

**PRIVATE SECTOR HOUSING**

**LANDLORD GUIDANCE FOR HOUSES IN MULTIPLE OCCUPATION (HMOs)**

**Introduction**

This guidance aims to provide a basic checklist for you, the landlord, to use when assessing what type of HMO you own, how many occupants you can legally house for the space provided, what amenities are required for the number of proposed tenants, what fire precautions must be installed and whether your property has to have a licence.

**It is not fool proof – it is a basis on which to work with us, Private Sector Housing (PSH), as every property is different. You must get in touch with us to discuss your property as we intend to inspect every HMO in Warrington.**

However it should give you an indication of the HMO standard required in this authority. Detailed specifications can be found using the links provided throughout the guidance. These should be read together with the checklists as they will give you some idea of the work you will have to carry out so that your property is up to standard.

We advise you to contact us before carrying out any work as this is a very complex area of expertise and it could be expensive if you carry out work which is incorrect or not necessary. However you must own the property.

**What is an HMO?**

Basically an HMO is any building or part of a building which is lived in by people who live separately and are not part of the same household. (see Definitions at the end). There are different types of HMOs depending on how the property is being used or has been converted:

- Bedsits - rooms within a house that are let on an individual basis with lockable doors, where there is some exclusive occupation. Bedsits share some amenities eg bathrooms and/or toilets or kitchens with the other tenants. The occupants do not usually know each other beforehand.
- Shared houses – the whole property is rented to a defined group such as students or friends. Each tenant has his own room but the rest of the house and facilities ie bathrooms, toilets, kitchen, living room etc are shared.
- Self-contained flats that were converted before the 1991 Building Regulations – a house or building converted entirely into self-contained flats which shares a communal access but each unit contains all the amenities eg bathroom, kitchen, bedroom, living area. Each flat is occupied by a single household whether that is a single person a couple or a family.
- Hostels – rooms rented out where board is provided as part of the occupation and it constitutes a person's only or main place of residence. This includes bed & breakfast and hotel accommodation which is a person's main or only place of residence.

**Type of HMO**

HMO type	Bedroom	Own Bathroom in Letting	Own Kitchen in Bedroom	Some meals provided
Bedsit	√	√		
Bedsit	√		√	
Shared house	√			
S/C flat	√	√	√	
Hostel	√			√

NB Lodgings, where the owner lives in the same house and lets a room to one or two tenants is not an HMO.

### **Do I need a licence?**

If you operate a HMO with 5 or more people living in it, who live together as 2 or more households then it must be licensed. It is a legal requirement and carries severe penalties if you do not comply. There is another type of licensing known as Selective Licensing but this is not carried out in this authority at present.

### **Property type and occupation**

1-2 storeys	3 or more storeys	1 - 4 tenants	5 or more tenants	2 or more households	Licence required
√		√		√	No
√			√	√	Yes - after October 2018
	√	√		√	No
	√		√	√	Yes

### **Room Sizes**

Nationally there are minimum room sizes that local authorities generally work towards and these are dependent on the number of people sharing a room and the purpose of the room e.g. bedroom, kitchen. However properties vary in size, construction and configuration locally and this is taken into consideration when assessing whether a house is suitable for the proposed number of tenants.

There is a defined way of measuring a room to determine its useable floor space. These rules are as follows:

- The ceiling height must be at least 1.525m above the floor. So, the floor beneath a sloping roof or ceiling cannot be included as useable space if the ceiling height is less than 1.525m
- The floor measurement must be measured to the back of the skirting board
- The floor area will include a bay projection or alcove even if it has been built in with wardrobes or other furniture.
- The area occupied by a chimney breast or stair bulkhead or other fixed projection into the room will not be included in the measurement.
- If the space behind the door is no wider than the door itself, it will not be included in the measurement e.g. if it forms a narrow corridor into the room. If the space is wide enough for an item of furniture and safe access into the room it is included as useable area.

