



## The Council's requirements for HMO landlords

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## **Part 1: Introduction**

### **1.1 Background**

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The Council has a large private rented sector with huge demand for shared accommodation. Houses in Multiple Occupation (HMOs) provide a vital role in meeting the need for decent and affordable accommodation for a wide range of residents, from students to low paid workers and professionals. We want to encourage landlords to provide good quality accommodation for tenants.

The aim of this document is to ensure that HMOs provide a minimum acceptable standard so that tenants occupy safe and healthy homes. HMOs should be of adequate size, with sufficient space to live, reasonable levels of washing, cooking and sanitary facilities and be well managed. This guide provides comprehensive and practical information on the law and is updated to include new legislation such as the Smoke and Carbon Monoxide Regulations 2015.

The Council has a duty to ensure that Houses in Multiple Occupation are free from serious housing hazards including crowding and space. Some HMOs are required to be licensed by the Council under the mandatory HMO licensing scheme.

### **1.2 Why is HMO guidance needed?**

A review and revision of the Council's HMO standards is long overdue. Some amendments were made to them as a result of the major changes in the Housing Act 2004 but they do not accurately reflect all current legal requirements or offer adequate or comprehensive guidance to landlords. They were too prescriptive and of insufficient detail to help landlords comply with the law.

### **1.3 What are the main changes?**

This new HMO guidance brings the Council's requirements up to date and addresses concerns about the quality and standard of HMO accommodation in the borough. The main changes are:

- More detailed and comprehensive advice to landlords on HMO definition, licensing and the main housing hazards such as fire, cold homes etc.
- Updating the guidance to include recent legal requirements such as electrical safety and fire/carbon monoxide requirements
- Simplifying the advice provided and layout
- Guidance in applying risk-assessment to housing hazards
- Greater flexibility in achieving safe and healthy HMOs rather than relying on fixed standards
- Updated guidance on refuse storage

### **1.4 Types of HMO and terminology**

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This document applies to all HMOs with the exception of hostel type accommodation. There is a separate guide for hostel type accommodation. The most common types of HMO are described below.

### **1.4.1 Bedsits**

These are houses & flats let as individual rooms / bedsits occupied by a number of unrelated persons living as more than one household where there is little interaction between the occupiers.

Bedsits tend to be occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathrooms and / or toilets). Cooking and food preparation facilities are usually provided within the individual units of accommodation. There is usually no communal living room and each occupant lives otherwise independently of all others.

There are usually individual tenancies rather than a single joint tenancy. Bedroom doors will usually be lockable. Initially there may be little or no social interaction amongst the residents.

### **1.4.2 Shared Houses and flats in multiple occupation**

Shared houses are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the house as one group. There is usually a single joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household, although the property is still legally defined as a HMO because the occupants are not all related.

## **1.5 Applying the guidance to HMOs**

This guidance outlines the minimum requirements of the Council and should not be seen as the ideal. It covers the most common types of HMOs found in the borough, which are usually described as shared houses or bedsits. If the HMO you are letting is a hostel, temporary accommodation or student/staff accommodation, please refer to our separate guidance for this type of property, which is available on our website.

This document sets out standards for management, overcrowding, room sizes, bathroom & WC facilities, kitchen facilities and references standards for means of escape from fire. The Council are also required to assess properties under the Housing Health & Safety Rating System (see 1.8 below). Although some standards are set out in law, other requirements may depend on the Council taking a risk based approach to certain housing hazards. For such hazards, the Council will take a flexible and common sense approach to assessment and enforcement.

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To ensure that these standards are current, please check the Council's website at <https://www.lbhf.gov.uk/housing/private-housing/property-licensing-landlords-and-letting-agents>

### **1.6 Definition of HMO**

An HMO is a property occupied by 3 or more unrelated people in 2 or more households. A full definition of 'house in multiple occupation' can be found in section 254 of the Housing Act 2004. Details of what relationships constitute a single family can be found in section 258 of the Housing Act 2004. The Act also gives the Council powers to deal with poor living conditions in HMOs.

### **1.7 Planning**

There is a different definition of a HMO which is set out in planning legislation and local planning policy. There are restrictions about the development and change of use of HMOs and planning permission may be required. Property owners, developers and their agents are strongly advised to check with the Council's Planning and Conservation Department before carrying out any development, including any self-containment of units within an HMO or any change in use of a property.

