

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION



Effective from June 2019

HOUSES IN MULTIPLE OCCUPATION STANDARDS

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1. INTRODUCTION

This document provides information and guidance for landlords and managers of Houses in Multiple Occupation (HMOs). These standards will apply to properties that are subject to the licensing requirements in Part 2 of the Housing Act 2004 as well as those that do not require a HMO Licence. These standards are effective as of July 2019.

The amenity standards stated are those prescribed by legislation. Additional amenity standards indicate how the council (CBC) will regard how the 'Tests as to the suitability for multiple occupation' can be met under section 65 of the Housing Act 2004.

The prescribed room sizes indicate how CBC will decide on the maximum occupation of the property (permitted number) under section 64 of the Housing Act 2004. The standards and suitability of a property for multiple occupation by a particular maximum number of households or individuals may also be assessed using the Housing Health and safety rating system (HHSRS) under Part 1 of the Housing Act 2004. As such it is possible that the outcome of the HHSRS assessment will differ from the guidance contained in this document.

The information provided within this document relates to HMOs or parts of HMOs occupied by a socially interactive group (normally subject to a joint tenancy). These HMOs are commonly referred to as "shared Houses".

This document also relates to HMOs occupied by individual households (often single people) living independently and who have exclusive use of a bedroom but share other facilities such as the kitchen, bathrooms or lounge. The individual tenants will have their own tenancy agreement (written or implied) and the bedrooms will often have a lock on the door. This type of property and rental arrangement is considered a form of Bedsit HMO.

The Private Sector Housing Team can provide the council's standards for hostel accommodation upon request.

2. Is my property a HMO and do I need a HMO licence?

As of the 1st October 2018, ANY property that has 5 or more persons forming 2 or more households living in the property will require a HMO licence.

The table below is meant as a quick guide for landlords to check whether their property is a HMO and whether they need to apply for a HMO licence.

Type of dwelling	Occupancy Description	Is this a HMO?	Is a HMO Licence required?
Any size Flat or House or Bungalow	Single family	No	No
	Owner and family plus 2 tenants	No	No
	2 persons who are unrelated	No	No
	3 or 4 persons who are not related and form two or more households	Yes	No
	Owner & partner plus 3 or more persons who are not related forming two or more households	Yes	Yes
	5 or more persons who are not related and form two or more households	Yes	Yes

Some blocks of flats or converted buildings may also require a HMO licence under s257 of the Housing Act 2004. If the block or building does not meet (as a minimum) the 1991 Building Regulations and it comprises entirely of self-contained flats and less than two thirds of those flats are owner occupied, it will need a HMO licence.

Certain purpose built flats may not require a HMO licence even if it is occupied by 5 or more persons. A purpose built flat in a block comprising of 3 or more self-contained flats will not require a licence irrespective of whether it is multi-occupied or not.

3. GUIDANCE ON AMENITY STANDARDS AND ROOM SIZE

HEATING AND INSULATION

- Each unit of living accommodation in a HMO must be equipped with a fixed means of space heating capable of reaching and maintaining 21°C when the external temperature is minus 1°C.
- Adequate fixed space heating must be provided in every room including bathrooms, WC's and kitchens.
- The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room.
- Adequate structural thermal insulation should be provided to the building. This would include minimum 270mm of loft insulation and where appropriate cavity walls should be insulated.

FIRE SAFETY PROVISION

HMOs comprise of a wide range of property types, occupancy arrangements and occupiers, therefore the fire risks HMOs present can be complex and fire safety measures must be based on the level of risk within each property. Fire safety measures will be guided by the fire risk assessment and in accordance with the guidance '[LACORS Housing – Fire Safety](#)'.
By way of summary:

- FD30 fire doors with door closers must be fitted to all rooms (except bathrooms and WC) and cupboards off the escape route. Close fitting conventional doors (with door closers) of solid construction (not panelled) will only be acceptable in shared house HMOs (see page 2) of less than 3 storeys.
- FD30 fire doors must have intumescent strips fitted without exception. The provision of smoke seals on the fire doors will be dependent on the type of HMO and location of the smoke alarms within the property. '[LACORS Housing – Fire Safety](#)'
- In Bedsit HMOs, FD30 fire doors must have smoke seals, intumescent strips and door closers fitted.
- Fire doors must be installed and maintained in accordance with BS 8214:1990.
- All bedroom doors and exit doors from the property must have a thumb turn locking mechanism. Occupants must not have to rely on a key to unlock a door in the event of an emergency.
- No routine requirement for additional fire resistance but walls and floors must be of sound, traditional construction. Additional resistance will be subject to assessment by a suitably qualified person.
- No portable electrical appliances (eg; washing machines, tumble dryers, fridge / freezers) can be installed in the exit route or a cupboard off the exit route that does not constitute a 30 minute fire resisting compartment.
- All glass transoms above internal doors must be replaced with 30 minute fire rated glazing or over boarded in suitable 30 minute fire resisting material eg: 12.5 mm pink plasterboard.
- A fire blanket is required in the kitchen and must be fixed in an easily accessible location on the wall.
- Simple multi-purpose powder fire extinguisher on each landing and by the front door should only be provided if the tenants are given guidance on how and in what circumstance to operate the type of extinguisher that is in the HMO.
- Emergency escape lighting is only required where the escape route is long or complex or where there is no effective borrowed light. If the exit route is dark when all the artificial lights are switched off, emergency escape lighting should be installed.
- No requirement for fire safety signage unless the route is long or complex.
- Carbon monoxide alarm is required in all rooms containing a solid fuel combustion appliance.

