

HMO Licensing information

The introduction of the Housing Act 2004 in Sussex



HMO Licensing - timetable for implementation

During March - receiving confirmation of the final regulations, and councils will be making decisions on local policies, procedures and fees. Discussions continue across Sussex authorities to achieve common understanding where possible.

Further regulations are expected from the Office of the Deputy Prime Minister (ODPM) regarding transitional arrangements for Registered HMOs, and regulations relating to converted buildings consisting solely of self-contained flats which do not meet 1991 Building Regulations.

End March - application forms available.

6 April 2006 - licensing commences and applications will be accepted by councils.

Landlords will be operating legally once they have applied. Local councils will acknowledge receipt of applications in writing.

After 3 July 2006 - landlords who continue to operate without applying for a licence will be committing a criminal offence, and could face a prosecution, a substantial fine and the loss of rental income.

Which properties need a licence?

The properties that will need a licence are those with three or more storeys (including basement and loft conversions if used for living accommodation), which provide homes for five or more people from two or more families, where not all the accommodation is self-contained.

This will include shared housing, such as:

- houses shared by young working people, or students
- old style bedsit houses, where people have their own cooking facilities but share bathroom and/or WC
- hostel accommodation
- converted properties that contain both flats and non-self contained accommodation

Storeys consisting solely of commercial premises will be included when counting how many storeys a building has.

If in doubt, contact your local council. The rules have been made by central government, but your council will be enforcing them, and will be able to give you guidance.

Licence applications & the public register of licensed HMOs

Although some of you will have seen the applications drafted by Brighton & Hove and shared with the other Sussex authorities, government regulations released in late February added further requirements which are now covered in the applications. They have also set rules for the register of licensed HMOs, which will consist of substantial extracts from the application and the licence themselves. By law this must be publicly available and it is intended that the register will be indexed by property address.

What do the standards mean?

The government has now issued standards for licensed Houses in Multiple Occupation. These are mandatory and all councils will need to apply them.

All HMOs must have:

- **Washing facilities** - one separate toilet with wash hand basin and tiled splash back per five occupiers
- **One bathroom** with bath or shower and constant hot and cold water per five occupiers, which may also contain a WC (if there are less than five people in the house, they can share a bath/shower which incorporates a WC)
- **Bathrooms** to be adequately heated and ventilated
- **All washing facilities** to be adequate in size and layout; fit for the purpose and 'suitably located'
- **Wash hand basins** should be provided in every unit of accommodation containing five or more sharers (unless a sink is provided)

If properties do not comply completely with these standards but still have reasonable facilities, landlords may be given time to do so as a licence condition.

If you are concerned about this particular requirement please contact your local authority to discuss your options.

Shared kitchens must be suitably located, suitably laid out, and adequately provided with facilities for storage, preparation and cooking of food for the number of occupiers.

Minimum equipment for shared kitchens includes sinks (with drainers), hot and cold water supplies, cookers, electrical sockets, worktops, cupboards, fridge/freezers, and refuse disposal facilities, as well as extractor fans, fire blankets and fire doors as necessary. It is hoped that the authorities can work together to develop best practice guidance on the quantities of these items required to be considered 'adequate', 'sufficient' or 'appropriate'.

Local authorities must also be assured that there is adequate heating throughout the property.

What about fire regulations?

As properties vary so much, please remember to consult your local council before wasting money doing unnecessary or inappropriate work.

Fire precautions are intended to prevent the spread of fires where possible, give early warning and provide a safe and speedy exit route for the residents.

Depending on the individual property, you are likely to be required to provide a hard-wired (not battery) smoke detection and alarm system, with half hour fire doors on all rooms leading onto the main staircase and a self-closer on the door to any shared kitchen (one of the most common places for a fire to start). Fire blankets may also be required and, in some circumstances, you may be asked to provide emergency lighting.

All main exit/entrance doors must be openable from the inside without a key.

The need for fire precautions for licensed HMOs is specified in the regulations, and local details will be agreed in consultation with the East and West Sussex Fire & Rescue Services. Again, landlords will be given time to improve their properties as conditions on a licence.





