

## Houses in Multiple Occupation

The following information is a simplified guide intended to help you understand if the property you are renting is a House in Multiple Occupation (HMO). The legislation surrounding HMOs is complex, and so **this information is intended as a guide only**. If you would like more information then please contact the Private Sector Housing team at Adur & Worthing Councils. They can be contacted via our Call Centre on 01903 221064.

### What is a House in Multiple Occupation (HMO)?

Essentially, an HMO is a shared house or flat, which is occupied by more than two households who are sharing amenities (or the property is missing an amenity). This includes bathrooms, toilets and cooking facilities.

Certain converted buildings and self-contained flats may also be HMOs under the housing legislation.

### Why does it matter if my property is an HMO?

There is often a higher risk to the health and safety of tenants in HMO accommodation. The main risks are from:

- Poor fire safety measures such as missing Automated Fire Detection

and alarms, or inadequate Means of Escape.

- Inadequate facilities for the number of people in the house.
- Poor management, particularly in communal areas.
- Inadequate heating.
- Noise

This list is not exhaustive, and landlords and tenants should be aware of any deficiencies in a property that may give rise to an increased risk to tenant health.

### What standards does an HMO need to meet?

All properties must be free from serious hazards, defined and identified by the Housing Health and Safety Rating System (HHSRS). The HHSRS is a risk assessment tool used by Local Authorities to identify the most serious hazards in a property, and as such does not prescribe standards for landlords to comply with. Worthing Borough Council has produced a leaflet on the HHSRS for landlords and tenants to assist with identifying hazards in a property.

In addition, the 'Manager' of an HMO must comply with The Management of Houses in Multiple Occupation (England) Regulations 2006, which includes a duty to:

- Maintain common parts, fixtures, fittings and appliances;

- Supply and maintain gas and electricity to the dwelling;
- Ensure that all means of escape from a fire are kept free from obstruction and in a good state of repair.

Property owners should familiarise themselves with both the Housing Act 2004 and The Management of Houses in Multiple Occupation (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2006.

### Does my HMO require a licence?

Any HMO that is three storeys or more **and** is occupied by five or more people forming two or more households is required by law to be licensed. Failure to licence an HMO that meets the above criteria is a criminal offence that can result in a fine of up to £20,000 and repayment of rent to tenants.

Once issued, a licence will normally be valid for five years.

If you believe your property requires an HMO licence or would like more information, you should contact the Private Sector Housing team at Adur & Worthing Councils. They can be contacted via Environmental Health on (01273) 263259.

## **HMOs and Planning Permission**

Planning law use classes includes the term HMO. However, smaller shared houses or houses that have been converted into self-contained flats may not be considered HMOs for Planning purposes but could still be HMOs under Housing legislation.

If a dwelling falls within the Housing Act 2004 definition of an HMO it must comply with the HMO requirements as set out by the Housing Act 2004, regardless of how it is considered under other legislation.

## **The Private Sector Housing team**

The Private Sector Housing team are based within Environmental Health and are responsible for enforcing the legislation in the private rented sector. Inspections are carried out as part of ongoing inspections of HMOs, or as a result of a complaint.

The priority for inspections is decided on a risk basis. Those properties that appear higher risk or that have not had an inspection before are usually inspected as soon as possible. Adur & Worthing Councils work with other agencies to find and inspect HMOs across the Borough.

Adur & Worthing Councils recognises the importance of HMOs in providing housing to a broad spectrum of people across the area, and wherever possible, Adur & Worthing Councils will work with landlords

to comply with the relevant legislation and improve their property.

When serious hazards are identified the council has a duty to take action to rectify them, but consideration is given to the overall risk from the hazard and whether a landlord has contacted the council themselves before enforcement action is taken.

If you have access to the internet go to [www.gov.uk](http://www.gov.uk) website which gives more detailed explanations of Houses in Multiple Occupation, landlord's responsibilities and enter 'Repairs and Standards-private tenancy'.

If you believe that your property is an HMO or would like information on the standards and requirements that an HMO must adhere to, you should contact

The Private Sector Housing team at

Adur & Worthing Councils  
Portland House,  
44 Richmond Road, Worthing,  
West Sussex,  
BN11 1HS

[private.sectorhousing@adur-worthing.gov.uk](mailto:private.sectorhousing@adur-worthing.gov.uk)

Tel: (01273) 263259

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Adur & Worthing Councils

## **Houses in Multiple Occupation (HMOs) When an inspector calls**

A guide for landlords and tenants of bedsits, shared housing and other Houses in Multiple Occupation