SMOKE AND FIRE DETECTION SYSTEMS

Shared House HMOs (See 'Introduction' for definition)

1. Mains powered, interlinked smoke alarms with integral battery back up in the escape route at each floor level.
2. Additional interlinked heat alarm with integral battery back-up located in the kitchen.
3. Additional interlinked smoke detector with integral battery back up in the lounge, dining room and cellar (where applicable).
4. Additional single point, non – interlinked smoke detectors in each bedroom.

Bedsit “type” HMOs (See 'Introduction' for definition)

As above **but replacing point 4 with the following:**

1. Additional interlinked mains powered smoke detector with integral battery back up in every bedroom and any other room where a fire may start eg: utility room. These detectors must be linked to those in the common areas and the heatdetector in the kitchen.

Any fire detection system must be installed and maintained in strict compliance with BS 5839: Part 6 2013. A certificate confirming compliance with BS 5839: Part 6 2013 must be provided upon request and as part of the HMO Licence application.

HMO – LANDLORDS FIRE RISK ASSESSMENT

Landlords must have a full property fire risk assessment carried out by a competent, appropriately qualified person / company and available for consideration by both the Borough Council and West Sussex Fire & Rescue Services. The assessment must be provided as part of a landlords' application for a HMO Licence and is a legal duty under the Regulatory Reform (Fire Safety) Order 2005.

Landlords should seek the advice and guidance of the Private Sector Housing team if they are in any doubt regarding the provision of fire prevention and detection systems.

For detailed guidance on all residential dwellings including HMO's – see ['LACORS Housing – Fire Safety Guidance'](#).

GAS AND ELECTRICAL SAFETY

Gas safety – If gas is supplied to the property, a Gas Safe Registered Engineer must issue a current gas safe report to cover all appliances and installations. This must be done at least every 12 months as required by the Gas Safety (Installation and Use) Regulations 1998 (as amended).

The safety of the gas installation and appliances must be constantly maintained. A copy of the most recent gas safety certificate must be provided to the tenant on starting a tenancy and to the local authority on request.

Electrical Safety – The whole electrical installation to the property should be safe. An Electrical Installation Condition Report (EICR) must be obtained every 5 years, following inspection by a qualified and registered electrician (Niceic / Napit).

As a minimum, the electrician should deal with any items given codes 'C1' (Dangerous issue found) and code C2 (Potential danger found) in the 'Observations and Recommendations' section of the report. A copy of the most recent EICR must be provided to the local authority upon request.

Energy Performance Certificates - Energy Performance Certificates (EPCs) give information on reducing carbon dioxide emissions and making a home more energy efficient. A copy of the most recent EPC must be provided to the tenant on starting a tenancy and to the local authority upon request.

BATHROOM AND TOILET FACILITIES

All bathroom and WC facilities must be provided within appropriate rooms or compartments and must be suitably located in relation to the living accommodation. External facilities will not be acceptable.

All bathrooms and toilets must be of an adequate size and layout to allow drying and changing space. Sanitary ware, baths, showers and basins must all be fit for purpose and provide hot and cold water via appropriate fittings.

The table below gives a guide on the number of bathroom and WCs that should be provided in relation to the number of occupants:

5 persons	1 bathroom* AND 1 separate toilet with wash hand basin (the WC can be contained within a 2 nd Bathroom).
6 – 10 persons	2 bathrooms* AND 2 separate toilets with wash hand basins (one of the toilets can be contained within one of the bathrooms).

* Bathroom means a room containing either a fixed bath or shower or both.

Wall and floor finishes should be in a good condition, well maintained and easily cleansable and well fitted. A suitable privacy lock must be fitted to the door, which should not be glazed.

KITCHEN AND COOKING FACILITIES

Where all or some of the units of accommodation within the HMO do not contain facilities for the cooking of food -

- a) there must be a kitchen, suitably located in relation to the living accommodation and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;
- b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities;
 - i. sinks with draining boards;
 - ii. an adequate supply of cold and constant hot water to each sink supplied;
 - iii. installations or equipment for the cooking of food;
 - iv. electrical sockets;
 - v. worktops for the preparation of food
 - vi. cupboards for the storage of food or kitchen and cooking utensils;

- vii. refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, additional freezer facilities);
- viii. appropriate refuse disposal facilities; and
- ix. appropriate mechanical extractor fan or cooker hood

The following also apply:

- c) Kitchen floors are to be/have cleansable floor coverings
- d) Kitchen walls adjacent to cookers, sinks and food preparation areas shall be provided with impervious splash backs
- e) Kitchen ceilings to be in good repair.