Further information is available at:

[http://www.lbhf.gov.uk/Directory/Environment\\_and\\_Planning/Planning/](http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/)

### **1.8 Licensed HMOs**

#### **Mandatory Licensing Scheme**

This scheme applies nationally. An HMO is required to be licensed with the Council if it is three or more storeys in height (includes basements, lofts and mezzanine levels with living accommodation) and is occupied by 5 or more tenants, of which at least 2 households share one or more basic amenities including kitchen, bathroom or WC. If the HMO is above business premises, each storey of the business premises is included when counting storeys.

The aim of the licensing scheme is to improve conditions and management within HMOs by ensuring:

- conditions within a HMO comply with the Council's HMO standards
- landlords and/or their agents are 'fit and proper' persons as defined in the Housing Act 2004
- management arrangements for the HMO are appropriate.

It is the landlord/manager's responsibility to apply to the Council to licence a property.

As part of the HMO licensing process, the Council can discuss with landlords any variations from the standards that may be appropriate for a particular HMO.

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However, national minimum HMO licensing standards apply and must be complied with, in particular the level of bathroom, WC and wash hand basin provision.

### **Additional Licensing Scheme**

The Council has adopted an additional licensing scheme. All HMOs (see 1.6 above) that are privately rented in the borough require licensing from 5<sup>th</sup> June 2017. Landlords and letting agents across the borough who let a property occupied by at least three people, who do not make up a single household and who share a kitchen, bathroom or toilet, require a licence.

### **Selective Licensing Scheme**

**Selective licensing** will require all landlords letting a property on named streets where anti-social behaviour has been a problem, to get a licence from 5 June 2017.

The Streets designated for selective licensing are named on our website:

<https://www.lbhf.gov.uk/housing/private-housing/improving-private-rented-housing>

## **1.9 Housing Health and Safety Rating System**

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. The HHSRS is comprehensive in its coverage of key health and safety risks in dwellings. It assesses the risk associated with certain hazards and, if the likelihood of harm is significant, the Council may take action to ensure that the risk is removed.

If you require any additional advice on the standards required you can contact us by emailing [phs@lbhf.gov.uk](mailto:phs@lbhf.gov.uk) or calling 020 8753 1081

# Standards and Guidance for Houses in Multiple Occupation

## Part 2: Minimum Space Standards

### 2.1 Calculating Room Sizes

In calculating floor areas for room used for sleeping, the Council will discount space occupied by:

- bathrooms/shower rooms
- corridors
- lobbies
- chimney breasts, small alcoves etc.
- ceiling height - rooms should have a minimum height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.9 metres (1.5 metres in attic rooms) will not count towards the habitable floor space.

### 2.2 Minimum room sizes for rooms used for sleeping

#### 2.2.1 Exclusive use (no shared facility)

**Table 1** – Rooms used for sleeping where there are kitchen facilities in a separate room for exclusive use

Space standard room with separate kitchen	No. of persons	Minimum floor area
<b>Single Room</b>	1 person	7m <sup>2</sup>
<b>Double Room</b>	2 persons co-habiting as a couple	11.5m <sup>2</sup>
<b>Kitchen</b>		4m <sup>2</sup>

**Table 2** – Rooms used for sleeping purposes with kitchen facilities in the room

Space standard kitchen facilities in room	No. of persons	Minimum floor area
<b>Single Room</b>	1 person	9.3m <sup>2</sup>
<b>Double Room</b>	2 persons co-habiting as a couple	15m <sup>2</sup>

#### 2.2.2 Shared kitchens

These standards will only be applied in properties where there is evidence that the occupiers are living more like a single household and are comfortable using shared communal space, rather than individuals who have very little interaction with each other. Examples of this type of occupation are shared houses where the occupiers came together as a group or have a common shared interest i.e. students or employees from the same college or employer. Typically, they would cook and eat meals together and would choose to spend time together in a dining area or lounge.



