

# Havant

## BOROUGH COUNCIL

### GUIDANCE ON STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION (HMOS)

#### 1. Introduction

This guidance covers both licensed and non-licensable houses in multiple occupation (HMOS) and is intended to assist landlords in complying with minimum legal standards, which will in part depend on the number of people living in a property.

The purpose of the guidance is to ensure that a proportionate, minimum standard of protection is provided to occupiers. In many cases, it is anticipated that these standards will be exceeded and that this will depend on the local market for privately rented housing.

In line with decisions made by the First Tier Tribunal, ultimately, a property as a whole will be considered when the council determines its suitability under housing law for the number of people living there.

This guidance refers to and should be considered alongside legislation and other guidance on the regulation of conditions and the management of privately rented homes, including:

- Part I of the Housing Act 2004 (including the Housing Health and Safety Rating System)
- Housing Health and Safety Rating System: Guidance for Landlords and Property Related Professionals
- The Management of Houses in Multiple Occupation (England) (Regulations) 2006
- The Regulatory Reform (Fire Safety) Order 2005
- Housing – Fire Safety: guidance on fire safety provisions for certain types of existing housing (the “LACORS” guidance)
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Building Regulations

Where recommendations are made, there is no requirement to carry out any work, but landlords may wish to consider these as part of any planned improvements or refurbishment work.

Further information about HMOs is available on the council's website at [www.havant.gov.uk/houses-multiple-occupation](http://www.havant.gov.uk/houses-multiple-occupation), or by calling 02392 446670, and from landlord's associations.

## **2. Explanation of categories of HMOs**

The number of amenities and the health and safety standards that are appropriate for an HMO are related to the differing needs of different types of occupiers. Guidance is given on different standards for different categories of HMOs as described below:

### **Bedsit Type Accommodation**

These are HMOs comprising parts that are rented as individual lettings with exclusive use of certain rooms. Occupiers may share washing, toilet and kitchen facilities, but may not usually have a communal living room. The occupiers of this type of HMO tend to live completely independently of each other and have individual tenancy agreements.

This would include:

- Single room bedsits – may have exclusive use of, or may share, personal washing, toilet and kitchen facilities
- Flatlets – multi-room lettings sharing some personal washing, toilet and kitchen facilities

### **Shared Houses – Joint Tenancy Agreement**

These are HMOs that are rented to a group of people, commonly students or young professional adults, who are on a group/joint contract. Occupiers share personal washing, toilet and kitchen/dining facilities and usually have a communal living room. The occupiers of this type of HMO have come to the property together and tend to operate communally.

### **Shared Houses – Individual Tenancy Agreement**

These are HMOs that are rented as individual rooms to people who are on individual tenancy agreements and rent rooms independently of each other. The occupants of the house will generally share kitchen and bathroom facilities with communal living space. Occupiers may or may not live communally.

### **Hostels**

These are HMOs that are generally referred to as hostels, guest houses, or bed and breakfast accommodation which provide accommodation for people with no other permanent place of residence. The accommodation is often on a temporary basis.

This category includes hostel and bed and breakfast establishments used by local authorities for housing homeless people, or similar

establishments which provide accommodation for single people whose only financial support is state benefit and who would otherwise be homeless.

### 3. Standards Applicable to all HMOs

Standard	Guidance
<p><i>HHSRS</i></p> <p>HMOs shall, wherever possible, be free from category 1 hazards, when assessed using the Housing, Health and Safety Rating System (HHSRS)</p>	<p>Housing Health and Safety Rating System (HHSRS) Guidance for Landlords and Property Related Professionals</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf</a></p>
<p><i>Heating</i></p> <p>All HMOs must be fitted with an adequate form of space heating. Each unit of accommodation must have its own controllable source of fixed heating. As well as the units of accommodation, the heating system must also cover bathrooms and common areas.</p>	<p>Further guidance is available in the HHSRS guidance (see above).</p> <p>Where gas fired central heating is installed in the property, it is recommended that radiators are fitted with thermostatic radiator valves.</p> <p>The heating system must be capable of the dwelling and unit of accommodation to 19°C when the outside temperature is -1°C</p> <p>‘Smart’ online control of heating by anyone other than the occupants of the building will not be permitted.</p>
<p><i>Ventilation</i></p> <p>Each bedroom and living room must be provided with adequate background ventilation.</p>	<p>Further guidance is available in the HHSRS guidance (see above).</p> <p>Ideally, this will be an openable window. In rooms only fitted with patio or French Doors, where the opening of doors may pose a security risk, it may be appropriate to install trickle vents or air bricks to allow constant background ventilation. Bathroom</p>