In addition to the standards above, the table below gives additional information on the provision of kitchen facilities:

Cookers	One four ring hob, oven and grill per five occupants
Sinks	One with drainage and splash back per five occupants.
Refrigerators	One standard sized fridge/freezer per five occupants.
Kitchen worktop	Impervious material 500mm (length) x 600mm per occupant.
Kitchen cupboards	One standard 500mm wide base unit or 1000mm wide wall unit per occupant up to five occupants.

Where there are more than five occupants, the provision of worktop and cupboards should be increased proportionately where it is feasible to do so. There is some flexibility where additional facilities are required due to there being more than five occupants. Examples of such are providing a dishwasher instead of a 2nd kitchen sink, a combination microwave oven / grill or a 5 / 6 ring or burner range cooker instead of a 2nd oven and hob.

Advice should be sought from the Private Sector Housing Team where kitchen facilities are provided within the living accommodation (bedsits).

ROOM SIZES

All rooms within the property should be an appropriate size for its intended purpose and the number of occupants.

When assessing occupancy levels, it should be noted that children are regarded as a "person" regardless of their age. Whether or not a property is overcrowded will be determined using the Housing Health and Safety Rating System and these HMO room standards. The Housing Act 1985 and provisions regarding statutory overcrowding may also be considered as part of this assessment.

The tables below provide minimum room sizes.

	Single bedroom	Double bedroom
Where there is a shared kitchen & lounge	6.51m ²	10.22m ²
Where the kitchen facilities are within the room	13m ²	15m ²

	Number of occupants	
	5 Persons	6 Persons
Kitchen	5m ²	9m ²
Kitchen / diner (combined)	10m ²	11.5m ²
Lounge / diner (where the kitchen has no dining area)	8.5m ²	11m ²

Note: Any part of a room where the height of the ceiling is less than 1.5 metres cannot be taken into account in determining the floor area of that room. A room with a floor area of less than 4.64m² cannot be used as a bedroom. Landlords must inform the council of any room with a floor area of less than 4.64m².

A HMO must have a kitchen and sufficient space for dining. The dining area can be provided within the kitchen or within a lounge / dining room. There is no requirement to provide a separate lounge / living room in addition to a dining room.

Guidance on room sizes for hostel accommodation can be provided upon request by the Private Sector Housing Team.

Conservatories which do not have suitable fixed heating and thermal insulation in accordance with current Building Regulations, will not be considered as a bedroom, lounge, dining room or kitchen.

4. HMO MANAGEMENT REGULATIONS

Regulations regarding the management of Houses in Multiple Occupation outline the landlords / managers responsibilities towards:

- The provision of information to occupants (landlords' name and contact details displayed on a notice board)
- The duty to take safety measures (with regard to fire safety and to protect occupiers from injury)
- The duty to maintain water supply and drainage
- The duty to supply and maintain gas & electricity
- The duty to maintain common parts, fixtures, fittings & appliances
- The duty to maintain living accommodation
- The duty to provide waste disposal facilities

Included (amongst other responsibilities) is the duty to:

- provide a certified Landlord Gas Safety Certificate within seven days of receiving a request in writing from the local housing authority
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a suitably qualified person and to obtain a certificate from that person
- ensure that all means of escape from fire are kept clear from obstruction
- ensure that any fire fighting equipment and alarms are maintained in good working order
- ensure all handrails and banisters are at all times kept in good repair
- ensure stair coverings are safely fixed and kept in good repair
- ensure any garden is kept in a safe and tidy condition
- ensure outbuildings, yards, boundary walls and fences are well maintained, safe, clean and tidy
- ensure fixtures, fittings or appliances are maintained in good repair and clean working order (with exception of tenant damage).

Managers / Landlords MUST comply with all the above regulations and failure to do so can lead to criminal prosecution or the imposition of a civil penalty (in accordance with Council policy).

5. HOUSING HEALTH & SAFETY RATING SYSTEM

All HMOs may be subject to an assessment using the Housing Health and Safety Rating System (HHSRS). The HHSRS is a risk based assessment of 29 possible hazards within the property and the possible harm outcomes that may occur over a 12 month period.

Any hazards that are identified during the assessment may need to be appropriately addressed by the landlord to the satisfaction of the Council and as a consequence, it is possible that additional requirements to those set out in this document will need to be met.

6. ADDITIONAL ADVICE

This document is not to be read in isolation as it only reflects a Private Sector Housing perspective on the standards to be applied to properties being used as HMOs in Crawley.

It may be that you wish to vary one of more of the standards because your property's circumstances mean a different solution would work better. As long as the solution is within the legislative framework and provides tenants with a safe home and a better quality product, Crawley Borough Council may adopt a flexible approach providing discussions take in advance of the licensing process. If you need further advice regarding HMOs or this guidance document, please contact the Private Sector Housing Team on 01293 438281 or ps.housing@crawley.gov.uk

Compliance with the standards and guidance contained in this document must not be considered as compliance with other pieces of legislation and regulations governing residential accommodation. You are advised to consult the following departments for further advice and to ensure compliance with other relevant legislation:

- Planning Team on 01293 438000 or development.control@crawley.gov.uk
- Sussex Building Control on 01403 215151 or building.control@horsham.gov.uk