

## **HARROGATE BOROUGH COUNCILS AMENITY AND SPACE STANDARD**

Houses in Multiple Occupation/Private Rented: a Guide for Landlords Managers and Tenants

### **Published by:**

**Harrogate Borough Council, Private sector housing team**

**PO Box 787, Harrogate, HG1 9RW**

**01423 500600    privatehousing@harrogate.gov.uk    www.harrogate.gov.uk**

### **Contents**

What is an HMO	Page 2
All HMOs must	Page 2
Only some HMOs require a licence	Page 2
Space standards	Page 3
Amenity standards	Page 3/4
Facilities for storing, preparing & cooking food	Page 4
Fire protection	Page 5
Management	Page 5
Housing health & safety rating system	Page 6
Property inspection	Page 6
Planning permission	Page 6

## **Houses in Multiple Occupation (HMOs)**

This leaflet is a summary of the law and local policy and standards relevant to HMOs. It gives landlords, managers and tenants advice on both the legal requirements and good practice that the council expects.

### **What is an HMO?**

An HMO is a building (or part of a building such as a flat) which is occupied by more than one household. The legal definition is given in the Housing Act 2004 sections 254 -260 but it includes:

Houses and flats that are shared by more than two unrelated people; Houses or flats divided into separate units with some sharing of facilities – bathroom or kitchen;

Part converted buildings that contain one or more self-contained units as well as others which share facilities; and Buildings converted into self-contained flats but which were not converted to the 1991 Building Regulation standard and which are also less than two-thirds owner occupied.

### **All HMOs must**

Be free from serious hazards. This is assessed using the Housing Health and Safety Rating System which includes fire safety and heating. (see page 6)

Meet the requirements of the Management of Houses in Multiple occupation (England) Regulations 2006. (see page 5)

Meet the floor space standards set by the council. (see page 3)

Meet amenity & other facilities standards. (see pages 3, 4 & 5)

### **Only some HMOs require a licence**

Three storey\* HMOs with five or more occupants have to be licensed. It is a criminal offence to operate such an HMO without a licence. Applications are dealt with by the private sector housing team who will check whether:

- The house or flat meets the space and amenities standards \*\*;
- The proposed licence holder and /or manager are fit & proper people;
- The proposed management arrangements are satisfactory.

A licence usually lasts for five years and a fee is payable. Please contact private sector housing team on 01423 500600 or visit

[https://www.harrogate.gov.uk/homepage/37/advice\\_for\\_landlords](https://www.harrogate.gov.uk/homepage/37/advice_for_landlords) for details of charges and for the application form.

Storey includes converted attics, occupied basements and commercial storeys either above or below the residential parts.

## HMO Standards/Private Rented Standards

### Minimum Space Standards

#### One person units of accommodation

<b>One Room Units*</b>	
With kitchen facilities	13m <sup>2</sup>
Bedroom only	10m <sup>2</sup>

\* These sizes can be reduced at the discretion of the inspecting officer if there are adequate communal living, kitchen, or dining facilities. No room of less than 6.5<sup>2</sup> m will be adequate.

<b>Two room units**</b>	
Each living room/kitchen	11m <sup>2</sup>
Each living room	9m <sup>2</sup>
Each bedroom	6.5m <sup>2</sup>

\*\* Trade off between room sizes may be acceptable, at discretion of the inspecting officer, provided that the proposed layout is acceptable and the area of the rooms is not less than 14.5 m<sup>2</sup>

#### Two person units of accommodation

<b>One room units*</b>	
Where there are kitchen facilities	18.7m <sup>2</sup>
Bedroom only	15m <sup>2</sup>

\* Room sizes can be reduced by up to 2m<sup>2</sup> at the discretion of the inspecting officer where communal living room or kitchen diner exists.

Health and safety issues will also be taken into account when accepting reduced space standards.

### Minimum Amenity Standards

#### WCs, bathrooms, shower rooms and washbasins

Each WC cubicle, bathroom, shower room must have:

- Appliances of the type and number set out in the table below;
- Constant and adequate supplies of hot and cold water;
- Waterproof splashbacks to basins and baths and waterproof enclosure to showers;
- Smooth non absorbent and easily cleaned walls and ceiling;
- Appropriate water resistant, non slip flooring;

- All bathrooms must be suitably and adequately heated and ventilated;
- Where reasonably practicable washbasins should be provided to bedsit rooms, except where there is a sink or where the HMO is a shared house. In any case wash basins must be provided in bath/shower rooms and separate WCs unless hand washing facilities are adequate elsewhere;
- There must be at least one bath or shower for every five occupants;
- All bathrooms and toilets in an HMO must be of adequate size and layout.

