at www.chichester.gov.uk/article/24487/licensing.

The Management of Houses in Multiple Occupation (England) Regulations 2006 The Licensing and Management of Housing in Multiple Occupation (Additional Provisions) (England) Regulations 2007

These regulations apply to all HMOs, regardless of whether they are licensed. They impose duties on managers (with some requirements on occupiers) to ensure that good conditions are maintained. The duties include the following:

Provision of information for occupiers

The manager must ensure their name, address and any contact telephone numbers are made available to each household in the HMO and that these details are clearly displayed in a prominent position in the HMO.

Safety measures

The manager must:

- ensure that all means of escape from fire in the HMO are kept free from obstruction and maintained in good order and repair;
- ensure that any fire fighting equipment and fire alarms are maintained in good working order;
- ensure that, where the HMO has more than four occupiers, all notices indicating the location of means of escape from a fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers;
- take all measures, as are reasonably required, to protect the occupiers of the HMO from injury having regard to the design, structural conditions and number of occupiers;
- take measures in relation to any roof or balcony that is unsafe, to either ensure that it is made safe or prevent access to it for as long as it remains unsafe. Window sills must meet current building regulations or suitable safeguards must be provided to protect the occupiers.



Water supply and drainage

The manager must ensure the water supply and drainage system serving the HMO is maintained in good, clean and working condition.

Supply and maintenance of gas and electricity

Managers must:

- not unreasonably interrupt supplies of gas and electricity,
- provide Chichester District Council within 7 days of request, the latest gas appliance test certificate for the HMO,
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing, AND obtain a certificate from the person conducting the test, specifying the results AND supply that certificate to Chichester District Council within 7 days of receiving a request.

Maintenance of common parts, fixtures, fittings and appliances

Managers must ensure that all common parts of the HMO are maintained in a safe and working condition, in good and clean decorative order where appropriate, and kept reasonably free from obstruction. This includes:

- water, gas and electricity supplies,
- drainage facilities,
- appliances such as cookers, heaters, washing machines, etc,
- shared lighting and heating facilities, including hot water supplies,

- shared toilets, baths, sinks and basins,
- shared cooking facilities, food storage and other installations,
- staircases, handrails, halls, passages and landings, including floor coverings,
- windows and other means of ventilation,
- outbuildings, forecourts, paths, boundary walls, fences, yards and gardens.



Maintenance of living accommodation

Managers must make sure that:

- Each unit of living accommodation within the HMO and any furniture supplied with it are in a clean condition at the beginning of the person's occupation.
- The internal structure, every window and other means of ventilation and any fixtures, fittings or appliances supplied within it are maintained in good repair and clean working order, subject to the tenant behaving in a responsible manner.

Waste disposal

Managers must provide enough bins for refuse pending it's disposal, ensure that rubbish does not accumulate, and make such further arrangements for the disposal having regard to any service provided by the Council.

Duties of Occupiers

Occupiers must:

- Conduct themselves in such a way that will not hinder or frustrate the manager in the performance of their duties;
- Take reasonable care to avoid damage and disrepair;
- Cooperate in a reasonable way with the manager, and provide information to allow them to carry out their duties;
- Allow the manager to access their living accommodation, at all reasonable times; for any purpose connected with the carrying out of duties imposed on them by these Regulations;
- Comply with any reasonable arrangements or instructions made by the manager regarding means of escape from fire and the storage or disposal of refuse.

Tenancy Deposit Protection

Tenancy Deposit Protection schemes allow landlords to comply with their duties under the Housing Act 2004. The schemes guarantee tenants get their deposits back at the end of the tenancy, providing they meet the terms of their tenancy agreement and do not damage the property.

Since April 2007, all deposits taken by landlords and agents for assured shorthold tenancies in England and Wales must be protected by an authorised tenancy deposit scheme.

The landlord is ultimately responsible for ensuring that any deposit taken from a tenant in respect of an assured shorthold tenancy is protected and that the statutory requirements of tenancy deposit protection are met.

There are two types of Tenancy Deposit Protection schemes: custodial and insurance-based.

For more information please visit www.direct.gov.uk

Minimum Energy Efficiency Standard (MEES)

An Energy Performance Certificate provides prospective tenants with information about how energy efficient a property is. The Energy Performance Certificate provides a rating for the energy performance of a home from A to G, where A is very efficient and G is very inefficient.

Legislation requires landlords to commission an Energy Performance Certificate before a property is placed on the rental market or put up for sale. The Energy Performance Certificate should be obtained within **seven** days of marketing commencing. A full copy of the Energy Performance Certificate must be provided to all **new** tenants.

Energy Performance Certificates are valid for 10 years and can be reused as many times as required within that period. It is not necessary to commission a new Energy Performance Certificate each time there is a change of tenant, although landlords may commission Energy Performance Certificates at any time to prepare for a change in tenant.

The standard applies to any domestic privately rented property legally required to have an Energy Performance Certificate let on certain tenancy agreements including Assured Shorthold Tenancies (ASTOs, Regulated Tenancies and Domestic Agricultural Tenancies. However, there are some exemptions e.g. listed buildings.