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**Table 3** – Rooms used for sleeping purposes with a shared kitchen

Space standard shared kitchen	No. of persons	Minimum floor area
<b>Single Room</b>	1 person	7m <sup>2</sup>
<b>Double Room</b>	2 persons co-habiting as a couple	11.5m <sup>2</sup>

**Table 4** - Rooms where there are separate shared kitchen facilities and lounge/living room

Space standard separate shared kitchen and lounge	No. of persons	Minimum floor area
<b>Kitchen</b>	Up to 5	5.5 m <sup>2</sup>
<b>Lounge/Living room</b>	1-3 people	8.5m <sup>2</sup>
	4-6 people	11m <sup>2</sup>

**Table 5** - Rooms where there are separate shared kitchen facilities including a dining area

Space standard separate shared kitchen/Diner	No. of persons	Minimum floor area
<b>Kitchen/Diner</b>	Up to 5	8 m <sup>2</sup>

### 2.3 Living Rooms

Living rooms must be fully furnished and need to have adequate sofas and armchairs to accommodate all of the occupiers at any one time (to avoid incidences where some occupiers are unable to make use of the communal living room at certain times) and would usually have adequate space for television and coffee table.

### 2.4 Loft Rooms/Spaces

Loft spaces and cellars are usually considered unsuitable for use as living accommodation unless proper Building Control & Planning Permission have been obtained. These spaces may require extra works in order to comply with these standards and the Housing Act 2004.

Attic rooms and loft rooms should have a minimum room height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.5 metres will not count towards the habitable floor space.

## Standards and Guidance for Houses in Multiple Occupation

### Part 3: Facilities for the storage, preparation and cooking of food

#### 3.1 Kitchens for exclusive use in the letting room or a separate room

Table 6 – Minimum requirements for kitchen facilities

Kitchen facility	Standard	Minimum size
<b>Cooker</b>	One cooker	Minimum of 4 burners, oven and grill. A microwave may be substituted for up to 2 burners. Cookers must not be sited adjacent to exit doors. Splashback or lift-up cover provided.
<b>Sink</b>	Set on a base unit. Provided with a constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback shall be provided to the drainer	Sink minimum size 600mm x 500mm  300mm height.
<b>Worktop</b>	Made of an impervious material.  A tiled splashback shall be provided	500mm x 500mm worktop must be provided adjacent to the cooker 300mm height
<b>Storage cupboards</b>	One cupboard - the cupboard below the sink cannot be used for food storage.	Minimum capacity 0.3 cubic metres
<b>Fridge</b>	1 refrigerator	75 litres
<b>Electrical sockets</b>	4 x 13 amp sockets provided within the food preparation area, at least 2 shall be above worktop level.	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop

#### 3.2 Shared kitchens

##### 3.2.1 Ratio of persons to facilities

For shared kitchens, one set of kitchen facilities shall be provided for every 5 occupants.

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### 3.2.2 Shared kitchen facilities

**Table 7** - Minimum requirements for *shared* kitchen facilities.

Kitchen facility	Standard	Minimum size
<b>Cooker</b>	One cooker for every 5 persons	Minimum of 4 burners, oven and grill. Cookers must not be sited adjacent to exit doors. Splashback or lift-up cover provided.
<b>Sink</b>	Set on a base unit. Provided with a constant and adequate supply of hot and cold water and properly connected to the drainage system. Sink strainer or plug provided. A tiled splashback shall be provided to the drainer	Sink minimum size 600mm x 500mm  300mm height.
<b>Worktop</b>	Made of an impervious material. A tiled splashback shall be provided	1000mm x 500mm worktop must be provided adjacent to the cooker 300mm height
<b>Storage cupboards</b>	One cupboard for each tenant, the cupboard below the sink cannot be used for food storage. The cupboard can be located in the letting room where there is sufficient space	Minimum capacity 0.3 cubic metres cupboard per person
<b>Fridge</b>	1 fridge/freezer for every 5 persons	245 litres for 5 people. This can be smaller if individual fridges are provided in the rooms, this should be discussed with the case officer
<b>Electrical sockets</b>	4 x 13 amp double sockets provided in food prep. area, at least 2 shall be above worktop level. 1 extra socket shall be provided for each major appliance (fridge, freezer, washing machine). The cooker shall be connected to a separate cooker spur	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop

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Where the dwelling is occupied by more than five persons contact the Private Sector Housing Team for further advice on required facilities for the preparation, cooking and storage of food.

### 3.2.3 General requirements for shared kitchens

- The kitchen size (see space standards) and layout must enable the practical, safe & hygienic use of the kitchen for storage, preparation and cooking of food.
- The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned

### 3.2.4 Location

For shared kitchens, the kitchen ***must be not more than one floor distant from the room used as sleeping accommodation***

This requirement will only be relaxed if a suitably sized Kitchen/Diner is provided (see space standards) or in the following circumstances:

- the property has been lawfully converted under planning law and building regulations from a 2 storey house into a 3 storey house with a loft or other similar construction.
- The loft conversion provides accommodation for one letting room
- there are 5 persons or less living in the property
- There is a shared kitchen on the ground floor of the premises which meets the Council's standards for shared kitchens.
- Where practicable, cooking facilities should be available for the exclusive use of the tenant(s) occupying the loft room letting, rather than sharing cooking facilities more than one floor distant.

