Houses in multiple occupation

Guide to flats in multiple occupation
PART 1

INTRODUCTION AND GENERAL INFORMATION

What is a House in Multiple Occupation?

The full definition of a House in Multiple Occupation (HMO) is found in sections 254 to 260 of the Housing Act 2004.

In broad terms a HMO can be described as a building or part of building (flat) which is occupied by more than one household (which is defined as occupiers of the same family and includes spouses, cohabitees, same sex couples and any blood relative), where:

- at least one of the households shares or lacks access to a basic amenity* or;
- the building is fully converted into self-contained flats or studios and the conversion work does not comply with the standard of the 1991 Building Regulations and more than 1/3rd of the flats are rented.

(*Basic amenities means a WC, personal washing facilities and cooking facilities).

HMO licensing

Certain categories of HMO are required to hold a licence issued by the Council. The aim of the licensing scheme is to improve conditions and management within HMOs by ensuring:

- conditions within a HMO comply with the Council’s HMO standards
- landlords and/or their agents are ‘fit and proper’ persons as defined in the Housing Act 2004
- management arrangements for the HMO are appropriate.

Housing Health and Safety Rating System

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. The HHSRS is comprehensive in its coverage of key health and safety risks in dwellings. It assesses the risk associated with certain hazards and, if the likelihood of harm is significant, the Council may take action to ensure that the risk is removed.
PART 2

HMO STANDARDS FOR FLATS IN MULTIPLE OCCUPATION (FMOs)

Application of this standard

This standard applies to a shared flat that is occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative). Any kind of ‘flat share’ arrangement, whether under one tenancy agreement or a number of agreements is a flat in multiple occupation.

This standard also applies to a shared flat within a purpose built block of flats. Any flat without a shared lounge is considered as a cluster of bedsits/studio rooms, each of which is required to comply with the Bedsit/Studio Room Standard.

Room sizes for FMOs used as sleeping accommodation

Minimum room size for sleeping rooms

<table>
<thead>
<tr>
<th>Room Size Requirements</th>
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<tbody>
<tr>
<td>If occupied by one person, not less than 8.5m²</td>
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<tr>
<td>If occupied by two persons, not less than 11m²</td>
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</tbody>
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Note: lounges cannot be used as sleeping accommodation.

Occupation

The standard is to be applied irrespective of the age of the occupants. In no case shall a room be occupied by more than two persons.

Guidance on taking measurements

Irrespective of the floor area, consideration is given to the shape and usable living space within the room in determining whether it is suitable for occupation.

Only practical useable living space must be included. This:

- does not include any area taken up by bathroom facilities within the room
- does not include the chimney breast and small alcoves
- does not include the floor area where the ceiling height is less than 1.9m, or in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.53 metres
- does not include any fire lobby or bathroom lobby.
Facilities for the storage, preparation and cooking of food

Each flat shall be provided with its own food preparation/cooking/storage facilities for the exclusive use of the occupiers of the flat, up to a maximum of five persons:

(Note: Where any flat is occupied by more than five persons contact the Private Sector Housing Team for further advice on required facilities for the preparation, cooking and storage of food).

The facilities shall include:

- an oven, grill, and at least four hobs. Cookers must not be sited adjacent to exit doors
- a tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative
- a suitable sink and integral drainer (minimum size 1000mm x 500mm) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the sink and drainer
- a suitable worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high)
- storage cupboards, total minimum capacity 0.8 cubic metres (30 cubic feet) in addition to any storage space below the sink unit. The storage space below the sink unit should not be used for food storage
- a fridge with freezer compartment - minimum fridge capacity 0.2 cubic metres (six cubic feet) with adequate additional freezer space
- four (13 amp) electric sockets in the food preparation area. At least two of these sockets to be above worktop level

The food preparation/cooking/storage area must comply with the following:

- floor covering must be hard wearing and washable
- there must be adequate mechanical ventilation provided to the kitchen area which should be extracted to the external air
- there must be artificial lighting sufficient to carry out normal activities within a kitchen area
- kitchens provided in a separate room must be adequate in size, and in any case not less than 5.5m², and be so arranged to allow safe access and use
- kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food
- kitchens must not be installed in any hallway, corridor or lobby
- floor covering must be hard wearing and washable.