### **Minimum room sizes for shared accommodation**

Room is for sole use of occupier/s	1 person per unit	2 persons sharing per unit as a couple
Bedroom	6.5 m <sup>2</sup>	10.22 m <sup>2</sup>
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>
Combined kitchen/living room	11m <sup>2</sup>	15m <sup>2</sup>
Combined bedroom/kitchen	11m <sup>2</sup>	15m <sup>2</sup>
Combined bedroom/living room	10m <sup>2</sup>	14m <sup>2</sup>
Combined bedroom/living room/kitchen	13m <sup>2</sup>	20.5m <sup>2</sup>

### **Minimum room sizes for other shared rooms**

Minimum sizes of other shared rooms	Number of persons					
	2-3	4	5	6-10	11-15	16+
Kitchen	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	10m <sup>2</sup>	13.5m <sup>2</sup>	16.5m <sup>2</sup>
Living or dining rooms separate from the kitchen area	8.5m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	16.5m <sup>2</sup>	21m <sup>2</sup>	24m <sup>2</sup>
Combined kitchen/dining area	10m <sup>2</sup>	11.5m <sup>2</sup>	11.5m <sup>2</sup>	19.5m <sup>2</sup>	24m <sup>2</sup>	29m <sup>2</sup>

### **Bathroom/Personal Hygiene Amenities**

Bathroom and toilet facilities must be located in proper rooms or compartments. External toilets will not be acceptable under any circumstance.

All bath/shower rooms and separate toilets must:

- be big enough and of a suitable layout so that a tenant can use them safely
- have walls and floor finishes that are easy to keep clean with normal household cleaning products and the floor finish should be impervious and well fitted
- have a suitable lock on each door
- have solid doors or opaque glass so that they cannot be seen through. This also includes fanlights above doors
- have amenities, e.g. bath, shower, toilet, wash hand basin, that are suitable for the tenant's use and readily cleanable
- be adequately heated
- have adequate ventilation
- have adequate, suitable artificial lighting
- have all the facilities properly connected to the sewerage system
- have all the facilities supplied with hot and cold water as appropriate via suitable fittings

There are different standards of the number of amenities to be provided depending on the number of tenants sharing the accommodation. From the table below you should be able to work out the number and combinations of bathroom amenities you need in your property and for your number of tenants.

### **Table for number of amenities required depending on number of tenants**

<b>AMENITY PROVISION IN RELATION TO NUMBER OF PERSONS</b>	
1-4 Persons	At least: 1 bathroom & 1 WC (bathroom & WC may be combined)
5 Persons	At least: 1 bathroom AND 1 separate WC with WHB (2 <sup>nd</sup> WC can be contained within a 2 <sup>nd</sup> bathroom)
6-10 persons	At least: 2 bathrooms AND 2 separate WC with WHB (1 WC can be contained within a bathroom)
11 – 15 Persons	At least: 3 Bathrooms AND 3 separate WC with WHB (2 of the WHB can be contained within 2 bathrooms)

If a bathroom is for the exclusive use of a tenant it must contain all the amenities i.e. bath or shower, toilet and wash hand basin (whb).

Every unit e.g. bedsit or room must be within 1 floor of a toilet

## **Kitchen Facilities**

A kitchen must be safe to use, easy to keep clean and of the right size for the number of tenants. The facilities and equipment must be fit for purpose. You must provide adequate means for storage and disposal of refuse. This means making sure your tenants are aware of the Council's recycling programme, the timetable for the collection of different types of refuse and the appropriate bins etc. Further information can be found on the Council's website and new/replacement bins can be ordered by telephoning the Contact Centre on 01925 443322.

Below is a table which will help you to calculate the number of facilities you must provide for your number of tenants. It is only a guide because the layout of the kitchen will impact on how safe it is to use and it may be necessary to have a greater floor space.