### *Lighting*

All units of accommodation must be provided with adequate natural lighting and adequate artificial lighting commensurate with the use of the room. Where tenants are responsible for changing light bulbs, light fittings must be easily accessible and light bulbs must be of a type that can be easily replaced. External lighting should be installed as appropriate to ensure that occupants can safely reach the front door of their property.

### *Fire precautions*

A principle of risk assessment applies to all properties when determining if fire precautions are acceptable.

extraction is recommended to be humidistat controlled.

Further guidance is available in the HHSRS guidance (see above). It is not generally acceptable for internal rooms to be used as bedrooms unless the occupant has sole use of a room which does have natural lighting.

Emergency lighting may be needed on escape routes particularly at changes in levels, where the escape route is not straightforward and where there is no borrowed light from the street. Further guidance is given in the LACORS guidance (see below), table C5, pages 26-27. Any emergency lighting provided must be capable of running for at least one hour in the event of mains electricity failure.

More details on fire precautions required can be found in the national guidance, Housing – Fire Safety: guidance on fire safety provisions for certain types of existing housing (the “LACORS” guidance).

This guidance can be downloaded via [www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business](http://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business)

As a minimum, all HMOs must be provided with mains wired smoke detectors located in the escape route and any communal living room and mains wired heat detectors located in all rooms containing cooking facilities. All detectors must be interlinked to sound simultaneously. A higher level of fire detection system may be necessary dependent on the size and

risk of the property and any additional risk from occupants. Fire detection systems must comply with BS 4839 Part 6.

Fire doors are not likely to be required in one or two storey properties occupied as shared houses, dependent on layout and risk. However doors must be of sound construction. Hollow panel doors, or doors with thin/flimsy panels, and doors in poor condition will not be acceptable.

Fire doors will be required in properties that are occupied as bedsits.

Locks on exit doors and bedroom doors must be openable from the inside without the use of a key (i.e. thumb turn or snibs). Hasp and staple locks, padlocks and sliding bolt mechanisms are unacceptable for use on the outside of bedroom doors.

Fire blankets conforming to British Standards (BS 7944:1999 or BS EN 1869:1997) are required in all rooms containing cooking facilities. Fire blankets must be wall mounted in an appropriate location close to, but not above or behind, cooking facilities.

If the electricity is supplied to the property via a prepayment meter (i.e. key or card meter) where a landlord is responsible for the bills, then a separate supply should be provided to supply the fire detection system with electricity.

In some instances it may be recommended that fire fighting be provided, in which case it must be BS compliant and maintained.

As mentioned above, the provision of emergency escape lighting may be

required where there is no natural or borrowed lighting.

Under the Fire Safety (Regulatory Reform) Order landlords/managers are legally obliged to have carried out a Fire Risk Assessment for their property. The council may request to see this document during the HMO licensing process.

### *Windows*

Windows must be in good repair and condition and able to be opened and closed easily.

Where the property is occupied or is likely to be occupied by children, openable windows that have a low sill height (less than 1.1metre from floor level) should be fitted with restrictive opening devices that prevent the windows being opened more than 10cm. Devices should be opened by an adult in case of emergency.

Where single glazed windows are installed, they should be free from excessive draughts. Secondary glazing or draught proofing may be necessary.

Any replacement windows installed must conform to current Building Regulations.

### *Staircases*

All stairs in the property must be suitable for their purpose and be maintained in a good condition.

It is unlikely that alternate tread staircases will be considered suitable.

All staircases must be provided with appropriate balustrading and handrails. Gaps between balusters should not normally exceed 10cm.

Any stair covering must be kept in good repair and condition.

All stair cases must be provided with adequate artificial lighting.

External steps should be appropriately lit and in good condition. If steps are steep or likely to be slippery, a handrail may be necessary.

