



STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

www.lancaster.gov.uk

Private Housing Services can be contacted at:
Morecambe Town Hall
LA4 5AF
01524 582657
Fax: 01524 582709
E mail: strategichousing@lancaster.gov.uk

1. Introduction:

HMOs provide affordable housing for many young and vulnerable tenants. However, it is possible to find the very worst housing standards in HMOs and these tenants are most at risk from poor management. The most common problems associated with multiple occupancy relate to poor fire safety standards, overcrowding, inadequate facilities and poor or unscrupulous management.

The majority of landlords provide good quality accommodation, so this guide gives an overview of the regulations relating to HMOs and how they are applied by Lancaster City Council. If you require further information please contact Strategic Housing Services or refer to our website at www.lancaster.gov.uk.

What is a House in Multiple Occupation (HMO)?

Under the changes in the Housing Act 2004, if you let a property which is one of the following types it is a House in Multiple Occupation:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self contained (ie the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

In order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

What is a household?

The following are 'households' for the purposes of the Housing Act 2004:

- Members of the same family living together including:
- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins

- Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.
- Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

Therefore three friends sharing together are considered three households. If a couple are sharing with a third person that would consist of two households. If a family rents a property that is a single household. If that family had an au-pair to look after their children that person would be included in their household.

Licensing of houses in multiple occupation.

Since April 2006, certain types of HMO have needed to be licensed by the Local Authority to operate. The aim of licensing is to raise the standards of HMO accommodation and to ensure that landlords are managing their HMOs to the required standards. Under the national mandatory licensing scheme an HMO must be licensed if it is a building consisting of three or more storeys and is occupied by five or more tenants in two or more households. Mandatory licensing does not apply to properties converted into self-contained flats, unless those flats are in multiple occupation.

For more information on licensing please contact Strategic Housing Services or look on our website at **www.lancaster.gov.uk**.

What if I own an HMO but it is not licensable?

HMO Standards still apply whether or not a property requires a license, in particular in relation to fire precautions. More details can be found later in this guidance.

Why Does the Council Need to get Involved?

HMO standards are enforceable by law, but the Council hopes that landlords will use this guide to achieve the necessary standard voluntarily. Council Officers will always support landlords who do their best to comply with the standards but it needs to be stressed that if landlords choose to ignore the requirements, then there are enforcement powers which the Council can, and regularly does, use.

This can only be a general guide to standards required in HMOs, and there will be occasions where higher or even lower standards apply. Council officers will always be willing to discuss alternative solutions and offer suggestions to particular problems if we possibly can.

2. Space Standards

The dimensions and areas specified below are recommended minimum standards. In addition, consideration needs to be given to the shape and amount of usable living space of any room when deciding how many people it is suitable for.

Note: Standards apply irrespective of the ages of the occupants.

Bedsits and Flats.

One room unit:	
	13 m ² (140 sq.ft.) including kitchen facilities
Two or more roomed units with cooking, living and sleeping facilities:	
Each single bedroom	6.5m ² (70 sq. ft)
Each double bedroom	10.2m ² (110 sq. ft)
Each living room (single person units)	9.0m ² (97 sq. ft)
Each living room (two person units)	10.0m ² (108 sq. ft)
Each living/kitchen, or living/bedroom (single person unit)	11.0m ² (120 sq. ft)
Each living/kitchen, or living/bedroom (two person unit)	13.9m ² (150 sq. ft)

Sharing of bedrooms by persons of the opposite sex over the age of 12 years and who do not live as partners is not permitted.

No staircase or landing nor any room which has been appointed as a kitchen or bathroom can be counted for sleeping accommodation.

Shared House.

Bedroom	
Each bedroom shall be for occupation by one person. At least 10 m ² (108 sq. ft.) except where a separate living room is provided which is not a kitchen or a kitchen dining room, in which case the bedroom shall be at least 6.5 m ² (70 sq.ft.)	
Common Rooms	
Kitchen(s) and Dining room(s)	1.4 m ² (15 sq.ft.) per person (minimum 5.6m ² (60 sq. ft.) 1.4 m ² (15 sq.ft.) per person

or	
Combined kitchen/dining room(s)	2.3 m ² (25 sq.ft.) per person
and where necessary	
Living room(s)	1.9 m ² (20 sq.ft.) per person (minimum area 9.3 m ² (100 sq.ft.))
or	
Combined living/dining room(s)	2.3 m ² (20 sq.ft.) per person

Self-Contained Flats.

