

Houses in multiple occupation (HMO) - advice for landlords

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 three or more persons, forming two 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 three unrelated people including students or migrant workers, no matter whether they are on one 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 five 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 2006.

A property is classed as an HMO subject to licensing if it has -

1. three or more storeys
2. is occupied by five or more persons
3. who form two or more households
4. they share a bathroom or kitchen

A property must meet all four criteria in order to require a licence. The government are considering changing the definition later in 2017 and there is an indication that the criteria regarding the number of storeys will be removed, however this has not been confirmed.

If the property requires a licence then you can download a copy of the application form below.

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 via the link below.

[Find out more about Article 4](#)

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 three 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 three, four, five or six 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 need to contact the planning department on 01482 300 300.

If you have any further questions on HMOs or HMOs subject to licensing then contact the Private Housing team on 01482 300 300 or email housing.standards@hullcc.gov.uk