Appliance/equipment	Information/minimum requirements
Sinks	<ul style="list-style-type: none"><li>• one per five occupiers (a dishwasher will be acceptable as a second sink).</li><li>• appropriate splash back.</li><li>• provide constant hot and cold water.</li><li>• suitable draining area.</li></ul>
Cookers	<ul style="list-style-type: none"><li>• four ring hob.</li><li>• oven and a grill per five occupiers (a 27 litre microwave with oven and grill will be acceptable as a second cooker).</li></ul>
Worktop	<ul style="list-style-type: none"><li>• smooth impervious work surface.</li><li>• minimum size of 500mm x 1000mm per five occupants.</li></ul>
Storage	<ul style="list-style-type: none"><li>• 0.3m<sup>3</sup> dry goods storage cupboard other than a sink base unit per occupier either in each occupants room or in a shared kitchen.</li></ul>
Refrigerators	<ul style="list-style-type: none"><li>• two worktop height refrigerators with freezer compartment (or one worktop height fridge and one worktop height freezer) per five occupants.</li></ul>
Ventilation	<ul style="list-style-type: none"><li>• mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob.</li></ul>

If you provide any meals at your property you must contact Environmental Health's Food Safety team as the premises must be registered as a commercial food premise. The team will help you to comply with food hygiene law. If you do not provide all the meals then you must provide a separate kitchen/s to the appropriate standard outlined above.

## **Space Heating and Insulation**

Inadequate heating and poor insulation often result in a category 1 hazard for excess cold under the Housing Act 2004. If your tenants make a complaint to us and a category 1 hazard is found then we have a duty to act so it is better to remedy this problem at the start.

The heating system must be:

- a fixed installation which all the tenants can access and control
- safe
- properly and professionally installed
- capable of heating all parts of the building where your tenants usually reside and/or individual rooms

Acceptable forms of heating are:

- gas, oil or solid fuel fired programmable central heating systems with radiators fitted with thermostatic valves. Room thermostats should be fitted where appropriate
- thermostatically controlled and programmable fixed electric panels
- fixed slim line programmable electric storage heaters.

Liquid Petroleum Gas (LPG) and paraffin heaters are not acceptable under any circumstances whether provided by yourself or your tenant. The prohibition of this type of heater can be included in your tenancy agreement.

When deciding what type of heating system should be provided you should consider what will be the most energy efficient as this will increase the SAP rating for your house and therefore make it more attractive to prospective tenants. **It will also mean that your tenants will be more likely to afford to heat the house and therefore there will probably be fewer problems of mould and condensation.**

### **Fire Safety Precautions**

This is probably the most complex and, potentially, most expensive area of compliance when considering an HMO. This authority has adopted the [Lacors Fire Safety Guide](#). Please contact an officer from Private Sector Housing to discuss the most appropriate scheme for your property including details and specifications for work such as fire doors, fire alarm systems, 30 minute fire resistance to walls and ceiling construction. The following tables may help you to determine what work will be required depending on your property type but please call to discuss as every property is different.

#### **Property Type: Shared House**

	1 – 2 Storeys	3 + storeys
Automatic Fire Detection System	Grade D LD3 BS5839 Part 6:2004	Grade D LD3 BS5839 Part 6: 2004
Protected escape route	Sound, traditional construction. Should not pass through risk rooms.	30 minute fire resisting construction including to cellar ceiling, stair spandrel, under stairs ceiling etc.
Internal doors	Sound, well-constructed, close fitting conventional doors & frames (not egg box type)	FD30 doors to all risk rooms- bedrooms, living & dining rooms, kitchens & compartments such as electric/gas meter boiler cupboards
External doors including secondary porch doors	Capable of being opened from inside without a key or code. Thumb lock equivalent to 5 lever mortice	Capable of being opened from inside without a key or code. Thumb lock equivalent to 5 lever mortice
Escape Windows	Acceptable if room less than 4.5m above ground level	Acceptable if room less than 4.5m above ground level
Fire Extinguishers	Multi-purpose BS EN3-7 in hall and on first floor landing	Multi-purpose BS EN3-7 in hall and on each landing
Fire Blanket	BS6575 or equivalent in kitchen	BS6575 or equivalent in kitchen
Emergency lighting	Not required	Required if escape route is long & complex or no borrowed light.
Signage	Not required	Required on fire doors

