

Are There Any Exemptions?

Certain types of properties are not classed as HMOs for the purpose of the Housing Act 2004 (other than for the Housing Health and Safety Rating System) and, as a result, are not subject to licensing. These include:

- Two person flat share - a property, or part of a property, lived in by no more than two "households" each of which consists of just one person
- A property where the landlord and their household lives with up to two tenants
- Buildings occupied entirely by freeholders or long leaseholders
- Buildings owned or managed by a public body (such as the NHS or police), a local housing authority or a registered social landlord
- A building where the residential accommodation is ancillary to the main use of the building, for example, religious buildings, conference centres etc
- Buildings which are already regulated (and where the description of the building is specified in regulations), such as care homes, bail hostels etc. Domestic refuges are not exempt.

Purpose built blocks of flats are not HMOs. However, if any of the individual flats are shared by more than 2 tenants in two are more households they will be HMOs.

Houses which are converted entirely into self-contained flats will only be HMOs if the conversion did not meet the standard of the 1991 Building Regulations and more than one-third of the flats are let out on short term tenancies.