

A LANDLORDS GUIDE TO
**Houses in Multiple Occupation
(HMO) in Warwick District**

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When is a property an HMO?

Houses in Multiple Occupation can be known by several names; shared houses, multiple occupancy homes, house share, student lets, lodging houses and bedsits. The key consideration is whether the property meets the legal definition of a HMO. If it does, then specific standards and additional legislation apply to it.

A House in Multiple Occupation is created where 3 or more people share accommodation and facilities (washing, cooking or WC); and are from 2 or more households. A household can be a family, a couple or a single person.

Examples of a HMO

- A couple (1st household) and their friend (2nd household) rent a property together. That is three people from two households and forms a HMO.
- Three friends share a property, that is three people from three households and forms a HMO.

Some converted buildings which do not include shared facilities can also fall into the definition of an HMO. This can be buildings containing flats which are all self-contained (Section 257 HMOs) and buildings which contain a mix of self-contained and non-self-contained flats (converted building HMO).

There are some legal exemptions e.g. property owners may have up to two lodgers living with them and registered care homes. There is a legal definition of what constitutes a family for the purpose of a HMO. All occupants of a property will be counted, not just those specified on the tenancy agreement.

Who do I need to tell?

- **The Planning Team** – you may need planning permission dependent on the area and number of occupiers. You should seek advice before developing or letting a HMO.
- **Private Sector Housing** – we will guide you on the standards the property needs to meet for the number of occupiers and process your licence application. You must have planning permission in place first where it is required.
- **Council tax** – in HMO properties the landlord is responsible for paying the council tax.
- **Your mortgage company** – some lenders may not permit HMO use.
- **Your insurers** – if you do not have landlord or buildings insurance, you should arrange appropriate insurance. HMO use is likely to increase your premium, but it may invalidate a claim if the insurer is unaware the property is an HMO.
- **Building Control** – if you are undertaking specified alterations and improvements.

Planning Permission – new and existing properties

A HMO is of a different use class from a property occupied by one family unit. An owner occupier/family let is classed as C3, a HMO of 3-6 occupants is classed as C4 and a HMO of 7 occupants or more is Sui Generis (unclassified). Whilst you can revert to a family let without permission, you cannot then switch back to HMO use without obtaining planning permission again.

- **C4 HMO** – In all wards of Leamington Spa you must obtain planning permission for a C4 HMO. This is due to the introduction of an Article 4 Direction which began on 1st April 2012, any properties developed after that date required permission.
- **Sui Generis** – This is a nationally applicable planning permission requirement. HMO moving from C4 which is 3-6 occupants to 7 or more occupants, or a new property being created for 7 occupants or more requires Sui Generis planning permission anywhere in England.

You must have planning permission in place before any further development takes place. Being granted planning permission is not guaranteed. You are advised to check the planning policies before considering HMO development. You will not be granted a HMO licence if you do not have the correct planning permission to operate as a HMO.

If you have an existing HMO or are purchasing an existing HMO you should check to see if the property has the correct permissions and obtain evidence such as a lawful development certificate or confirmation from Planning Enforcement that the property has established use.

Do I need a licence?

On January 18th 2024 an Additional Licensing Designation came into effect for the whole of Warwick District. All HMO with 3 or more tenants from 2 or more households will require a licence, this includes houses, flats and flats in large purpose built blocks typically occupied by students that were previously exempt. All HMO with 5 or more tenants in 2 or more households will continue to be licensed under the mandatory licensing scheme.

In making an occupancy determination, officers will count everyone who resides in the property including partners of tenants, tenants' friends and children. Landlords should inspect the property regularly to check that they are compliant with occupancy limits, that only the named tenants reside there and to check for subletting.

Failure to obtain a licence is a legal offence and can result in an unlimited fine or Civil Penalty of up to £30,000 for the landlord or managing agent.

The tenants are also eligible to apply for a rent repayment order for the period a property has been operating without a licence.

Properties requiring a licence must not be let to tenants until the licence has been granted or they could be subject to enforcement action by Private Sector Housing or Planning Enforcement.

Properties without the correct planning permission will not be issued a licence until the correct permissions have been obtained.

How do I obtain a licence?

To apply for a licence, you can obtain the application forms, document checklist and pay fees on our website at www.warwickdc.gov.uk/HMO Alternatively, a licence pack is available on request.

An inspection will then be arranged to check the property:

- is free from hazards
- is in good repair
- is suitable for the number of occupants you have applied for in respect of space and facilities
- has adequate fire precautions

Officers will work with you to rectify any issues detected during the inspection within an agreed timeframe.