And what about the management regulations?

These will apply to all HMOs in the private rented sector, even if they do not require a licence.

They require the manager to:

- provide occupiers with contact information
- maintain all fire safety measures
- protect occupiers from injury
- maintain water and drainage
- maintain gas and electricity supplies
- maintain common parts and installations
- ensure properties are clean and fit at the time of letting and maintained
- provide waste disposal facilities

Occupiers are specifically required to co-operate in the management of the property, avoid nuisance and annoyance to neighbours and other occupiers, and comply with reasonable instructions regarding means of escape and other fire precautions.

Note

Appeals against local authority decisions under HMO licensing and HHSRS enforcement can be made to:

**Southern Residential Property Tribunal
Service 1st Floor
1 Market Avenue
Chichester PO19 1JU**

Tel: 0845 100 2617 or 01243 779394

Fax: 01243 779389

E-mail: southern.rap@odpm.gsi.gov.uk

What's it going to cost?

Licence applications will need to be submitted with a fee. Unlike the current HMO Registration Schemes which some councils have, the government is not setting a fee. However, while we cannot make a profit on the fees, we have been told that the scheme is expected to be self-financing.

The licence fee can cover the council's development costs, and the time taken to process the applications (including property inspections), to prepare and consult on the licence, and to monitor compliance with the conditions over the lifetime of the licence.

Licences can be granted for up to five years, and may require landlords to do certain work, which we will need to check on.

Licences for the various property types will take different times to process and the fees will be set to reflect this. For example, we would only expect to look at one kitchen with a shared house, whereas we might have to inspect five or six individual cooking facilities with a property with a number of bedsits. We might also have more problems arranging inspections and would have to do different assessments for facilities generally.

We are therefore proposing different fee structures for shared houses, bedsit properties, and hostels, with an increased fee for larger properties in each category.

Additional costs could include compliance with licence conditions and, if gas is supplied to a property, the cost of annual gas safety certificates. Electrical safety certificates are valid for five years and could mean that work will be needed to the existing system.

Please contact your council for further information on local fees - contact details are included on the back page.

Registered HMOs

If your HMO is already registered under the existing registration schemes in Brighton & Hove, Eastbourne or Hastings, our current information indicates that it is likely that you will automatically transfer to licensing without paying an extra fee. Your council will contact you directly about this once the government has confirmed it.

HHSRS - what is it?

From 6 April 2006, the old fitness standard which has been in use for nearly a century is being replaced by the a new risk assessment inspection system for all residential accommodation (not just HMOs).

Under the Housing Health and Safety Rating System (HHSRS), we have to assess the risks to the occupiers who may be present when making an inspection and make recommendations or requirements about reducing these risks. We have to assess 29 individual risks in four categories. Under HHSRS, councils will probably be more flexible and less prescriptive, because we are not applying a fixed set of rules.

The HHSRS assessment is based on the risk to a potential occupant who is most vulnerable to that hazard. For example, stairs constitute a greater risk to the elderly, so for assessing hazards relating to stairs, they are considered the most vulnerable group. The very young as well as the elderly are susceptible to low temperatures. The principle is that a dwelling that is safe for those most vulnerable to a hazard is safe for all.

Room sizes will no longer be prescribed. Instead, we will look at a room, consider its purpose and decide whether the size and arrangement present any risk.

Notices requiring landlords to make specific improvements may be necessary, and these will incur costs of enforcement including inspections, preparation of the notices, and follow up supervision to see that the work is done. This is separate from the licence fee and councils will need to decide whether to pass these costs on.

Further information about HHSRS is now available on www.odpm.gov.uk/hhsrs.

Other useful information

SPLA - Southern Private Landlords Association
The SPLA is an association of landlords, run by landlords, for the benefit of all. info@spla.co.uk
0845 456 9313 or 01273 421962

Office of the Deputy Prime Minister (ODPM)
website for more information on licensing:
www.propertylicencence.gov.uk



Brighton & Hove

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