#### **Property Type: Bedsits**

	1-2 storeys	3 + storeys
Automatic Fire Detection System	Mixed system Grade D, LD2 BS5839 Part 6:2004	Mixed system Grade A, LD2 system BS5839 Part 6:2004
Protected escape route	30 minute fire resisting construction including stair spandrel, under stairs ceiling etc. Escape route should not be through risk rooms	30 minute fire resisting construction including cellar ceiling, stair spandrel, under stairs ceiling etc. Escape route should not be through risk rooms
Internal Doors	FD30s to be fitted to all bedsit doorways alighting onto escape route. Any lock provided must be able to be opened without a key or code.	FD30s to be fitted to all bedsit doorways alighting onto escape route. Any lock provided must be able to be opened without a key or code.
External doors including secondary porch doors	Capable of being opened from inside without a key or code. Thumb lock equivalent to 5 lever mortice	Capable of being opened from inside without a key or code. Thumb lock equivalent to 5 lever mortice
Escape windows	Acceptable if room less than 4.5m above ground level	Acceptable if room less than 4.5m above ground level
Fire Extinguishers	Multi-purpose BS EN3-7 in hall and on first floor landing	Multi-purpose BS EN3-7 in hall and on each landing
Fire Blankets	BS6575 or equivalent in every kitchen in a bedsit or shared kitchen	BS6575 or equivalent in every kitchen in a bedsit or shared kitchen
Emergency Lighting	Conventional artificial lighting unless there is no effective borrowed light	Conventional artificial lighting unless there is no effective borrowed light
Signage	Required	Required

### **Certificates and Inspection Reports**

As a landlord you are legally responsible for the safety of services, appliances and furnishings (if provided) and so must provide the following reports and certificates:

- Landlord Gas Safety Certificate – every year
- Electrical Periodic Inspection report – every 5 years
- Fire Detection and Alarm System Certificate (in accordance with BS5839) – every year.
- Portable Appliance Test Certificate – regular checks should be made of all electrical appliances supplied by the landlord and certainly at the start of a new tenancy.
- All furniture and furnishings supplied by the landlord must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993). This applies to both new and second-hand furniture.
- Energy Performance Certificate – valid for 10 years from the date of issue. First certificate only required when there is a change of tenancy.

### **Student Accommodation**

If you are letting or intend to let to students at the University of Chester, the Accommodation office will only allow you to advertise your property if you are a member of the Cheshire Landlord Accreditation Scheme (CLAS) and your property has been awarded the Student Stamp. These are in addition to the above and details of these schemes can be found by following this link [Landlord Accreditation](#)

## Definitions

Shared use	Where one or more basic amenities (personal washing, toilet or kitchen) are shared by two or more households.
Shared house	A HMO where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the 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. In summary, the group will possess many of the characteristics of a single family household, although the property is still technically an HMO as the occupants are not all related.
Exclusive use	Where a basic amenity is provided for the use of a single household.
Single household	Person(s) of the same family or who form a relationship.
Family member	Includes husband, wife, partner, child, step child, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child.
Unit of living accommodation	A part of the HMO occupied by a single household. This includes bedrooms in shared houses or flats, bed-sitting rooms, self contained flats (all basic amenities are provided for exclusive use of that household).
Hostel	Where board is provided as part of the occupation and it constitutes a person's only or main place of residence. Hostels include bed and breakfast and hotel accommodation used by persons as their only and main residence.
Storey	All habitable floors and basements, attic rooms and mezzanine floors.
BS 5839 Part 6	Originally published in 1995 was updated in 2002 with changes effective from September 2004. Before the change of the definition of a HMO this Code of practice/British Standards were often quoted for adherence by landlords in their rented accommodation of small HMOs, small shared houses, care homes etc in respect of fire safety. It details the different grades of system and the extent of coverage required for different types of property. It recommends an appropriate system based on the risk to the occupants. The grade depends on the complexity of the system required. There are 6 grades, A-F, but A-D are the most relevant. <b>Due to their complexity grades A,B &amp; C have been omitted for this basic guide. Please call Private Sector Housing for more information if required.</b>
BS 5839 Part 1	This refers to a commercial type alarm system with indicating and control equipment (i.e. alarm panel in the hallway) and actuation/ break glass points and remote sounders
Grade D	This is an interlinked system of one or more mains powered smoke or heat alarms each with an integral battery back-up, recommended minimum 72 hours duration. They can be hard wired or radio linked and are designed to operate if the main power supply fails, including if it is disconnected for non-payment. It should be connected directly to the fuse box or from the nearest <u>permanently</u> powered light fitting as long as the alarm heads can be removed without removing the alarm base. There is no