A new payment system will be in effect from 1 January 2024. Licence fees are now split into 2 payments.

Licence Application Fee - The Stage 1 payment is due at the point your licence application is submitted.

Licence Issue Fee - The Stage 2 payment is due before your licence is sent to you and is not applicable if your application is unsuccessful .

Consideration will be given as part of the licensing process to whether the management arrangements are sufficient and if the licence holder/nominated manager is a **'fit and proper person'**. HMO managers applying for a licence will be subject to the 'Fit and Proper Person Test', a licence may be refused if the licence holder has committed offences including violence, fraud, housing law breaches, discrimination, illegal drugs or are subject to a banning order.

A probationary licence may be granted for a shorter period, but the usual term of the licence is 5 years.

What HMO Safety certification do I need?

You must complete additional safety checks for HMO. If the property requires licensing, you will need to send the certificates to us with your licence application. Safety certification must be kept up to date and may be requested at any time to demonstrate good management practices. Upon receiving a request for safety certificates, they must be provided within 7 days.

During visits to the property by the manager or landlord, visual checks should also be made at regular intervals and recorded.

- **Electrical Installation Condition Report (EICR)** – This must be renewed every 5 years. To be acceptable the report must be marked satisfactory and clear from C1 or C2 codes.
- **Gas Safety Certificate** – This must be dated within the last 12 months and renewed yearly.
- **Fire Alarm Test Certificate** – This must be dated within the last 12 months and renewed yearly.
- **Emergency Lighting Certificate (if applicable)** – This must be dated within the last 12 months and renewed yearly.
- **Fire Extinguisher Servicing Certificate** – This must be dated within the last 12 months and renewed yearly. If new extinguishers have been purchased, you can provide the invoice for that year.
- **Fire Risk Assessment** – The enforcement body for this is the Fire Service however WDC officers may ask to see it.
- **Portable Appliance Testing (PAT)** – We recommend that all properties have yearly PAT testing, however HMO licence applicants are required to produce PAT certificates when applying for a licence.

HMO Standards – overview

HMOs must be kept in a good state of repair which is the same for all rental properties, however there are additional regulations for HMO properties that dictate standards and enforcement that you should be familiar with.

- **The Management of Houses in Multiple Occupation (England) Regulations 2006**
- **Housing Act 2004**
- **LACORS Fire Safety Standards**
- **The Regulatory Reform (fire safety) Order 2005**
- **Warwick District Council Space & Amenity Standards**

The property, room sizes and amenities must be sufficient for the number of occupiers.

The HMO landlord and manager must maintain sufficient fire safety precautions.

The property must be free from hazards and disrepair should be promptly fixed.

Furniture must be clean, undamaged and fire rated. We will ask for damaged furniture to be removed and replaced.

The gardens, boundaries and frontages must be kept tidy and in good order, the landlord is ultimately responsible for their upkeep.

Ensure sufficient bins & proper disposal of refuse and recycling.

You will be asked to remove any accumulations or fly tipping associated with the property.

HMO Standards - Fire Safety



HMO are considered higher risk properties and need very specific fire detection and other precautions. **'LACORS Housing Fire Safety'** is the nationally approved guidance which is applied to all HMOs.

- Additional fire safety measures will be required in all HMO.
- All fire precautions must be serviced yearly and certificates obtained.
- Landlords/property managers must have a fire risk assessment which is regularly reviewed.
- Battery smoke detectors are not suitable for HMO, fire detection must be mains powered and interlinked with battery back up.
- Fire extinguishers should be 6L foam type.
- There should be a wall mounted fire blanket in the kitchen
- Any locks to doors onto the escape route, including bedroom doors must allow for keyless exit.
- The property may require fire doors with self-closing devices and smoke & heat seals.
- Escape windows may be required in some properties.
- During inspections the fire detection should be visually checked and any furniture/belongings obstructing the route of escape should be removed.

For Example

A 4 bed, two storey property let to 4 students on a single contract would typically require:

- mains powered and interlinked smoke detection with battery backup in the hallways and common areas with an interlinked heat detector in the kitchen,
- close fitting solid construction doors and /or escape windows.
- wall-mounted fire blanket in the kitchen
- 6 litre foam type fire extinguisher wall mounted in the hall/landing area.
- Any door locks must allow for keyless exit.

**This is an example only and the specification will vary due to property layouts, means of escape, tenant type, adequacy of escape windows or doors, number of storeys etc.*

*There is no one size fits all specification. Fire specification can only be confirmed after inspection**

HMO Standards - Room sizes & communal space



There are legal minimum room sizes and officers will measure rooms to determine if the property is suitable for the number of occupiers.