### 3.3 General requirements for all kitchens

- The lighting shall be suitable to enable the practical, safe & hygienic use of the kitchen facilities.
- There must be adequate ventilation. Where mechanical ventilation is required, it must be extracted to the outside air
- Kitchens must not be located in any hallway, corridor or lobby
- Suitable and sufficient provision shall be made for refuse storage and disposal both within the unit of accommodation and outside. Internal storage for waste and recycling must be located in an accessible and commonly used area inside each dwelling. The storage for refuse and recycling should be away from circulation areas e.g. below a worktop.

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## Part 4: Personal hygiene and sanitation standards

### 4.1 Personal hygiene facilities

The following shared facilities shall be provided for up to 5 people not being more than one floor distant from each letting room

**Table 8** - Minimum requirements for personal hygiene facilities

Washing/sanitary fittings	Minimum size	splashback
<b>Baths</b>	1600mm x 700mm	450mm
<b>Shower rooms/cubicles</b>	800mm x 800mm	In cubicle or fully tiled with shower screen or curtain
<b>Wash hand basin</b>	500mm x 400mm	300mm high
<b>WC</b>	-	-

### 4.2 General requirements

- One bathroom or shower room, one toilet and one wash hand basin shall be provided for every 5 occupants.
- The room shall be accessible directly from the common areas and within one floor of each letting.
- All shower/bathrooms must have adequate heating, ventilation and artificial lighting
- Baths, showers, toilets and wash hand basins shall be provided in a separate room of adequate size. There should be adequate space for drying & dressing and somewhere to hang clothes and towels. Baths must have a suitable plug and overflow.
- If an over bath shower is provided, then the adjacent walls should be fully tiled.
- A suitable water resistant shower curtain must be provided in a fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle
- A wash hand basin shall be provided within each toilet compartment and within each bathroom/shower room. Plug must be provided to the wash hand basin.
- Each bath, shower and wash hand basin shall be provided with a constant supply of hot and cold water.

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- The doors to bathrooms, shower rooms and WCs shall be capable of giving privacy and should be lockable from the inside.
- Where light switches are located within the bathroom, shower room or WC compartment they must be pull cord switches.
- The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned.
- The lighting shall be suitable to enable the practical, safe & hygienic use of the facilities.
- Any door or window glazing must be obscure glass.

### **4.3 Wash hand basins within bedrooms (where five or more occupiers occupy the HMO)**

- Each bedroom must have a wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. Plug must be provided to the wash hand basin.
- A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.

**NB:** A wash hand basin is not required where a sink with a constant and adequate supply of cold and hot water is provided within the letting on the grounds that the sink can be used for personal washing in addition to food preparation.

# Standards and Guidance for Houses in Multiple Occupation

## Part 5: Guidance on key hazards and steps to protect your tenants

### 5.1 Fire Safety

#### 5.1.1 General principles

All HMO's are subject to an assessment under the Housing Health & Safety Rating System and must comply with the Regulatory Reform Order and LACORS Fire Guidance. [http://www.cieh.org/policy/fire\\_safety\\_existing\\_housing.html](http://www.cieh.org/policy/fire_safety_existing_housing.html)

The Council works closely with the fire authority to determine whether fire safety measures are satisfactory. Each case will be judged on its own merits. It is difficult to prescribe set standards for HMOs which are a very diverse type of property type. Variations away from accepted guidance has to be fully justified and any alternative solutions will need to be agreed by both parties

#### 5.1.2 Fire Risk Assessment

**The Regulatory Reform (Fire Safety) Order 2005** is enforced by the fire brigade and requires that the 'responsible person' carry out and regularly review a fire risk assessment of the premises. This will identify what you need to do to prevent fire and keep people safe. If you don't have the expertise or time to do the fire risk assessment yourself you'll need to appoint a 'competent person' to help, e.g. a professional risk assessor. If you're not sure if your risk assessment has been carried out properly your local fire and rescue authority might be able to give you advice although they can't carry out risk assessments for you. Further information can be obtained from <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

#### 5.1.3 Smoke and Carbon Monoxide Alarms

**The Smoke and Carbon Monoxide Alarm (England) Regulations 2015** introduced legal requirements which are to equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation. There is also a requirement to carry out checks to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

For the purposes of the legislation, living accommodation is a room that is used for the primary purposes of living, or is a room in which a person spends a significant amount of time, and a bathroom or lavatory is classed within this definition.

