

## **PROPERTIES THAT ARE EXEMPT FROM THE HMO LICENSING SCHEMES**

Schedule 14 of the Housing Act 2004 specifies categories of premises that are outside the definition of HMO and are therefore exempt from the Mandatory and Additional HMO licensing schemes as follows:

1. Buildings controlled or managed by public sector bodies including the council, registered housing provider (social) landlords, police authority, fire and rescue authority or a health service body.
2. Buildings controlled or managed by co-operative societies and meeting certain conditions.
3. Buildings regulated under certain Acts of Parliament as specified in regulations (see below 9 - 19).
4. Buildings occupied by full-time students of a specific educational establishment and where the person having control or person managing the building is that educational establishment.
5. Buildings occupied by educational establishments.
6. Buildings occupied by religious communities.

In addition, the following categories of building are also exempt from both licensing schemes by virtue of regulations:

7. Buildings occupied by one or more persons who have, in whole or in part, a freehold, or leasehold owner's interest of more than 21 years, any member of that person's household and no more than two other persons<sup>1</sup>.
8. Buildings occupied by only two persons who form two households<sup>2</sup>.

Further, The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 state that:

A building is not an HMO and is exempt from the Mandatory and Additional Licensing schemes if its occupation is regulated by or under any of the following enactments:

9. Sections 87, 87A, 87B, 87C and 87D of the Children Act 1989
10. Section 43(4) of the Prison Act 1952
11. Section 34 of the Nationality, Immigration and Asylum Act 2002
12. The Secure Training Centre Rules 1998
13. The Prison Rules 1999
14. The Young Offender Institute Rules 2000
15. The Detention Centre Rules 2001
16. The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001
17. The Care Homes Regulations 2001
18. The Children's Homes Regulations 2001
19. The Residential Family Centres Regulations 2002.

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<sup>1</sup> Housing Act 2004, Schedule 14 (6) and SI 373:2006(6)(2)

<sup>2</sup> Housing Act 2004, Schedule 14 (7)