The bedroom sizes take into account whether communal space is available to the tenants which is of sufficient size and layout.

- The communal space is expected to provide 1.9m² per tenant, however, this will not be required if all single bedrooms achieve a minimum floor area of 10m² and all double rooms achieve a minimum floor area of 15m².
- If the communal space is within a kitchen/diner, the kitchen floor area will be excluded from the communal space calculation.
- Any floor areas where the ceiling height is less than 1.52m² will be disregarded for calculating room sizes.

	Bedroom Size where sufficient communal space available	Bedroom size where insufficient space available	Bedroom size where communal space available BUT cooking facilities in the bedroom	Bedroom size where insufficient space and cooking facilities within the bedroom
SINGLE BEDROOM 	6.51m ²	10m ²	10m ²	13m ²
DOUBLE BEDROOM 	11m ²	15m ²	15m ²	20m ²

You are advised to consult Private Sector Housing before you convert communal space to bedrooms, if the property is licensed you must submit a licence variation form prior to proceeding. If you will be increasing tenant numbers to 7 or more, planning permission is required first.

Where there is inadequate communal space or bedroom sizes for the number of tenants, the rooms or property could be subject to prohibition orders preventing occupation.

HMO Standards – Bathroom facilities



Each tenant should have access to bathroom facilities, which are not more than two floors away. The facilities should be of adequate size and layout.

Any en-suite rooms can be deducted from the total number of tenants to bathrooms' ratio e.g. if you have 6 tenants and 2 of them have en-suite facilities then you require the corresponding bathroom facilities for 4 tenants.

For the purpose of the standard, each bathroom must contain:

- A bath or shower
- A separate hand wash basin if the room contains a WC
- Toilet, which can be separate from the bathroom
- Adequate ventilation, electric lighting and fixed heating
- A smooth and impervious floor covering
- Sufficient splash back/tiling to each bath, shower and hand basin area.

NUMBER OF OCCUPIERS	1-4 persons	5 persons	6-10 persons	11-15 persons	16-20 persons	21-25 persons	26-30 persons	31-35 persons
NUMBER OF BATHROOMS	1	1 bathroom with & 1 WC separate to bathroom	2	3	4	5	6	7

Any separate WC must also have a wash hand basin with hot & cold water, splash back tiling, a smooth impervious floor covering, adequate drainage, adequate ventilation, fixed heating & electric lighting

HMO Standards – Shared Kitchen facilities

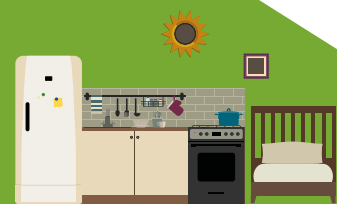


If tenants have shared kitchen facilities, they should be no further than one floor away. If their room is more than one floor away a dining area must be provided; this could be a separate room that is adjacent to the kitchen. Facilities should be of suitable size and layout for the number of people using them.

Each set of shared kitchen facilities caters for up to 6 tenants. Shared Kitchens must include;

1. **Sink** – must be of a suitable size, with draining board, a constant supply of hot & cold water and an impervious splash back (e.g. tiled)
2. **Dishwasher** – for 7 persons
3. **Worktop** – must be at least 1.5m x 0.6m, fixed and impervious surface, we may ask you to replace worktop that is damaged or burned as it cannot be effectively cleaned. There should also be an impervious splash back.
4. **Storage Cupboards** – There should be a suitably sized cupboard per person for dry food storage (0.18 cubic meters minimum) sink units are discounted.
5. **Fridge** – with a minimum capacity of 150 litres
6. **Freezer** – with a minimum capacity of 120 litres
7. **Cooker** – with at least four cooking rings, grill and oven.
8. **Fire blanket** – wall mounted away from the cooker
9. **Electrical sockets** – a minimum of two 13amp twin electric sockets in the food preparation area.
10. **Ventilation** – adequate extract ventilation
11. **Lighting** – adequate artificial lighting
12. **Floor** – an impervious floor covering which can be hygienically cleansed. If the flooring is damaged and cannot be effectively cleaned, we may ask you to replace it.