***Landlords should be aware that in HMOs there will, in most cases be a need for a higher standard of fire detection in HMOs than the requirement in these regulations. Landlords are advised that in HMOs they should comply with LACORS fire Guidance as a minimum requirement.***

#### General requirements

In general terms the following fire safety measures must be considered:

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### 5.1.4 Provision of a protected escape route

The **protected escape route** leads from the letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire resistant doors and partitions. The protected escape route must be kept clear.

There must be adequate fire separation from any commercial areas of the building and any other residential parts of the building not linked by common entrances or stairways.

### 5.1.5 Fire resistant doors

30-minute fire resistant doors are required on doors opening onto the protected route from any room other than a bathroom or WC. They should be provided with:

- intumescent strips and cold smoke seals, to prevent the passage of smoke
- a self-closing device (except on cupboard doors)
- a lock (for example thumb turn) to each letting room which does not require a key to open the door from the inside, to allow escape in the event of a fire.
- capable of being fully closed,
- close fitting, without excess gaps between the leaf and frame,
- hung on three heat resisting hinges (not rising butts)

### 5.1.6 Automatic Fire Detection (AFD) system

Provision of any form of AFD system requires specialist advice to design and install the system. AFD systems are designed to provide the earliest possible warning of fire within a letting or the common parts. The purpose of an AFD system is to detect and alert the occupiers of the HMO to the presence of smoke and/or fire before it develops into a dangerous situation. Alarm systems are required in all HMOs because the fire risk is significantly greater than in single-family dwellings.

- Alarms must be mains-wired and most must be inter-linked so that they all sound when any one is activated.
- The specification for the type and coverage of the AFD will vary depending on the risk, size and layout of the HMO.

***A summary of the general requirements for bedsit type HMOs has been provided below, listed by storey height of the HMO but this is intended as a broad guide only NB: for shared houses occupied by an identifiable group of sharers such as students or friends as joint tenants, the AFD specification and coverage will be different. You should seek advice from the Private Sector Housing Team before installing any equipment.***

### 5.1.7 Two storey HMOs

A Grade D, LD2 system; consisting of:



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- Interlinked mains-wired smoke alarms with integral battery back-up located in the escape route at all floor levels, in each bedsit, living area, cellar and any cupboard opening onto the escape route but not required in bathrooms/WCs unless they contain a specific risk.
- Interlinked heat alarms with integral battery back-up located in each communal kitchen.

### If cooking facilities are sited within the bedsits

- As above but interlinked heat alarms instead of smoke alarms, with integral battery back-up in each bedsit; and a non-interlinked smoke alarm with integral battery back-up in each bedsit, sited away from the cooker.

### Example of typical requirements in a two storey bedsit property:

figure D7: bedsit-type HMO, two storeys



### 5.1.8 Three storey HMOs or above

A Grade A, LD2 system; consisting of:

- Smoke detectors in the escape route at all floor levels, in each bedroom, living room, cellar and any cupboard opening onto the escape route.
- Heat detectors located in each communal kitchen;
- Alarm sounders throughout the common escape route, hallways and landings;
- Manual call-points in the common escape route on each floor.
- All the above linked to a Control/Indicator Panel in the entrance hallway and powered from a protected mains supply.