Each flat should be of adequate size for the number of persons accommodated. Individual rooms should afford sufficient space to fit the necessary facilities and furnishings and permit safe movement.

It is recommended that minimum floor areas for conversion of existing buildings into self-contained flats be as follows:-

Main bedroom	- 10.2 m ²	(110 sq. ft.)
Other bedroom(s)	- 6.5 m ²	(70 sq. ft.)
Living room	- 11.16 m ²	(120 sq. ft.)
Kitchen	- 5.6 m ²	(60 sq. ft.)

3. Fire Precautions:

The main reason for insisting on fire precautions in HMOs is to prevent the spread of fire to other parts of the house before others have had the chance to escape. Unlike houses in family-like occupation, HMO tenants have little control over what other people are doing so the law takes the view that the dangers are so great that someone with overall control of the house (i.e. the owner, landlord or manager) must take steps to protect everyone living in it. The law is mainly about protecting people in rooms other than the room in which a fire starts.

The first principle behind the fire safety is to install a fire detection system to provide early warning, and the second is to compartmentalize the building and provide an escape route. The third is to provide emergency lighting in case there is a power failure.

Standards have been developed by LACORS in partnership with the Chartered Institute of Environmental Health and the Chief Fire Officers Association. These are entitled '**HOUSING - FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing**' and is available at **www.LACORS.gov.uk**.

4. Amenity Standards.

Standards have been set to ensure that the house is a fit place to live and that amenities (e.g. WCs & cooking facilities) are likely to be available when needed. Summarised below are the minimum standards for amenities for houses in multiple occupation.

Heating.

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

- Heating shall be provided in every habitable room and bathroom, which is capable of maintaining a 21 degrees Celsius (°C) temperature difference with the external air when the outside temperature is -1°C. (The provision of insulation can assist in meeting this standard). Such heating provision must be capable of being used at any time by the occupants.
- The heating shall be:
 - Controllable, understandable and accessible by the occupants
 - Safe
 - Properly and professionally installed
 - Appropriate for the design, layout and construction of the dwelling
- Heating may be by means of: -
 - Central heating, or
 - Gas heaters connected to a suitable flue and terminal outlet, or
 - Oil heaters connected to a suitable flue and terminal outlet, or
 - Electric heaters- if electric heaters are to be used to heat a room, an electric point shall be provided for that exclusive purpose. Individual heaters must be a fixed installation.

All heating systems must be fitted with timers and thermostats.

Washing and Toilet Facilities.

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- a) there must be an adequate number of bathrooms, toilets and wash hand basins suitable for personal washing for the number of persons sharing those facilities; and
- b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided.

Shared Bathrooms (Bathroom means a room containing a bath or shower).

Occupiers	Up to 4	5	6 - 10	11- 15
Wash Hand Basins	1	2	2	3
Toilets	1	1	2	3
Baths or Showers	1	1	2	3
		At least 1 toilet should be in its own compartment (or in an additional bathroom)	At least 2 toilets should be in their own compartments (or in an additional bathrooms)	

Individual Bathrooms (for both shared and exclusive use)

These amenities must be secure and private and should normally be located on the same floor as the sleeping accommodation.

- All baths must be readily accessible and of minimum dimensions 1700mm x 760mm in a bathroom.
- All showers must be readily accessible, screened and enclosed, of minimum dimensions 800mm x 800mm in a suitable room of adequate dimensions and facilities to allow for user to change their clothes and dry themselves.
- All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water (minimum

40 ° C) and be connected to an appropriate drainage system. Instantaneous heaters with a minimum rating of 6KW will only be acceptable to wash hand basins when no other means of providing hot water is available.

- All baths, showers and wash hand basins must be equipped with adequate splash backs (300mm to baths and wash hand basins, full heights for showers or within separate water tight enclosure) with an adequate waterproof seal.
- All bathrooms must be suitably and adequately heated and ventilated (see heating and ventilation sections below).
- All separate toilets must be suitably ventilated. (see section on ventilation below)
- All bathrooms and toilets must be of an adequate size and layout to allow for their proper use.
- Landlords must ensure the provision of suitable floor covering to toilet compartments and bathrooms; these must be slip resistant, impervious and easily cleansable.
- Only those rooms with a toilet with mechanical extraction ventilation and a wash hand basin are allowed to open onto a room where food is prepared.