HMO Standards – Kitchenette within a bedroom

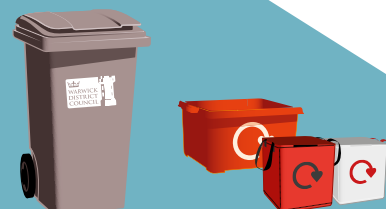


Where a kitchenette is situated within a bedroom they must have

1. **Sink** – must be of a suitable size, with draining board, a constant supply of hot & cold water and an impervious splash back (e.g. tiled)
2. **Worktop** – must be at least 1m x 0.6m, fixed and impervious surface, we may ask you to replace worktop that is damaged or burned as it cannot be effectively cleaned. There should also be an impervious splash back.
3. **Storage Cupboard** – There should be a suitably sized cupboard dry food storage (0.18 cubic meters minimum) and a second cupboard for crockery/utensils.
4. **Fridge** – with a minimum capacity of 66 litres
5. **Cooker** – For a single room a two ring cooker with oven and grill, for a double room a four ring cooker with oven and grill. In a double room a four ring cooker can be substituted for a two ring cooker and a microwave.

6. **Electrical sockets** – a minimum of two 13amp twin electric sockets in the food preparation area.
7. **Ventilation** – adequate extract ventilation
8. **Lighting** – adequate artificial lighting
9. **Floor** – an impervious floor covering in the kitchenette area which can be hygienically cleansed. If the flooring is damaged and cannot be effectively cleaned, we may ask you to replace it.

HMO Standards – Refuse



There must be an adequate number of refuse and recycling bins for the number of occupiers, see table below.

There must be adequate space to store refuse and recycling for up to three weeks between collections. This should preferably be outside the property or alternatively a suitable internal bin store which is hygienically constructed and does not compromise fire safety.






If the property is on a fortnightly refuse sack collection, you are expected to provide a physical bin store to contain sacks pending collection. The bin store must be capable of being cleaned and have close fitting doors/lids to prevent access by pests.

Landlords must display the refuse collection dates and information on sorting recycling in the property. Landlords should advise new tenants where their bin/bags should be placed for collection.

Bags and items not contained within the correct bin will not be collected and may be treated as fly tipping or an accumulation.

Bins should be placed out no earlier than 7pm the evening before collection.

HMO Landlords are ultimately responsible for the collection and disposal of any refuse or recycling accumulations at the HMO. You should ensure the correct number of bins are present at the start of the tenancy and to ensure the tenants are using the Council refuse and recycling collections properly. If containers are lost during the tenancy, we will ask you to arrange replacements at your own cost, we recommend you put the bin containers on your inventory report.

 NUMBER OF OCCUPANTS	 REFUSE CONTAINERS REQUIRED 3 weekly collections	 RECYCLING CONTAINERS REQUIRED 2 weekly collections	 FOOD WASTE CONTAINERS REQUIRED 1 weekly collections	 REFUSE CONTAINERS OR BAG STORAGE REQUIRED 2 weekly collections
1-3	1 x 180 litre grey bin	1 x 240 litre blue lidded bin	1 x 7 litre food caddy (internal use) and 1 x 23 litre food waste bin (external use)	60L storage for refuse and 60L storage for recycling per tenant. We recommend external sack storage and external or internal red boxes for recycling.
4-5	2 x 180 litre grey bins (or equivalent)	2 x 240 litre blue lidded bins	1 x 7 litre food caddy (internal use) and 2 x 23 litre food waste bins (external use)	
6-8	2 x 240 litre grey bins (or equivalent)	2 x 240 litre blue lidded bins	1 x 7 litre food caddy (internal use) and 2 x 23 litre food waste bins (external use)	
9+	Allow 60 litres PP, please contact Contract Services to discuss appropriate type of bins	Allow 60 litres PP, please contact Contract Services to discuss appropriate type of bins	For larger properties email contract.services@warwickdc.gov.uk to discuss	

HMO Standards – Anti Social Behaviour & Noise



Private landlords have a duty of care to prevent their tenants behaving in an antisocial way in and around their homes. Antisocial behaviour (ASB) is the interference with other residents' enjoyment of their homes, due to behaviour which causes alarm or distress. For example, loud music, parties, excessive noise (shouting, screaming, loud TV), excessive rubbish, poor parking and verbal abuse.

