

Advice for landlords - Houses in multiple occupation (HMO)

HMO in the Article 4 areas

Hull City Council's planning department introduced an "Article 4" area in relation to HMOs in a specific geographical area of the city in October 2013. 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 being used as such.

As of the 8 August 2019 the Article 4 area within the city expanded to include the areas of Beverley Road (south), Spring Bank, Anlaby Road, Hessle Road (NaSA area) and Holderness Road (west of Maybury Road). The boundary of the original Article 4 area and information on the new Article 4 areas can be found [here](#). If you have any questions regarding the Article 4 areas then you will need to contact the planning department on 01482 300300.

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 etc. 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 is 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 is occupied by 5 or more persons, who form 2 or more households and they share a bathroom OR kitchen. A property must meet all 3 criteria in order to require a licence. A licence exists for 5 years unless it is revoked.

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 or Company name. If the property requires a licence at present then you can complete application form [here](#). You must ensure that you have electronic copies of the relevant certificates and plans before beginning the application.

A non-refundable payment of £180 must be made using the online payment system in order to check and process the application form. This involves a "fit and proper person check" on each application. Upon completion of these checks the successful applicant will be informed and receive an acceptance letter. At this stage a second payment must be made in order to issue the licence and undertake onsite checks during the period of the licence. Further information on the second stage fees can be found [here](#).

A licensed property must have a Fire Safety Risk Assessment specific to the address. Further information on Fire Safety Risk Assessments can be found [here](#)

Further information on the definition of HMOs, Planning, Building Control and Fire Safety can be found on our [website](#)

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 or HMO_licensing@hullcc.gov.uk

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