

HMO Changes - Are you compliant?

Licensing for certain houses in multiple occupation (“HMO”) has been mandatory since 2006. Such licensing originally applied to properties of 3 storeys or more with 5 or more people making up 2 or more separate households.

From the 1 October 2018, however, there have been significant changes in the licensing regulations which will extend the rules. The first change is extending the licensing to properties occupied by 5 or more people comprising 2 or more households even if the property is less than 3 storeys’ high.

An additional change is the requirement of the minimum room size for occupants with the minimum sleeping room size being:

- 6.51 metre square for 1 person over 10 years of age.
- 10.22 metre square for 2 persons over 10 years of age.
- 4.64 metre square for 1 child under the age of 10 years.

It will be a mandatory condition that any room of less than 4.64 metre square may not be used as sleeping accommodation and a landlord will need to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 metre square. If within a room there is an area with a ceiling height of less than 1.5 metres, it cannot be counted towards the minimum room size.

Local housing authorities are also required to impose conditions stating the maximum number of people over 10 years of age and/or people under 10 years of age who may occupy specific rooms within the HMO for sleeping accommodation. The purpose of these changes to the regulations is to ensure that minimum standards are applied and there is a consistent approach to all properties covered under this licensing.

In addition to the changes, all licences which are issued for HMO’s after the 1 October 2018 need to include a condition requiring the compliance with the council storage and waste disposal scheme, if one exists within that borough.

Sanctions for breaching the minimum room sizes, if convicted of such a breach, could result in an unlimited fine. If the local authority does not prosecute they can impose a financial penalty of up to £30,000.

If you would like advice on HMO's or other associated property matters, please contact one of Rooks Rider Solicitor's Dispute Resolution team or Real Estate team.



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