### *Cycle storage*

It is generally not acceptable for cycles or mobility scooters to be stored in hallways of properties as this may compromise escape routes.

### *Gas safety*

As required by the Gas Installation Supply and Use Regulations 1998, all gas appliances must be inspected at least every 12 months by a Gas Safe registered engineer and a certificate produced. Tenants must be provided with a copy of this certificate at the start of the tenancy and when the gas safety checks are done during the tenancy.

### *Carbon monoxide detectors*

Landlords must take reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation, where such a risk exists.

Taken together with a valid gas Safety Record, the installation of a carbon monoxide alarm (approved to EN50291-1:2010 and kitemarked), in accordance with the manufacturers' instructions, would constitute a reasonable precaution to prevent the possibility of carbon monoxide poisoning, where such a risk exists. This is a recommendation, rather than a legal requirement, although in licensed properties landlords are expected to demonstrate that they have taken reasonable precautions.

Any property with a solid fuel burning appliance must have a carbon monoxide

detector, in line with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

### *Electrical safety*

All electrical installations must be inspected at least every five years by a competent person as required by the Management of Houses in Multiple Occupation (England) Regulations 2006.

Any electrical equipment provided by the landlord must be safe and fit for purpose.

One method of ensuring that this is done is by employing a competent person to carry out Portable Appliance Tests on a regular basis, including at change of tenancy, or by ensuring that a suitable Residual Current Device (RCD) protects all circuits, in accordance with the IEE (IET) wiring regulations (BS 7671:2008 17<sup>th</sup> Edition)

The responsibility remains with the landlord to ensure that any appliances provided are safe for use. The same responsibility will apply to any electrical equipment in the property at start of tenancy even if the landlord claims it was left by previous tenants.

Each habitable room must be provided with an adequate number of appropriately located electrical sockets (at least four). Failure to do so may result in the use of extension leads which increases the risk of fire and may lead to tripping hazards.

### *Energy Performance Certificates (EPC)*

An EPC survey must be carried out at least every ten years and a copy of the EPC given to tenants at the commencement of their tenancy, in accordance with

It is unlawful to let a property that does not meet a minimum standard of energy efficiency, defined using the EPC scale of A to G. Further information can be found here

the Housing Act 2004, the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, and the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

[www.gov.uk/government/publications/the-private-rented-propertyminimum-standard-landlordguidance-documents](http://www.gov.uk/government/publications/the-private-rented-propertyminimum-standard-landlordguidance-documents)

*Waste disposal*

Adequate general and recyclable waste containers must be provided.

This is generally considered to be one standard wheelie bin of each type per five occupants.

Clear instructions must be passed to tenants concerning correct recycling of items to prevent incorrect use of bins.

The landlord should make adequate provision for the collection, storage, and disposal of waste and where required comply with the Local Authority domestic refuse collection scheme.

Enquiries about additional bins should be made to Waste and Recycling on 02392 446010.

**Bathrooms and Personal Washing facilities**

The term 'bathroom', as used in the standards, normally means a bathroom containing a bath or shower, a toilet and a wash hand basin. The basin should be of an adequate size for normal personal hygiene purposes including personal washing, the cleaning of teeth and shaving.

No personal washing or toilet facility should be more than one floor distant from the users of those facilities, in the case of a bedsit HMO or hostel, or two floors distant in the case of a shared house.

A wash hand basin with a constant adequate supply of hot and cold running water must be provided for each toilet. If the toilet is separate from a bathroom then a small hand rinse basin will suffice.

All amenities must be appropriately connected to hot and cold water supplies and drainage system. New facilities must be installed in accordance with Building Regulations.

### **Shared Houses – Single Joint Tenancy**

Bathrooms and toilet provision should be as follows:

5 Occupiers	1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom)  <i>NOTE: single WC would be allowed if separate from the bathroom.</i>
6-10 Occupiers	2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms.)
11-15 Occupiers	3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms)
16-20 Occupiers	4 bathrooms AND 4 separate WCs with WHBs (but three of the WCs can be contained within 3 of the bathrooms)

Wash hand basins are not required in bedrooms, although landlords may choose to fit these where reasonably practicable.