Kitchens

Exclusive Use Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with –

- (a) adequate appliances and equipment for the cooking of food;

The minimum requirement is two rings/hot plates together with an oven and a grill. For occupancies of two or more persons the minimum requirement is four rings/hot plates together with an oven and grill. Rings/ hot plates must be at a height level with adjacent worktops and a minimum oven capacity of 55 litres.

- (b) a sink with an adequate supply of cold and constant hot water;

A fixed impervious sink of minimum dimensions 500X600 mm with a drainer and connected to the drainage system via a suitable trap. It must be provided with an adequate supply of cold water from the rising main and a supply of constant hot water at a minimum temperature of 60° Celsius. Instantaneous water heaters are

unacceptable. A suitable splash back, 300mm high should be provided to the sink and draining board, and all joints shall be adequately sealed.

All hot water vessels must be properly insulated

(c) a worktop for the preparation of food:

A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1000mm for the first person plus 500mm per additional person. The worktop must be fixed and secure and of an impervious material. A suitable splash back, 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(d) sufficient electrical sockets;

A minimum of 2 double socket outlets shall be suitably located above the work surface for the use of portable appliances and at least 1m from a water source in addition to any sockets required by these standards, situated in convenient positions for appliances such as cooker, fridge freezer, washing machine.

(e) a cupboard for the storage of kitchen utensils and crockery; and

Standard floor or wall mounted cupboard of one 500mm wide base unit or wall cupboard per person. The space below the sink unit is not acceptable to comply with this standard.

(f) a refrigerator.

Refrigerator space including a freezer compartment shall be a minimum 91litres. The fridge shall be capable of maintaining an internal temperature of 5°C.

Shared Kitchens

1 kitchen for up to a maximum of 5 people, thereafter a kitchen to be provided in each unit of accommodation, except where accommodation is of a specialised nature with support services.

Large kitchens with additional facilities may be acceptable for six persons but confirmation should be obtained from the Housing Standards Section.

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

- a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities-

(i) sinks with draining boards;

A fixed impervious sink of minimum dimensions 500X600 mm with a drainer and connected to the drainage system via a suitable trap. A suitable splash back, 300mm high shall be provided to the sink and draining board, and all joints shall be adequately sealed.

(ii) an adequate supply of cold and constant hot water to each sink supplied;

Each sink must be provided with an adequate supply of cold water from the rising main and a supply of constant hot water at a minimum temperature of 60° Celsius. Electric instantaneous water heaters are not acceptable as they do not provide an adequate flow of hot water.

All hot water storage vessels must be properly insulated.

(iii) installations or equipment for the cooking of food;

Kitchens shall be equipped with cookers with a minimum of 4 rings, a standard sized oven and a grill.

(iv) electrical sockets

A minimum of 4 double socket outlets shall be suitably located above the work surface for the use of portable appliances and at least 1m from a water source in addition to any sockets required by these standards, situated in convenient positions for appliances such as cooker, fridge freezer, washing machine.

(v) worktops for the preparation of food;

A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1000mm for the first person plus 500mm per additional person. The worktop must be fixed and secure and of an impervious material. A suitable splash back, 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(vi) cupboards for the storage of food or kitchen and cooking utensils;

Food cupboards shall be a minimum of one 500mm wide base unit or wall cupboard per person. The space in a sink unit below the sink will not be acceptable.

(vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, sufficient separate freezers);

Fridge space shall be a minimum 30 litres of space per person in addition to the freezer compartment.

(viii) appropriate refuse disposal facilities; and

Proper bins with lids must be provided for the storage of kitchen waste prior to disposal e.g. pedal bin

(ix) appropriate extractor fans, fire blankets and fire doors.

Kitchens shall be fitted with an appropriate extractor fan. This shall be capable of achieving 6 air changes per hour. The provision of fire blankets and fire doors will be addressed at the time of the fire risk assessment for the whole house.

5. Standards of Repair and Maintenance.

The HMO must comply with basic standards that relate to all houses.

