

Definitions

Buildings that are not HMOs for the purposes of the Housing Act 2004, Schedule 14

The following buildings, or parts of buildings are not considered to be HMOs:

- Buildings managed by a local housing authority, a registered social landlord, a police authority, a fire and rescue authority or a health service body.
- Buildings regulated by other Acts such as prisons and care homes
- Buildings managed by educational establishments and occupied by their students
- Buildings occupied by religious communities whose principal occupation is prayer, contemplation, education or the relief of suffering
- Buildings occupied by the owners, or their households, which are either freehold or leasehold for a term of at least 21 years and no more than 2 other persons (in addition to the owner and / or their household)
- Any building occupied only by 2 persons who form 2 households.

HMOs – certain converted blocks of flats

These are considered to be in multiple occupation where:

- A building, or part of a building, which was converted into self-contained flats before 1992, and where the building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 and still does not comply with these regulations (and, in the case of any other converted blocks of flats, the relevant Building Regulations in force at the time), and
- In addition, less than 2/3 of the flats are owner-occupied (this includes leases of more than 21 years, freeholders and household members of both of these categories).

HMOs: persons not forming a single household

Persons are to be regarded as not forming a single household unless they are all members of the same family.

Basically a household therefore comprises:

- A single person, or
- Co-habiting couple, or
- A family, which includes foster children and children being cared for, as well as current domestic employees and their families

HMOs: persons treated as occupying premises as only or main residence

Certain persons are deemed to be occupying a building or part of a building as their only or main residence, even though they may have another home which would usually be considered to constitute their main residence. These persons include:

- Students occupying the property for the purpose of undertaking a full time course of further or higher education,
- Occupiers of refugeesMigrant or seasonal workers who are being provided accommodation by their employers
- Asylum seekers or their dependents who have been provided with accommodation under the Immigration and Asylum Act 1999 and are funded under the National Asylum Support Service

Basic Amenities

These consist of:

- Toilet
- Personal washing facilities (wash hand basin and a bath or shower)
- Cooking facilities, including a sink