### **Shared Houses – Tenants on Individual Tenancy Agreements**

Bathrooms and toilet provision should be as follows:

5 Occupiers	1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom)  <i>NOTE: single WC would be allowed if separate from the bathroom.</i>
6-10 Occupiers	2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms.)
11-15 Occupiers	3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms)
16-20 Occupiers	4 bathrooms AND 4 separate WCs with WHBs (but three of the WCs can be contained within 3 of the bathrooms)

In addition, each bedroom must be provided with a wash hand basin with hot and cold water supplies and connected to the drainage system where reasonably practicable, having regard to the age and character of the property, water pressure and the existing provision of wash hand basins, toilets and bathrooms. The property as a whole will be considered when reaching a decision.

### **Bedsit Accommodation**

Bathrooms and toilet provision should be as follows:

5 Occupiers	1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom)  <i>NOTE: single WC would be allowed if separate from the bathroom.</i>
6-10 Occupiers	2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms.)
11-15 Occupiers	3 bathrooms AND

	3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms)
16-20 Occupiers	4 bathrooms AND 4 separate WCs with WHBs (but three of the WCs can be contained within 3 of the bathrooms)

Each unit must be provided with a wash hand basin with hot and cold water supplies and connected to the drainage system except where there is a kitchen sink provided in the room.

### **Kitchen Facilities**

No kitchen facility should be more than one floor distant from the users of that facility. This will not apply if a communal living space or dining space is available on the same floor, or is not more than one floor away from the kitchen.

A standard cooking appliance for shared use should comprise four rings or hot plates, an oven and a grill. Microwave ovens may be satisfactory as supplementary cooking appliances but should not be the only cooking appliance. An appliance with 2 rings or hot plates and oven is satisfactory for a one person unit of accommodation.

Sinks must be provided with a draining board and adequate constant supplies of hot and cold running water, and connected to drainage.

An extractor fan, venting air to outside, is to be provided.

A wall mounted fire blanket is to be provided (appropriately sited near to the exit door, and not immediately adjacent to or above the cooker).

Each kitchen should also be provided with adequate storage space for crockery and cutlery in drawers or cupboards.

<b>Cookers</b>	1 for up to 5 occupiers (electrical cookers must operate from an independent, switched fused spur). The addition of a PAT tested* microwave oven will allow the facilities to be used by up to 7 occupiers. If there are more than 7 occupiers, two cookers must be provided, for up to 10 occupiers.
<b>Sink</b>	1 for up to 5 occupiers. For 6-10 occupiers, 2 sinks or 1 sink and a full sized dishwasher.
<b>Adequate number of suitably located electrical power outlets (adjacent to worktop)</b>	One per occupier, with a minimum of four power sockets. Additional sockets are needed for the refrigerator and may also be needed for a dishwasher, microwave oven and washing machine, if provided.
<b>Worktops</b>	A minimum surface area of worktop that can be reasonably used for food preparation of 1000mm x 600mm per 5 occupiers.
<b>Dry food storage</b>	Single 400mm wide wall unit per occupier or equivalent.
<b>Refrigerated storage</b>	Standard sized fridge (0.15m <sup>3</sup> ) per 5 occupiers. Separate standard sized freezer should be provided per 5 occupiers. Fridge or freezer may be under worktop or free-standing. If a double height fridge or freezer is provided it will be counted as equivalent to two.

For 10 or more occupants it may be appropriate to provide a second kitchen, depending on the size and layout of the property.

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\* Any electrical appliances provided by the landlord must be safe and fit for purpose. One method of ensuring this is for a competent person to carry out a Portable Appliance Test (PAT) on a regular basis. An alternative to PAT testing is to ensure that a suitable Residual Current Device (RCD) protects all circuits, in accordance with the IEE (IET) wiring regulations (BS 7671:2008 17th Edition). See page 7 for further information

## **Bedsit Accommodation**

If a bedsit is to be provided with facilities for the exclusive use of the occupant, the minimum requirements are:

- A cooker. Single person units may be provided with appliances with 2 rings or hot plates and an oven (or the equivalent)
- Sink and drainer
- Standard size fridge with freezer compartment
- At least 0.5m of worktop
- Sufficient shelving, cupboard and drawer space for storage of food, crockery and utensils
- At least 2 electrical sockets above worktop not in use for fridge, oven or washing machine

Shared facilities should be provided on a ratio of 1 to 3, except for fridges, which should be provided on a ratio of one per household. Wall units in communal areas should be lockable.

