

Houses in Multiple Occupation FAQ

Houses in Multiple Occupation (HMO)

If you are a landlord who owns a multi-storied property or you manage one on someone's behalf, new legislation regarding licensing Houses in Multiple Occupation could affect you.

What is a House in Multiple Occupation?
A House in Multiple Occupation, or HMO, is any property where two or more households, (i.e. people who don't live as a family) share facilities such as bathrooms, kitchens or 'common-ways' like entrances, corridors and stairs.
What is meant by a family?
For the purposes of the legislation a family includes single persons, co-habiting couples or any other relationship prescribed by regulations, such as foster parents or carers.
What HMOs will Sevenoaks be licensing?
Initially, licensing in Sevenoaks will only apply to HMOs that are three storeys high or greater, and where there are five or more people sharing facilities
Do the three storeys include a basement level?
Yes. Also any property consisting of two floors and an attic which is used or capable of being used for residential purposes. This also includes accommodation above commercial premises
How about conversions?
If the property is occupied by more than one household and the building is not entirely made up of self-contained flats, then it would be classed as an HMO.
How about it all of the properties within the building were self-contained flats?
It depends. If a building comprises entirely of self-contained flats, <u>and</u> at least one-third of these properties are privately rented <u>and</u> the conversion does not meet the minimum standards stipulated by 1991 Building Regulations, then, yes the property is an HMO.
Why is licensing necessary?
The Government recognises that HMOs are the highest risk properties in terms of health and safety and have introduced legislation that requires owners to licence these with the local authority. This is for the safety of tenants, so that the local authority can identify where these properties are and so that assistance can be targeted to improve these properties
Why should a landlord comply?
Licensing will give the landlord piece of mind that the property meets the required standards and that his/her tenants live in a safer and healthier environment. Furthermore, if a landlord doesn't comply, the tenant can apply to have their rent withheld and this can be backdated for up to twelve months.
What happens if I don't license the property?
The landlord could be prosecuted and face a potential fine of up to £20,000 for operating a licensable property without a licence. The Council could also apply for a Rent Repayment Order

in as well as take over the management of the property.
What is this going to cost?
The cost is likely to be in the region of £600 and will be valid for 5 years.
What happens if I want to convert my property so that it's no longer an HMO?
If you are going to convert your property you will first need to get <i>planning permission</i> .?While you apply for this you can get temporary exemption from licensing for up to three months.
Licensing will only apply to five people sharing. If I make sure I only ever have four people sharing, then I won't be required to license.
Apart from losing out on potential income on maintaining vacant room(s), where there is a risk to the health and safety of the occupant the Council can use other powers available to it to deal with all types of residential premises. In addition to this the Council can apply to extend licensing to HMOs that are less than three storeys and have less than five people sharing, if the Council believes there is a risk to the tenants. Therefore taking steps to avoid licensing now, may not mean that you would avoid licensing in the long term.
What if I want to sell my HMO?
You would still need to obtain a Temporary Exemption Notice and provide evidence that the property is on the market. If the sale of the property does not go ahead within the period of the exemption notice (i.e. 3 months), the property would need to be licensed, or an Interim Management Order imposed.
When do I have to licence the property?
The legislation comes into effect in April 2006
Who is responsible for licensing the property?
The landlord, or the person named by the landlord, who manages the property on a day-to-day basis. Therefore, if a managing agent is responsible, they may find themselves liable.
How will the Council know if I have an HMO?
If you are the owner of an HMO that requires licensing, the legislation requires you apply to the Council for a Licence to operate the HMO. If you do not do so, you are committing an offence and could face prosecution. The Council can use evidence from tenants', Housing Benefit, Council Tax, Planning, Fire Authority, Land Registry and many other sources to identify potential HMOs. The Council is also able to serve Notices on the landlords requiring him/her to provide information relating to the premises.
How do I license my property?
First you must complete an HMO Licensing application and return it to the Private Sector Housing Team at Sevenoaks District Council with all of the requested information. SDC will inspect the property and issue a licence. However, if action is required, then a conditional licence will be issued, giving timescales for these actions to be completed
How long will it take to get a licence?
Once a full application has been received it should take no longer than 6 weeks for a decision to be made about issuing either a full or conditional licence.
What will I have to provide with the application?
The supporting documents required are set out within the application form, but this includes gas safety certificates, electrical installation certificates, and maintenance records of fire detection systems, tenancy details, annual insurance certificate and floor plans.

How do I find out more?

Phone the Private Sector Housing Team on
01732 227287 / 227392 for an application form or for further help and advice.

Or write to:
Private Sector Housing Team
Community and Planning Services
PO Box 183
Argyle Road
Sevenoaks
Kent
TN13 1GN