Landlords are advised to

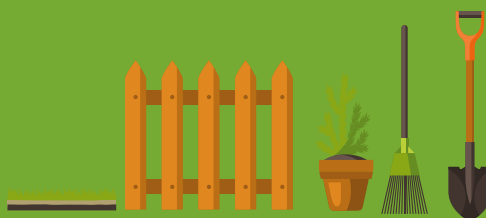
- Check references from previous landlords before signing tenancy agreements
- Advise your tenants at 'check in' that antisocial behaviour will not be tolerated
- Advise your tenants of the tenancy agreement clauses on noise nuisance, refuse and antisocial behaviour
- Place warning notices in the common areas regarding noise/ASB
- Share a contact number or email address with immediate neighbours so they can report any issues
- Arrange to inspect your property regularly, this will help you pick up on property damage from un-tenant like behaviour and sends a message that you want your property to be maintained throughout the tenancy.
- If you become aware that your tenants are creating a nuisance, take the complaint seriously and speak to your tenants to get their side of the story.
- Give your tenant a written warning that you will be seeking assistance from the guarantor/University/Police/Local Authority if severe nuisance continues, that they may risk eviction.
- If your tenants have a guarantor or are students, contact the University or their guarantor to make them aware of the issues and seek assistance.

Noise nuisance can occur at any time of day, but tenants should be advised to take particular care during unsociable hours. Noise or bass vibration should not be heard/felt outside of the property.

Doing nothing is not an option. If you are using a letting agent to manage your property you will need to check they are effectively responding to ASB. Where we receive a complaint regarding your HMO we will contact you to ensure you have taken the necessary action. Please see the 'HMO landlords guide to Anti-social behaviour' for further information and template warning letters.

If Occupants of Licensed HMO cause a nuisance, resulting in the service of a Noise Abatement Notice, Community Protection Notice or Civil Penalty Notice, you could have your licence revoked or have the term reduced.

HMO Standards – Gardens & Yards



The HMO landlord is ultimately responsible for ensuring that the yard, garden and boundary fence or walls are maintained in a safe and tidy manner. Unkempt gardens and yards or refuse accumulations in the garden will attract pests and upset the neighbours. If your tenants are required to maintain the garden under the terms of the tenancy you should ensure they understand this and have the tools required. We expect landlords to address issues with gardens and frontages with their tenants by regularly inspecting the property. In any event, we will ask the landlord to address overgrown and untidy gardens because landlords have a legal duty under the HMO Management Regulations. Where garden waste is generated, the landlord must make adequate arrangements for its collection and disposal, whether that is via the councils chargeable garden waste service or otherwise.

Entering your property for inspections, repairs and viewings

All tenants must be given 24 hours' notice in writing (text/email/letter) if you, your agent or a contractor wish to enter the property. You should not enter the property unless the tenants have confirmed it is ok to do so. You must not enter the property using your key without permission, because this can be regarded as an interference with the occupiers enjoyment of the property and could be regarded as harassment.

Whilst we expect tenants to be flexible where possible, tenants do not have to allow access if it is not convenient. This right to quiet enjoyment cannot be overridden by clauses in the tenancy agreement which allow entry without notice and consent e.g. viewings for the purpose of reletting the property. Such clauses would not be enforceable.

We are likely to receive and will action complaints if access is not agreed properly.

HMO Management

Managing HMO properties can be a full time job, it's important to ensure the person managing them has sufficient time to respond to tenants' issues, conduct inspections, arrange repairs and stay on top of renewing the safety certificates.

Properties that are not well managed or maintained will upset the local community and draw the attention of our officers, whether it is nuisance from tenant behaviour, unkempt frontage or refuse issues. If you are visiting your property take a look at the street scene, does your property stick out amongst the other houses like a sore thumb? If it does, take action to rectify it, don't wait until the end of the tenancy.

HMO properties are subject to more wear and tear than family lets. It is important that the landlord has sufficient budget set aside for costly repairs and periodic renewal of carpets, furniture and décor.

If you are the HMO manager but not the landlord or owner you must have the ability to approve spending for repairs.

Before issuing a new licence or renewal we will review any complaints received about disrepair, management, refuse issues, noise and pests to ensure they have been managed in a satisfactory manner. Where complaints have not been dealt in a satisfactory way we will decide whether it is appropriate to issue another licence or whether a shorter probationary licence will be offered.

Warwick District Council Contacts

Private Sector Housing Team - privatesectorhousing@warwickdc.gov.uk

Mandatory HMO Licensing (5+ people) - hmo@warwickdc.gov.uk

Additional HMO Licensing - addhmo.admin@warwickdc.gov.uk

Planning Team - planningenquiries@warwickdc.gov.uk

Building Control - buildingcontrol@warwickdc.gov.uk

Noise nuisance/Pests - pollution@warwickdc.gov.uk

Refuse Management - contract.services@warwickdc.gov.uk

Council Tax - ctaxenquiries@warwickdc.gov.uk

Anti-Social Behaviour Officer - antisocialbehaviour@warwickdc.gov.uk