Since 1 April 2018, landlord's properties which fall into the above categories, may not grant a new tenancy with an Energy Performance Certificate rating of F and G and from 1 April 2020 landlords will not be able to continue letting the property.

Where the landlord wishes to continue letting a property which does not meet the Standard they will need to ensure that energy efficiency improvements are made to meet the minimum E rating. Landlords are not expected to finance the cost of improvements but to use third party resources.

In certain circumstances, a landlord may be able to claim an exemption for example, where they are unable to obtain the funding to cover the cost of making improvements or in situations where despite improvements having been made the property remains below the Minimum E Standard.

Such exemptions must be registered on the National PRS Exemption Register.

For further information about Energy Performance Certificates and energy efficiency please refer to the Communities and Local Government and the Energy Saving Trust websites.

Council Tax

If a property is being let as a house in multiple occupation then the owner is liable for the Council Tax. If however, all the occupiers are full-time students, then the property will be exempt from Council Tax throughout the period of their course. This exemption continues between terms. Please note Council Tax becomes payable the day after the final day of a students course.

Please contact Council Tax on **01243 534501** or email **counciltax@chichester.gov.uk** for further information.

Planning Permission

Current planning legislation allows for a change of use between a dwelling-house and a small house in multiple occupation, provided that there are no more than 6 occupants. Houses in multiple occupation being occupied by more than 6 occupants require planning permission, therefore the owner must submit an application to the District Council.

For further information please contact Development Management on **01243 534734**

Gas Safety

The Gas Safety (Installation and Use) Regulations 1998 places duties on landlords to ensure gas appliances, fittings and flues provided for tenants are safe. In particular landlords are responsible for ensuring appliances and pipework are maintained and repaired as necessary by a Gas Safe registered engineer. Although there is no prescribed timeframe for these duties, good practice would be the demonstration of regular, annual maintenance checks and subsequent repairs.



The landlord is also responsible for ensuring an annual gas safety check is carried out by a Gas Safe registered engineer within 12 months of the installation of a new appliance or flue and annually thereafter.

A record of the safety check must be kept for at least 2 years. In addition a copy must be issued to any new tenants before they move in and existing tenants within 28 days of the check being completed.

Furniture Safety

If a property is let furnished the furniture must meet the current standards set out in the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1993). The Regulations apply to furniture including beds, divans, sofa beds, cushions, mattresses and pillows. Please note furniture and materials for upholstery of furniture made before 1 January 1950 are excluded from the controls.

Further information can be obtained from **West Sussex Trading Standards on 01243 777100**

Waste & Recycling

The Council operates an alternate week waste and recycling collection service with general waste being collected one week and recycling the following week.

The burgundy wheeled bin is the recycling bin and all recyclables must be placed in there loose and not in bags. The black wheeled bin is for general rubbish which cannot be recycled or composted. This is not for garden waste, rubble, bulky items, corrosive materials or hot ashes.

Managers are expected to fully inform and encourage their tenants of the local recycling arrangements **www.chichester.gov.uk/recyclingadvice**.

The bins must not be overfilled to ensure the lid is kept closed at all times. Excess general waste will be collected if it is contained within a Council labelled 'excess waste sack', which can be purchased from the Council Offices or local shops.

The collection point for wheeled bins is just inside the property boundary, at the nearest point to the public highway. Wheeled bins should be in place by 7.00 a.m. on the day of collection.

For more information contact **01243 534619** or email **wasteandrecycling@chichester.gov.uk**. Further details can also be found at **www.chichester.gov.uk (Waste and Energy Conservation)**

Why recycle?

- By recycling, together we can save money; support jobs; and protect the environment.
- The materials we throw away are valuable. The money generated from your recycling is reinvested into local services and helps to keep costs down.
- Recycling is more efficient. It uses less energy and reduces the carbon emissions compared to using raw materials.
- West Sussex County Council has estimated that we are currently throwing away £8 million of recyclable material. This is money that could be invested in local services.



PAT Testing

In relation to portable electrical appliances, whilst there is no legal obligation in the case of rented residential accommodation to carry out portable appliance testing (PAT test). Furthermore, it is strongly advised that any portable electrical appliances which the landlord provides under the tenancy should have a CE mark and be safe at the point of letting.

If PAT testing is not undertaken, it is recommended that as a minimum portable electrical appliances should be visually checked by the landlord before letting, and periodically thereafter to ensure there are no cuts/abrasions to the cable, the plug is satisfactory, there are no loose parts or screws, there are no signs of burning and there is no damage.



Chichester and Arun Landlord Accreditation Scheme

Landlord Accreditation is the recognition that a landlord has voluntarily complied with scheme standards relating to the condition and management of their properties. To join the scheme a landlord must be a 'fit and proper person', abide by the Code of Good Management and agree to accredit all their properties within Chichester and Arun Districts.

Landlords may be eligible for Landlord Accreditation Assistance towards the cost of bringing their properties up to the standard. Financial Assistance is awarded at 50% of the cost of the works up to £4,000. For more information please contact the Standards Housing Team or visit our website at www.chichester.gov.uk





If you have any queries about this guidance please contact
Chichester District Council, Housing Standards Team
email housingstandards@chichester.gov.uk
www.chichester.gov.uk

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