## **Room Sizes**

It is recommended, wherever practicable, that some form of communal living space is provided.

Sleeping rooms should not be occupied by more than two people. No persons should share a room unless:

- they are married, or living together as if married
- they are parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex)
- they are related children of the same family and are both of the same sex, e.g. two brothers (if below 10 years of age, opposite sexes can share a room)

There may be exceptions to the above sharing rule in genuine hostels and similar establishments. Advice should be sought from the council in these cases.

The advisory room sizes do not include any en-suite bathroom facilities that may be provided, and do not include any floor area that is not effectively useable, for example, where the ceiling slopes to a low level (below 1.5m height).

Floor areas are given for guidance only. All rooms must be suitable for purpose and capable of containing all furniture required in that room. Furniture would normally consist of bed, wardrobe, drawer unit and study desk for student houses.

Should any room fall below the required standard, the property as a whole will be considered when reaching a decision.

Kitchens must be of a sufficient size to fit in the required kitchen facilities and to enable them to be used safely.

## **Shared Houses – Single Joint Tenancy or Individual Tenancies**

<b>Bedroom for one occupant</b>	Minimum 10m <sup>2</sup> except where a separate communal living room or combined kitchen/living room is provided, in which case the bedroom must be at least 6.51m <sup>2</sup> .
<b>Bedroom for two occupants in a co-habiting couple</b>	Minimum 14m <sup>2</sup> except where a separate communal living room or combined kitchen/living room is provided, in which case the bedroom must be at least 11m <sup>2</sup> .
<b>Minimum size of kitchen</b>	7.5m <sup>2</sup> for up to 5 occupants 10m <sup>2</sup> for 6-10 occupants
<b>Minimum size of living space</b>	11m <sup>2</sup> for up to 5 occupants or 18m <sup>2</sup> combined kitchen/living room for up to 5 occupants  14m <sup>2</sup> for 6-10 occupants or 24m <sup>2</sup> combined kitchen/living room for 6-10 occupants

### **Bedsit Accommodation**

A bedsit is where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation .

<b>1 unit consisting of bedroom/living room/kitchen for 1 person</b>	14m <sup>2</sup>
<b>1 unit consisting of bedroom/living room/kitchen for 2 people</b>	18m <sup>2</sup>

It is not considered acceptable for one room units to be occupied by children over the age of 12 months. Two room units may be suitable as long as there is adequate space for play and children over the age of 10 of the opposite sex are not sharing rooms.

### **Standards for Hostels**

<b>Bathroom and Toilet</b>	1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom) per 5 occupiers
<b>Wash hand basin</b>	In licensable HMOs 1 WHB to be provided within each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that it is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room, and its existing provision for wash hand basins, toilets and bathrooms. A wash hand basin must be provided with every toilet.
<b>Cooker</b>	1 cooker for up to 3 lettings. 2 cookers for up to 10 lettings and one cooker per additional 5 lettings thereafter.
<b>Sink</b>	1 sink for up to 3 lettings. 2 sinks for up to 10 lettings and one sink per additional 5 lettings thereafter.

### Room Sizes for Hostels

<b>ROOM(S)</b>	<b>MINIMUM ROOM SIZE</b>
1 person	6.5m <sup>2</sup> if communal area provided. 10m <sup>2</sup> if no communal area
2 persons	11m <sup>2</sup> if communal area provided. 14m <sup>2</sup> if no communal area
Shared kitchens (for use by occupants)	7m <sup>2</sup> for up to 5 occupants 10m <sup>2</sup> for 6-10 occupants
Lounge/dining area	11m <sup>2</sup> for up to 5 occupants or 18m <sup>2</sup> combined kitchen/living room for up to 5 occupants  14m <sup>2</sup> for 6-10 occupants or 24m <sup>2</sup> combined kitchen/living room for 6-10 occupants

**For hostels of more than 10 people, contact the council for details of size requirements.**