The landlord has to look after:

- The exterior of the dwelling and structural elements of the dwelling and
- The inside facilities which are part of the dwelling.
 - Water, gas and electricity
These items must have whatever is needed for their proper use. All equipment necessary to supply these utilities must be fully, safely and correctly installed. Any removable equipment or appliances which use gas or electricity are not counted as 'installations' unless these are provided by the landlord.
 - Personal hygiene
Covers installations such as proper wash hand basins, showers and/or baths.
 - Sanitation and drainage
Covers lavatories, WC basins, drains, waste pipes, rainwater goods, inlet gullies and inspection chambers.
 - Food Safety
Covers sinks, draining boards, work tops, cooking facilities (or cooking points and space for cooking facilities), cupboards and/or shelves for storing cooking and eating utensils and equipment. It also includes food storage facilities (which these days are usually just electricity sockets and refrigerator space).
 - Ventilation
Covers elements such as airbricks, trickle vents, opening lights to windows and mechanical and non-mechanical ventilation equipment.
 - Space and water heating.
Installations covers any kind of fitted space heating appliances or central heating system. Moveable heaters provided by the occupier are not included. Installations for heating water cover any kind of fitted water system for providing the instant or stored heated water. Kettles and other appliances of that kind are not included.

The Department for Communities and Local Government has published the following guidance which can be obtained from their website at www.communities.gov.uk. or at www.lancaster.gov.uk.

“Housing Health and Safety Rating System. Guidance for Landlords and Property Related Professionals”.

6. Management.

HMOs need careful management to keep things running smoothly. To ensure an HMO functions properly landlords need to comply with the following regulations relating to management.

The Management of Houses in Multiple Occupation (England) Regulations 2006

These regulations apply to all HMOs, regardless of whether they are licensed, imposing duties on managers (with some requirements on occupiers) to ensure that good conditions are maintained. The duties include the following:

1. Provision of Information for occupiers

The manager must ensure that his name, address and any telephone contact number are made available to each household in the HMO and that these details are clearly displayed in a prominent position in the HMO

2. Safety measures

The manager must :

- ensure that all means of escape from fire in the HMO are kept free from obstruction and maintained in good order and repair
- ensure that any fire fighting equipment and fire alarms are maintained in good working order
- ensure that where the HMO has more than four occupiers, that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers
- take all measures as are reasonably required to protect the occupiers of the HMO from injury having regard to the design, structural conditions and number of occupiers.
- Take measures in relation to any roof or balcony that is unsafe, to either ensure that it is made safe or prevent access to it for so long as it remains unsafe, and in relation to any window sill which is at or near floor level, ensure that bars or other safeguards are provided to protect the occupiers from accidents

3. Water supply and drainage

The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted

4. Supply and maintenance of gas and electricity

Managers must:

- not unreasonably interrupt supplies of gas or electricity
- provide Lancaster City Council within 7 days of request, the latest gas appliance test certificate for the HMO.
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing, AND obtain a certificate from the person conducting the test, specifying the results of the test AND supply that certificate to Lancaster City Council within 7days of receiving a request.

5. Maintenance of common parts, fixtures, fittings and appliances

Managers must ensure that all common parts of the HMO are maintained in a safe and working condition, in good and clean decorative order, and kept reasonably free from obstruction. This includes:

- water, gas and electricity supplies and drainage facilities
- appliances such as cookers, heaters, washing machines
- shared lighting and heating facilities, including hot water supplies
- shared toilets, baths, sinks and basins
- shared cooking, food storage and other installations
- staircases, handrails, halls, passages and landings, including floor coverings
- windows and other means of ventilation
- outbuildings, paths, boundary walls, fences, railings, yards and garden areas

6. Maintenance of living accommodation

Managers must ensure that :

- each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it
- the internal structure of living accommodation, every window and other means of ventilation and any fixtures, fittings or appliances supplied within it are maintained in good repair and clean working order, subject to the tenant behaving in a tenant like manner

7. Waste disposal

Managers must provide enough bins for refuse pending their disposal, ensure that rubbish does not accumulate, and make such further arrangements for the disposal having regard to any service provided by the Council.

8. Duties of Occupiers

Occupiers must:

- take reasonable care to avoid damage and disrepair
- cooperate in a reasonable way with the manager, and provide information to allow him/her to carry out their duties;
- allow the manager to access their living accommodation, at all reasonable times, for any purpose connected with the carrying out of duties imposed on him by these Regulations,
- comply with any reasonable arrangements or instructions made by the manager regarding means of escape from fire and the storage or disposal of litter.

7. Lancaster City Council Accredited Property Scheme.



Lancaster City Council runs an Accredited Property Scheme. The aims of the accredited property scheme are to encourage, acknowledge and actively promote good standards of privately rented accommodation, and to assist landlords and tenants to undertake their respective responsibilities to each other. For more details please contact Strategic Housing or look at our website.

