Advice for landlords - Houses in multiple occupation (HMO)

HMO

The four main definitions of a House in Multiple Occupation (HMO) under the Housing Act 2004 (the Act) can be found in sections 254 and 257.

The “standard test” under section 254(2) defines any building occupied by 3 or more persons, forming 2 or households and not related by “blood” or by “marriage” as an HMO. Further information on the definitions of “blood” and “marriage” can be found in the Act.

Any house or flat occupied by 3 unrelated people including students or migrant workers, no matter whether they are on 1 tenancy agreement or not, is an HMO. This means that The Management of Houses in Multiple Occupation (England) Regulations 2006 apply and you must have the electrical installation checked by a competent electrician at least every 5 years and obtain an Electrical Installation Condition Report (EICR).

HMO subject to licensing

The definition of an HMO subject to licensing are contained within Part 2 of the Act and The Licensing of Houses in Multiple Occupation (Prescribed Descriptions)(England) Order 2018. A property is classed as an HMO subject to licensing if it has:

1. Is occupied by 5 or more persons,
2. Who form 2 or more households and
3. They share a bathroom OR kitchen

A property must meet ALL 3 criteria in order to require a licence. Should you purchase a property that has an existing Mandatory licence, the licence is not transferable. You must therefore submit an application in an individual’s name or Company name. If the property requires a licence at present then you can complete application form here

HMO in the Article 4 area

Hull City Council’s planning department introduced an “Article 4” in relation to HMOs in a specific geographical area of the city in October 2013. The boundary of the Article 4 area is available here

If a property contained within the boundary of the Article 4 area is converted from a family house or “single occupancy dwelling” to a HMO with 3 or more persons within it then an application for change of use must be made. If it can be proven that a property was already occupied as an HMO by 3, 4, 5 or 6 people prior to this date then it will be classed as having “established use” and can continue on being used as such. If you have any questions regarding the Article 4 area then you will need to contact the planning department on 01482 300300.

If you have any further questions on HMOs or HMOs subject to licensing then contact the Private Housing team on 01482 300300 or Email: housing.standards@hullcc.gov.uk