### If cooking facilities are sited within the bedsits

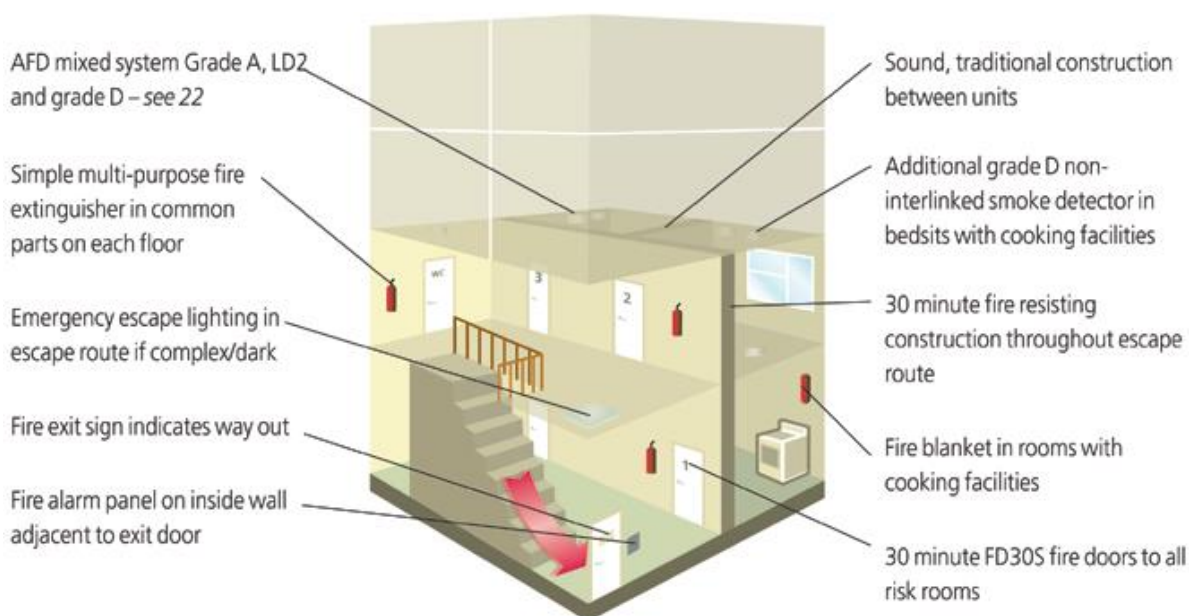
- As above but heat detectors instead of smoke detectors in the bedsits and also a Grade D, non-interlinked smoke alarm with integral battery back-up in each bedsit sited away from the cooker.

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Power supplies to AFD systems of any type are not permitted to be from pre-payment meters and must be from the landlord's power supply. AFD systems to conform to BS 5839 Part 6: 2004.

### Example of typical requirements:

figure D8: bedsit-type HMO, three or four storeys



### 5.1.9 Emergency lighting

Emergency lighting which comes on if mains electricity fails may need to be fitted to illuminate the protected route and some internal staircases. The installation must comply with BS5266.

## 5.2 Raised bed platforms in letting rooms

### 5.2.1 Fire safety

Raised bed platforms must comply with all of the following:

- at least 50% of the floor area of the room should be unobscured by the gallery;
- the distance from the foot of the egress stair from the gallery to the room exit should not be less than 3 metres.
- Any cooking facilities must be located in a safe position. This means that they must not be located under the sleeping platform, should be sited remote from the room exit and may need to be enclosed within fire-resisting construction.
- Where the fire risk to the occupants cannot be ensured and redesigning the room to overcome fire risk is not practical, additional fire precautions such as sprinkler or misting systems may be required.

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### **5.2.2 Guarding**

Raised sleeping platforms must be provided with guarding/edge protection of adequate height along the full length of the gallery area to prevent falling.

Safe access to the raised bed platform must be provided and ladders are not acceptable. Where possible a staircase complying with building regulations should be provided. As a minimum, fixed stair treads and a handrail must be provided.

### **5.3 Electrical Appliances and Installations**

All works to the electrical installation shall be carried out by a properly qualified engineer and must comply with the following:

- The Electrical Equipment (Safety) Regulations 1994

These regulations impose a duty on landlords as the supplier that electrical equipment is 'safe' as defined by section 19 of the Act, so that there is no risk of injury or death to humans or pets or risk of damage to the property. They cover all mains voltage household electric goods including cookers, kettles, toasters, electric blankets, washing machines, immersion heaters etc. The Act also requires that if any equipment is supplied with any particular characteristic, suitable information or instruction booklets should be provided.

- Plugs & Sockets (Safety) Regulations 1994

These regulations require that where any plug, socket or adaptor supplied for intended domestic use, that it complies with the appropriate current standard and specifically that:

- The live and neutral pins on the plugs are part insulated so as to prevent shocks when removing plugs from sockets; and
- All plugs are pre-wired.

- Electricity at Work Regulations 1989

These regulations require the testing of portable appliances (PAT testing) provided within the common areas of the property, e.g. kettles, toasters etc.