WC and bath/shower facilities
Where there are four or less persons sharing bathroom/WC facilities, there must be:

- a WC, either in its own compartment or within a bathroom and not being more than one floor distant from each user. This should be provided at a ratio of not less than one WC per four persons, irrespective of age.

- a bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bathroom, not being more than one floor distant from each user. This should be provided at a ratio of not less than one bath or shower per four persons, irrespective of age.

Where there are five persons sharing bathroom/WC facilities, there must be:

- a separate WC in its own compartment, not being more than one floor distant from each user, and provided at a ratio of not less than one WC per five persons, irrespective of age.

(Note: Any WC within a bathroom will not be included for counting purposes as there must be a separate WC compartment)

Baths/showers

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bath/shower room, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.

Each WC (whether within its own compartment or within a bathroom) must have:

- adequate ventilation and artificial lighting
- adequate size and layout
- a suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin
- an appropriate door which is lockable and ensures privacy for the user
- any door or window glazing must be obscured.

Baths/showers

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bath/shower room, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.
Each shower room/bathroom must be provided with the following:

- a tiled splashback (minimum 450mm high) to the bath
- if an over bath shower is provided then the adjacent walls should be fully tiled. A suitable water resistant shower curtain must be provided
- a fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle
- adequate heating, ventilation and artificial lighting
- a suitable and washable floor covering, sealed at its edges
- an appropriate door which is lockable and ensures privacy for the user
- adequate size and layout with adequate space for drying and dressing.

Wash hand basins within bedrooms (where five or more occupiers occupy the HMO)

- Each bedroom must have a wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system.
- A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.
- A wash hand basin is not required where a sink with a constant and adequate supply of cold and hot water is provided within the letting on the grounds that the sink can be used for personal washing in addition to food preparation. (See also requirements for WC compartments).

Space heating and hot water

- An adequate means of fixed space heating must be provided in all rooms, including common parts of the building, WC compartments and bathrooms, so that a constant temperature of at least 21°C can be maintained in sleeping rooms and bathrooms and at least 18°C in all other rooms.
- All heating sources must be provided with controls to allow the occupants to regulate the temperature within their unit of accommodation.
- The heating system to be of an adequate size for the room and/or building.
- There must be adequate structural thermal insulation to the building.
- Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times.

Security

Entry through the communal front door is the most common means of access for residential burglary. All insurance companies require key operated locks on all windows and British Standard door locks, otherwise they will not provide insurance cover.
Communal front door

The main entrance door from the street should close properly, be capable of resisting bodily pressure and slipping of the door lock. Entry systems should not have ‘tradesmen’ buttons, which bypass normal locking.

1. The door should be of solid construction.
2. Solenoid based, bolt-action locks are preferred, as they cannot be put on the latch and require less maintenance (also fully compliant with means of escape).
3. Landlord registered keys to control access.
4. Letterbox Cowl to prevent access to the door lock.
5. Properly maintained door closer to ensure the door shuts properly.
6. Glazing should be protected (see Windows security).

Individual dwelling doors

The main door to the flat should meet the following minimum standard.

1. Door to be of solid construction and attached using three hinges.
2. BS8621:2007 Auto-Deadlocking Nightlatch.
3. BS8621:2007 Mortice lock with thumb turn cylinder which does not require a key to open the door from the inside, to allow escape in the event of a fire.
4. Hinge Bolts and Frame Reinforcers to resist bodily pressure (the most common method of forcing doors in converted properties).
5. Door Chain and Viewer.
6. Letterbox Cowl (where letterbox fitted) to prevent access to locks.

Windows

All windows should have key operated locks (this is an insurance requirement).

All basements, ground floors and other externally accessible windows should have restrictors fitted.

Glazing may be protected in a variety of ways:

1. Internal grilles or gates
2. Security film
3. Laminated glazing

NB: Georgian wired glass offers no security.

