

HMO Licensing Changes

**NATIONAL
HMO
NETWORK**

Working together to improve the quality
and choice of private-rented housing

Agenda

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Changes to
mandatory
licensing

2.
Minimum
HMO room
sizes

3.
Calculating
the floor
area

4.
Existing
licensed
HMOs

5.
Household
waste
collection

6.
Penalties for
non-
compliance

7.
Questions



Types of licensing

- Under the Housing Act 2004:
 - **Mandatory:** Applies across England and Wales to ‘large HMOs’
 - **Additional:** Local authorities have discretionary powers to extend licensing to smaller HMOs (subject to local consultation with community groups).
 - **Selective:** Discretionary power to license all privately rented properties in a designated area that meets one of the six criteria: Low housing demand, anti-social behaviour, poor property conditions, high levels of migration, deprivation and crime.



Changes to mandatory licensing



- From 1 October 2018 in England only, *mandatory* licensing is changing.
- The 3 storeys element is being removed meaning that any HMO occupied by 5 or more individuals comprising two or more households will require an HMO licence.
- Landlords must apply for the licence before 1 October 2018 (but do not need to have received it by then).
- If your property becomes eligible under the new regulations and you already have an additional or selective licence for the property, you will not need to reapply for a licence until renewal.

HMO minimum room sizes (I)

From 1 October 2018, all licensable HMOs must comply with minimum room sizes for sleeping accommodation:

- 6.51 sq m for one person over 10 years of age
- 10.22 sq m for two persons over 10 years of age
- 4.64 sq m for one child under the age of 10 years.

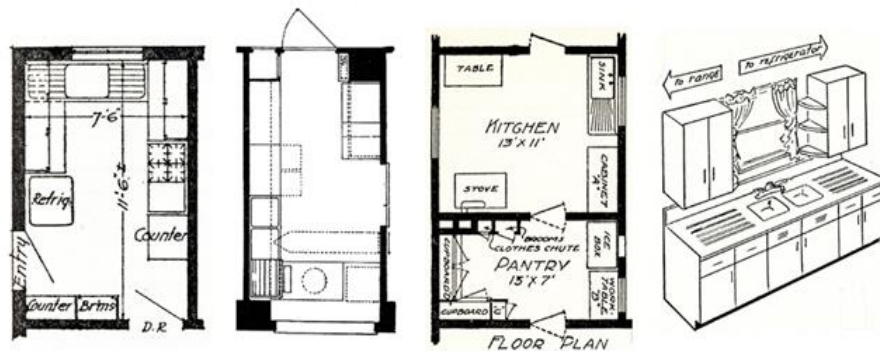
Any area of the room with a ceiling height less than 1.5m cannot be counted towards the minimum room size.

Mandatory room sizes are the statutory minimum and individual local authorities still have the discretion to set higher standards within their licensing conditions.



HMO minimum room sizes (II)

- Local authorities have discretion to grant up to 18 months for landlords to comply with the minimum room size requirements.



- If you have concerns about complying within this time eg you have a sitting tenant, it may be useful to speak directly to the local EHO and/or housing officer to ask for a dispensation for the remaining length of the tenancy.

Household waste collection



- Each local authority can impose their own requirements for waste storage and disposal facilities for HMOs.
- Landlords required to comply with local waste schemes (if in place) – failure to do so will be considered a breach of licence and a criminal offence.
- Contact your local authority if you are unsure about the requirements in your area.

What happens if I breach the conditions of the licence?

- If you fail to apply for a licence or a temporary exemption and you are eligible for mandatory licensing, you will be committing a criminal offence.
- If prosecuted and convicted, you could be subject to an unlimited fine.
- If the licence holder breaches the licence conditions eg knowingly allowing the HMO to be occupied by more persons or households that the property is licensed for, or failing to comply with a licence condition, you are liable on conviction to an unlimited fine.
- Alternatively, the local authority can choose to impose a Civil Penalty Notice of up to £30,000 rather than seek prosecution.



Thank you

Any further questions?