8. Food Hygiene

If you are a landlord and you prepare or handle food for your tenants, even if you are just supplying breakfast cereals and milk, you are required to register the premises with the Environmental Health Department and comply with the food hygiene legislation. Once you have registered the business, regular routine hygiene inspections will be carried out by Environmental Health Officers who will look at how you operate your business to identify potential hazards and to make sure that your business is complying with the law. Environmental Health Services can be contacted on 01524 582935.

9. Furniture Fire Safety

The Furniture and Furnishings (Fire)(Safety) Regulations 1988 apply to the provision in HMOs of upholstered furniture and cover such items of furniture as headboards, settees, chairs, sofa-beds, pillows, cushions, mattresses, bedbases or upholstered nursery goods. Essentially the regulations require that filling materials meet relevant ignitability tests and that covering material meets the match and cigarette resistance tests. In practice landlords need to ensure that all upholstered furniture they supply has a sewn-in label with a summary of the measures taken to ensure compliance with the regulations. Whilst there are a number of exemptions from the requirements a wise landlord will ensure that all furniture provided has authentic labels indicating their safety. It will help landlords if they keep records and receipts for any furniture they buy for tenants and can clearly identify which is their own and which is their tenant's furniture.

10. Electrical Appliances

There are also laws which relate to the safety of electrical appliances and other items supplied by a landlord in the course of his business. All electrical items, including fridges, washing machines and heaters provided by a landlord must comply with the Electrical Equipment (Safety) Regulations 1994 or the Low Voltage Electrical Equipment (Safety) Regulations 1989.

In order to avoid providing unsafe electrical equipment, it should be checked regularly by a competent person. The frequency of checks should take account of the usage; need for maintenance; type of equipment and advice from anyone testing the appliance.

Keeping an inventory for each property and records of the checks carried out, landlords will be able to demonstrate their compliance with the regulations.

11. Gas Installations

The Gas Safety (Installation and Use) Regulations 1998 apply to all rented residential properties except those having a lease of seven years or more. On visiting HMOs, council officers will expect to be able to see a copy of an inspection report dated during the previous 12 months. If this cannot be produced the matter will be referred to the Health & Safety Executive who will decide what enforcement action can be taken. They can be contacted on 0845 345 0055.

Landlords are required to:

1. Ensure gas fittings and flues are maintained in a safe condition
2. Ensure an annual safety check is carried out on each gas appliance/flue.
3. Have safety checks carried out by a registered gas installer
4. Keep a record of each safety check for at least two years
5. Issue a copy of the safety check record to each existing tenant within 28 days of the check being completed or to any new tenant before they move in
6. Ensure any defects identified during the inspection are rectified before the appliance is used again.

Landlords are not responsible for inspecting appliances owned by the tenant but they will assume that responsibility if a gas appliance is left in the house by a previous tenant.

Where there is an agent or there is sub-letting it is essential that the parties involved are clear as to who is responsible for having the annual gas safety checks done.

12. Planning Permission and Building Regulations

In the process of development, whether it is the erection of a new building, extending or altering an existing building, or changing the way a building is used, you will normally need to seek Building Regulation Approval and possibly Planning Permission.

Planning Permission establishes that the building or proposed use of land is acceptable in principle. Building Regulations specifically relate to the technical aspects of construction and cover such matters as structural stability, fire resistance, means of escape, disabled access, weather resistance, thermal insulation, and drainage etc.

Building Control ensures that buildings are constructed and altered so that they comply with the Building Regulations, that dangerous structures are made safe and that demolitions are done in as safe a manner as possible.

There are HMOs in the district which do not have planning or building regulation approval, so HMO owners should always check with the Council where advice and guidance can be sought.

If a property is being used as an HMO without the benefit of a Building Regulation approval for the break-up, conversion or alteration of the premise, then it might be considered to have been subject to 'unauthorised work'. This is important because recent changes to the Legal Search System require that Building Regulation details relating to a property are supplied, and their absence could affect the saleability of the premises at a later date.

The remedy for the owner is to apply for either:

- Regularisation for any unauthorised work carried out after November 1985, or
- Full Plans Building Regulation Application for any unauthorised work carried out before November 1985.

For queries about planning or building regulation approvals, please contact the main switchboard on 01524 582000 and ask for the appropriate department.