Living room area

- There must be a lounge of adequate size for the occupiers of the flat.
Means of escape in case of fire

An FMO must be provided with an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. Guidance is available to landlords:

LACORS Fire Safety Guidance

In general terms the following fire safety measures must be considered:

- **Provision of a protected escape route**

  The *protected escape route* leads from the letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire resistant doors and partitions. The protected escape route must be kept clear.

  There must be adequate fire separation from any commercial areas of the building and any other residential parts of the building not linked by common entrances or stairways.

- **Fire resistant doors**

  30 minute fire resistant doors are required on all doors opening onto the protected route. They should be provided with:

  - intumescent strips and cold smoke seals, to prevent the passage of smoke
  - a self closing device (except on cupboard doors)
  - a lock (for example thumb turn) which does not require a key to open the door from the inside, to allow escape in the event of a fire.

- **Automatic Fire Detection (AFD) system**

  Provision of any form of AFD system requires specialist advice to design and install the system. In general terms, the installation of a ‘mixed grade’ AFD system, in accordance with BS 5839 Part 6 is required. AFD systems are designed to provide the earliest possible warning of fire within a letting or the common parts.

- **Emergency lighting**

  Emergency lighting which comes on if mains electricity fails must be fitted to illuminate the protected route and some internal staircases.

- **Fire exit signs**
Fire exit signs are required when there is a change of direction to exit the building in the event of a fire, and when the escape route is not a normal route from the building.

- **Fire fighting equipment**

- Fire extinguishers, rated 13A (for example, nine litre water type extinguishers) must be provided within the common parts, normally one per landing; the number will depend on the size of the building.

- A 2kg carbon dioxide fire extinguisher and a fire blanket must be provided in bedsit/studio rooms.

The London Fire and Emergency Planning Authority enforce the Regulatory Reform (Fire Safety) Order 2005. This requires the owner or manager to carry out a fire risk assessment and make an emergency plan. A fire risk assessment should be a structured and systematic examination of the premises to identify the hazards from fire. The fire risk assessment and emergency plan must be recorded if:

- five or more people are employed;
- a licence under an enactment is in force in respect of the premises; or
- an Alterations Notice requiring this is in force.

The recorded fire risk assessment and emergency plan should be kept available for inspection by the Fire Authority. For more information contact the local Fire Safety Office.

**PART 3: HMO MANAGEMENT**

The Management of HMOs Regulations 2006 apply to FMOs and detail full responsibilities of managers and occupiers. Failure by a manager to comply with the regulations may result in prosecution.

**Responsibilities of the manager**

The manager must ensure that:

- the manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO

- each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order
• all common parts, for example staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe working condition and kept reasonably clear from obstruction

• outbuildings, boundary walls, yards and fences are maintained in a good state of repair and clean condition. The garden must be kept in a safe and tidy condition

• the water supply is constant and not unreasonably interrupted and that the drainage system is maintained in good, clean and working condition

• annual gas safety tests are carried out on all gas appliances within the HMO by a GasSafe registered engineer, and evidence is supplied to support this if requested by the Council

• the electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council

• the gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted

• all means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction

• all reasonable steps are taken to protect the occupiers of the FMO from injury, ensuring structural safety within the FMO, and that windows set close to or at floor level are suitably safeguarded

• sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

Other management requirements


• Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

Gas Safety (Installation and Use) Regulations 1994

• Gas safety inspections and tests must be completed by a GasSafe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
• All servicing and repairs are to be carried out by GasSafe approved contractors.

• Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

PART 4

FURTHER INFORMATION

General

For enquiries regarding this document please contact Environmental Health on 020 7361 3002 or email environmentalhealth@rbkc.gov.uk

Listed buildings

Fire protection works within listed buildings requires more specialist consideration and building techniques, and you are strongly advised to contact the Listed Building section of the Planning Department before commencement of any works. Contact telephone number 020 7641 2513.

Planning consent

Compliance with these standards does not confer planning approval for any particular use; contact the Planning and Borough Department for further advice. Contact telephone number is 020 7361 3012.

Legislation

This document must be read in conjunction with the following:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. SI 2006 No.373


Copies of these regulations may be obtained from The Stationery Office Ltd PO Box 29, Norwich, NR3 1GN. Phone: 0870 600 5522, Fax: 0870 600 5533.