<b>Number sharing</b>	<b>Toilet facilities required</b>
1-3 occupiers	1 toilet may be incorporated within the bathroom
4-5 occupiers	1 toilet to be separate from the bathroom (could be in second bathroom)
6-8 occupiers	2 toilets could be sited within 2 separate bathrooms
9-10 occupiers	2 toilets. 1 must be separate from any bathroom
11+ occupiers	3 toilets + on ratio of 1:5. 1 or more to be separate from bath/shower room

## **Facilities for storing preparing and cooking food**

### **Location and availability**

Each occupant must have 24 hour access to a suitable kitchen which should preferably not be more than one floor away from the letting room.

### **Layout, dimensions and space**

A shared kitchen should be suitably located in relation to the living accommodation and be of adequate size (see table below). It must have the following facilities;

- Sink and drainer of minimum dimensions 500 x 600 mm;
- An adequate supply of cold drinking water and constant hot water;
- A fixed worktop or table of smooth and impervious material of minimum size 500 x 1000 mm;
- 1 full sized oven with grill and 4 ring burners and /or microwave equivalent;
- Two double sockets plus one socket for each fixed appliance;
- Smooth impervious splash backs to the sink and draining board;
- Adequate storage ( 0.08 m<sup>2</sup> ) and refrigerator space ( 0.075 m<sup>2</sup> ) must be allocated.

<b>Number of occupants sharing</b>	<b>Minimum floor area</b>
<b>Kitchens</b>	
1 - 3 people	5 m <sup>2</sup>
4 people	6 m <sup>2</sup>
5 people	7 m <sup>2</sup>
6 people	9 m <sup>2</sup>
<b>Dining kitchens</b>	
1 – 3 people	10 m <sup>2</sup>
4 – 6 people	11.5 m <sup>2</sup>

<b>Living rooms or dining rooms</b>	
1 – 3 people	8.5 m <sup>2</sup>
4 – 6 people	11 m <sup>2</sup>

Additional kitchens to be provided on a ratio of 1per 6 residents.

In room kitchen facilities can be scaled down from this with purpose built micro kitchens being acceptable.

## Fire Protection

Responsibility for enforcement of fire safety precautions is shared between North Yorkshire Fire and Rescue Service\* (NYFRS) and this Council. However, national protocol dictates that this authority takes the lead in relation to HMOs.

The council uses the **fire safety guidance\*\*** issued by the Local Authorities Coordinators of Regulatory services (LACoRS) and building regulations approved documents to determine what measures are appropriate to the level of risk.

In HMOs other than shared houses the Regulatory Reform (Fire Safety) Order 2005 requires the landlord to carry out a fire risk assessment in relation to the common parts of the building. NYFRS enforce this legislation, but may require proof from landlords that this has been carried out.

\* [www.northyorksfire.gov.uk/](http://www.northyorksfire.gov.uk/)

\*\* [www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf](http://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf)

## Management

Owners and managers who are responsible for letting HMO's, including shared houses, have a legal duty under the management of houses in multiple occupation (England) regulations 2006\*, to ensure that the premises are properly maintained at all times. The regulations include the following requirements:

- Maintenance and upkeep of all shared facilities and common areas ( which includes cleaning of WCs, kitchens, and stairs etc.
- Maintenance and upkeep of fire protection measures.
- Maintenance and continuity of services ( gas/electricity/water ).
- Appropriate refuse storage and disposal.
- It is an offence to “wilfully fail to comply” with the regulations, which can result in prosecution and a fine up to level 5.
- It is also an offence for a tenant to hinder the manager in carrying out his duties under the regulations.

\* [www.legislation.gov.uk/ukxi/2006/372/contents/made](http://www.legislation.gov.uk/ukxi/2006/372/contents/made)

## **The Housing Health and Safety Rating System (HHSRS)**

All residential properties in the district, including HMOs, are subject to the HHSRS. This is a system introduced under part 1 of the Housing Act 2004\* which uses risk assessment to calculate the effect of housing conditions on the health of occupiers ( and others ). The HHSRS is the basis for enforcement intervention to improve unsatisfactory housing conditions and is an important part of the council's HMO inspections.

The HHSRS can be used to assess up to 29 different potential hazards. It is used to determine the suitability of heating, insulation, ventilation, fire protection, electrical hazards, hygiene and sanitation amongst other things.

If any of the more serious category1 hazards are found the council has a legal duty to take action. It is also the council's policy to take action when significant category2 hazards are identified.

There is guidance on HHSRS published by the government in 2004\*\*

\* <http://www.legislation.gov.uk/ukpga/2004/34/contents>

## **Property Inspection**

The council can inspect a particular HMO for a number of reasons and will normally give at least 24hrs notice of intended entry to owners and tenants.

We will be checking for:

- Compliance with management regulations
- The existence of any hazards
- The need for a licence
- Compliance with any notices or orders that have been served
- The suitability for a licence if an application has been made
- Compliance with licence conditions

## **Planning permission**

If you do not have planning permission for the house to be used as an HMO, you should contact the Council's planning division on 01423 500600 or visit <https://www.harrogate.gov.uk/planning-development>

Our building control team will be able to provide advice about building regulation requirements in both new properties and those undergoing building work. Contact 01423 500600 or visit <https://www.harrogate.gov.uk/building-control>