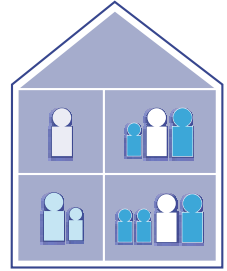


Houses in Multiple Occupation



Is my Property an HMO?

Under the Housing Act 2004, your property will be an HMO if it is one of the following:

A shared house which is occupied by people who belong to more than one family* and who share one or more facilities**.

A house converted into bedsits lived in by people who belong to more than one family* and who share one or more facilities**.

An individual flat occupied by people who belong to more than one family* and who share one or more facilities**.

A building comprising entirely of self-contained flats that do not meet the 1991 Building Regulations.

Exemptions:

- If it is occupied by only 2 people.
- If it is occupied by a religious community.
- If the occupiers have their main residence elsewhere***.
- If no-one in the property is required to pay rent.
- If the owner or manager is a public body.
- If the owner or manager is an educational institution.
- A building of self-contained flats if two-thirds or more of the flats are owner occupied.
- If the property is part of a guest house or hotel (unless an HMO Declaration is made).

Housing Act 2004 section & schedule numbers

*section 254(2)
(the 'standard test')*

*section 254(4) (the
'converted building test')*

*section 254(3)
(the 'self-contained test').*

*schedule 14, 7
schedule 14, 5
section 259*

*section 254(2)(e)
schedule 14, 2
schedule 14, 4*

section 257(2)(b)

*section 254(2)(d),
(section 255(1))*

Do I need a Licence?

Housing Act 2004 section & schedule numbers

You will need to licence your property **if all three** of the following apply:

1. It is an HMO (see definitions above) and,
2. It is 3 storeys or more (includes basements) and
3. It is occupied by 5 people or more.

Exemptions:

- If the whole property is in self-contained flats.
- If the basement is in commercial use and there are only two residential storeys above.

*Regulations made
under s55*

* Family- husband, wife, co-habitee, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, nephew, niece, cousin.

s258

** Facilities – basic amenities: WC, wash-hand basin, shower, bath, cooking facilities.

s254(8)

*** Accommodation used by full-time students while they are studying is taken to be their main residence.

s259(2)(a)



South Hams
District Council