	control panel.  Grade D is required for new, owner occupied buildings up to 3 storeys, 2 storey rented properties, & existing owner occupied buildings of more than 2 storeys. Very large storeys may need a Grade B system.
Grade E	This is an interlinked system of one or more mains powered smoke/heat alarms with <u>no battery back-up</u> so it will not operate if the power is disconnected or interrupted. It must be wired to a dedicated circuit at the property's main distribution board. Detectors can be hard wired or radio linked. Due to its lack of battery back-up this system is not as reliable.
Grade F	This is a system of one or more battery powered smoke alarms. Landlords have been found liable where their tenants have disabled the alarms so it is only suitable for owner occupied properties <u>not for HMOs</u> .
L & D	L – means a system that protects life  D – means dwelling
Type LD1	This system provides detection throughout the property including roof spaces & voids with a depth > 800mm. It includes all rooms including risk rooms and all escape/circulation routes. Highest degree of warning therefore suitable for residential care homes.
Type LD2	This system provides detection in escape routes, rooms exiting onto those routes and risk rooms eg kitchens, bedrooms, stores, cellars. Suitable for medium sized properties max 10 residents.
Type LD3	This system provides detection in all escape routes and all rooms exiting onto an escape route. The aim is to provide early warning to the occupants so that they can exit before the escape routes become impassable.
Type LD4	This system provides detection in the escape routes and circulation only so is not considered suitable for HMOs.
Mixed Grade System	Most fire alarm systems are a combination of a Grade and an LD type and is called a Mixed Grade System. The Grade dictates the type of detection ie type of detectors, whether interlinked, battery back-up, with control panel etc and the LD category dictates the coverage, where they should be sited.

### **Landlord's Checklist**

Using the tables provided in this guidance you can complete the following checklist before contacting Private Sector Housing for advice. It will help you to assess:

- The type of HMO you currently have or wish to provide
- Whether it must be licensed
- How many tenants you can accommodate
- How many amenities you must provide
- What standard of fire detection and protection are required
- How much work is involved to meet these standards
- What reports and certificates are necessary
- Do you need to apply to CLAS or for the Student Stamp?



**As previously mentioned this is only a guide but it is a basis for discussing your plans with a Private Sector Housing Officer.**

<b>HMO Checklist</b>	<b>Property Address:</b>
Number of storeys (including cellar )	
Number of occupants & households	
Type of HMO	
Licence required	
<b>Room type and size</b>	
Kitchen	
Living Room	
Dining room	
Bedroom	
Bedroom	
Bedroom	
Bedroom	
Bedroom	
Number of bathrooms required	
Number of separate toilets required	
Size of kitchen required (minimum)	
Number of kitchen sinks required	
Number of cookers or equivalent required	
Length of worktop required	
Number of storage cupboards required excluding base unit to sink	
Number of refrigerators required	
Type of mechanical ventilation provided	
<b>Fire Safety</b>	
Type of Fire Detection System	
Protected escape route	
Internal doors	
External doors	

HMO Checklist (contd)

Escape windows	
Type & location of fire extinguishers	
Number & location of fire blankets	
Emergency lighting	
Signage	
Landlords Gas Safety Certificate	
Electrical Periodic Inspection Report	
Fire Detection & Alarm Certificate	
Portable Appliance Test Certificate	
Energy Performance Certificate	
Furniture & Soft Furnishings compliant	
CLAS membership	

**NOTES**