

# Houses in Multiple Occupancy (HMO)

Private Sector Housing



# HMO Definition

A property occupied by three or more people, in two or more households.

# HMO Locations and register

- 1414 HMO units currently listed or under investigation\*
- 1243 of those are in Leamington Spa
- Approximately 982 are believed to be occupied by students

Warwick District Council are required to publish a register of licensed HMO on our website with specific details about the property and licence holder.

In addition to this we also publish a non-licensable HMO list but are prohibited from including the same level of detail.

# Licence Conditions

Mandatory licence conditions are specified in the Housing Act 2004 & further regulations in 2018. Local Authorities may include reasonable discretionary conditions.

- Provision of facilities & equipment
- Fire precautions & gas safety
- That facilities and equipment are kept in good working order
- Prevention of Anti-Social behaviour
- Specified Room sizes
- Landlord to comply with local authority scheme for storage and disposal of refuse

The licence conditions must be appropriate in the circumstances i.e capable of being reasonably enforced

# HMO Licensing Requirements

- The property is suitable for the number of occupiers
- The property is free from serious hazards under the Housing Health and Safety Rating System (HHSRS)
- The property has adequate fire precautions
- Satisfactory management arrangements
- The licence holder and manager meet the 'fit and proper person' definition as per the Housing Act 2004

# Management Requirements (S 66, Housing Act 2004)

- That the proposed licence holder is a 'Fit and Proper Person'
- They have a sufficient level of competence
- The management structure and funding is 'suitable'

# Licence Conditions - refuse

Licence conditions changed to strengthen these clauses in 2018.

Landlords are required to

- Provide a suitable location for provision of refuse containers\*
- Provide suitable and sufficient containers for the storage of domestic waste in accordance with WDC requirements, at the start of the tenancy and throughout.
- Where the household is on a sack collection and where external space permits, provide a cleansable bin store.
- Display information on collection days within the HMO.
- Make further arrangements for disposal of refuse, having regard to any service provided by WDC.

# Licence Conditions - ASB

Licence conditions changed to also strengthen these clauses in 2018

Landlords are required to

- Have a clause in their tenancy agreement stating tenants must not cause nuisance and anti-social behaviour, and make provision for ending the tenancy by legal means.
- Demonstrate they have taken all legal and practicable steps when dealing with complaints made against occupants. Including verbal and written warnings.
- The licence holder/manager must be prepared to take appropriate legal action to regain vacant possession.



# Legislation & Enforcement

- Licensable vs Non Licensable
- Housing Act 2004, Part 1 – Assessing hazards in a property and associated legal remedies.
- Housing Act 2004, Part 2 – HMO Licensing requirement, fees, process, duration of licence and licence conditions.
- The Management of Houses in Multiple Occupation (England) 2006
- Housing and Planning Act 2016 – Civil Penalty Notices as an alternative to prosecution, Rent Repayment Order
- Warwick District Councils Enforcement Policy

# Civil Penalties (Housing and Planning Act 2016)

- Our Enforcement policy states that where possible we will work informally with the landlord to resolve the issue. Where cooperation has not been forthcoming, Civil Penalties may be considered.
- Civil Penalties can be used as an alternative to prosecution for both breaching the licence conditions and the management regulations.
- Civil penalties require the same burden of proof as a prosecution. WDC is required to show enforcement of the breach is proportionate and would meet the public interest test.

# Reporting Concerns

- **Refuse issues** – Environmental & Operational Services - online or by emailing [contract.services@warwickdc.gov.uk](mailto:contract.services@warwickdc.gov.uk)
- **Noise/Anti Social Behaviour** – Community Protection Team - [pollution@warwickdc.gov.uk](mailto:pollution@warwickdc.gov.uk)
- **Disrepair, licensing query, or management issues** – Private Sector Housing - [privatesectorhousing@warwickdc.gov.uk](mailto:privatesectorhousing@warwickdc.gov.uk)
- **New HMO operating without permission or unauthorised building works** – Planning Enforcement - [planning.enforcement@warwickdc.gov.uk](mailto:planning.enforcement@warwickdc.gov.uk)
- **Unsafe structure or unauthorised work** – Building Control – 01926 456551

# Houses in Multiple Occupancy (HMO)

Planning Enforcement



# Planning Controls & Enforcement

- Planning Policy H6
- Article 4 Direction
- HMO status verification project

Questions