



## What is a 'House in Multiple Occupation'?

The status of a property declared as a House in Multiple Occupation (HMO) is not decided by local authority, but is defined in Law:

**In simple terms if there are two or more households, and three or more people, the property is an HMO as defined by the Housing Act 2004.**

Within the Housing Act 2004 there are Sections 254 and 258. Section 254 provides standard tests that help define what an HMO is, whereas 258 gives the definition of a household. Schedule 14 decides what falls outside being a HMO.

**For Simplicity, we have summarised below the types of property that would be considered to be an HMO.**

- **An entire house or flat which is let to three or more tenants (including students) who form two or more Households\* and who share a kitchen or bathroom or toilet or all.**
- **A house which has been converted entirely into bed-sits or other non-self-contained accommodation and is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet or all.**
- **A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households.**
- **A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one third of the flats are let on short-term tenancies.**

Note: In order to be an HMO the property must be used as the tenant's only or main residence and it should be used solely or mainly to house tenants. Properties that are let to students and migrant workers will be treated as their only or main residence and the same applies to properties which are being used as domestic refuges.

### What is a household?

A household is where members of the same family are living together. Therefore three friends sharing together are considered three households. If a couple are sharing with another person that would be two households. The point is that to be an HMO the property must have **two** households or more.

### What are the minimum standards for HMOs?

As in all rental properties landlords and managing agents must make sure that both the health and safety and amenity standards are maintained. As the health and safety risks in HMOs are higher than in any other properties landlords will want to take steps to minimise these risks.

The Housing Act 2004 and accompanying regulations sets out the standards for HMOs and to help you there is an approved HMO amenity standard for Essex. All the local authorities in Essex have adopted these to provide consistency throughout the County and have also adopted the LACORS fire safety guidance. Finally Colchester has a leaflet outlining the responsibilities of both landlords and tenants. All of this information can be found on our website [www.colchester.gov.uk/privatesectorhousing](http://www.colchester.gov.uk/privatesectorhousing).

### Fire safety Regulations

The fire risk assessment is based upon The Housing Act 2004 Housing Health and safety Rating System assessment and subsequent guidance. In addition, there is an approved HMO amenity standard for Essex. All the local authorities in Essex have adopted these to provide consistency throughout the County and have also adopted the LACORS fire safety guidance.

**Information around 'Shared Houses'**. In law there is no such thing as a Shared House; the property is either an HMO or a Single Family Dwelling. However, with regards to Fire Safety and assessing whether the property is being run as a Shared House, the following will be considered when inspecting:

**HMO's** described as Shared houses are where the whole property has been rented out by an identifiable group of sharers such as students (not 1st Year Students), work colleagues or friends as joint tenants. Each occupant normally has their own bedroom that does not have a lockable door. They share the kitchen, dining facilities, bathroom, WC, lounge and all other parts of the house.

All tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the house as one group. There is a single joint tenancy agreement with vicarious responsibility and therefore the landlord does not decide who lets a room should someone leave. In summary, the group will possess many of the characteristics of a single family household, although the property is still an HMO as the occupants are not all related.

## **For Further Information**

### **Housing Act 2004**

<http://www.legislation.gov.uk/ukpga/2004/34/contents>

### **Management Regulations 2006 SI 372**

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

### **Management Regulations 2006 SI 373**

<http://www.legislation.gov.uk/uksi/2006/373/contents/made>

### **Management Regulations 2006 SI 1903**

<http://www.legislation.gov.uk/uksi/2007/1903/contents/made>

### **Management Regulations 2006 SI 1904**

<http://www.legislation.gov.uk/uksi/2007/1904/contents/made>

### **HHSRS Operating Guidance**

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=959&p=0>

### **HHSRS Enforcement Guidance**

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=960&p=0>

### **HHSRS Guidance for Landlords**

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=961&p=0>

### **LAcORS Fire Safety Guidance**

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=955&p=0>

### **CBC Website with all information**

<http://www.colchester.gov.uk/privatesectorhousing>

If you require any further information or advice then please contact:

## **Private Sector Housing**

### **Colchester Borough Council**

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