### **5.4 Carbon Monoxide Detection**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced legal requirements for private sector landlords in respect of premises occupied under tenancies starting on or after that date. The requirements are to:

- Equip a carbon monoxide alarm in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and

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- Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy

For the purposes of the legislation, living accommodation is a room that is used for the primary purposes of living, or is a room in which a person spends a significant amount of time, and a bathroom or lavatory is classed within this definition.

### 5.5 Gas Supply and Appliances

All works to the gas installation and gas appliances shall be carried out by an engineer registered on the Gas Safe Register.

All gas pipe work, appliances and flues must be tested by a registered Gas Safe Engineer every 12 months. Landlords must keep a copy of the Gas Safety Certificate for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in. A copy of the Gas Safety Certificate can be provided within the common areas.

### 5.6 Space heating and hot water

Landlords should install heating system that are fixed, efficient, controllable and of an adequate size and capacity for the rooms and building. Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. All heating sources must be provided with controls to allow the occupants to regulate the temperature within their unit of accommodation. There must be adequate thermal insulation to the building.

An adequate means of fixed space heating must be provided in all rooms, including common areas of the dwelling, WC compartments and bathrooms, so that a constant temperature of at least 21°C can be maintained in sleeping rooms and bathrooms and at least 18°C in all other rooms when the outside temperature is -1°C degrees centigrade.

The Borough has a large number of older properties that are hard to heat. Landlords are advised that electrical heaters are not recommended in these premises unless they are well insulated. This is due to electrical heating often being prohibitively expensive to run due to excessive heat loss resulting in tenants having difficulties in cost-effectively heating the property. Electrical heating systems should be designed so that 90% of the annual heat requirement is available at the off peak rate.

In these types of properties, ideally a whole house gas fired central heating system should be provided to the premises to satisfy the design and installation requirements of British Standard 5449:1990 and in accordance with Part L of the current Building Regulations.

**Fixed electrical heaters** will only be acceptable in the letting rooms of older properties with solid wall construction if all the following conditions are met:

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1. Small rooms – as a guideline, rooms of up to 9.3m<sup>2</sup> are considered small rooms.
2. The appliance is controllable, with timer, thermostat and of adequate capacity to heat the room and maintain it at a temperature of 21<sup>0</sup>c when the outside temperature is -1<sup>0</sup>c.
3. Standard ceiling heights, generally not greater than 2.4m<sup>2</sup>
4. Not more than one exposed external wall in the bedsit room
5. Not in a particularly exposed location e.g. north facing.
6. No large exposed areas of single glazing
7. Not in basements, attic spaces with less than 200mm of insulation or poorly insulated mansard roofs
8. Other adequately heated rooms (not mobile/fixed individual electrical heaters) above and below the bedsit
9. Adequate heating is provided in the common parts, bathrooms and any kitchens of the HMO.

Any rooms not falling within the above criteria must be provided with adequate thermal insulation, the details of which must be approved by the Council before installation.

### 5.7 Furnished Lettings

All furniture provided in connection with the letting must comply with The Furniture & Furnishings (Fire) (Safety) Regulations 1988.

### 5.8 Security

#### 5.8.1 Communal front door

The main entrance door from the street should close properly, be capable of resisting bodily pressure and slipping of the door lock. Entry systems should **not** have 'tradesmen' buttons, which bypass normal locking. The following requirements apply:

- The door should be of solid construction.
- Solenoid based, bolt-action locks are preferred, as they cannot be put on the latch and require less maintenance (also fully compliant with means of escape).
- Landlord registered keys to control access.
- Letterbox Cowl to prevent access to the door lock.
- Properly maintained door closer to ensure the door shuts properly.
- Glazing should be protected (see **Windows**).

#### 5.8.2 Individual dwelling doors

Where locks are provided on doors landlord registered keys should be used for all locks. The main entrance door to each letting room should comply with fire standards and should meet the following minimum standard:

- Door to be of solid construction and attached using three hinges.

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- BS8621:2007 Mortice lock with thumb turn cylinder which does not require a key to open the door from the inside, to allow escape in the event of a fire.
- Hinge Bolts and Frame Reinforcers to resist bodily pressure (the most common method of forcing doors in converted properties).

### 5.8.3 Windows

All windows should have key operated locks (this is an insurance requirement). All basements, ground floors and other externally accessible windows should have restrictors fitted.

Glazing may be protected in a variety of ways:

- Internal grilles or gates
- Security film
- Laminated glazing

NB: Georgian wired glass offers **no** security.

### 5.9 Rubbish Storage

The HMO Management Regulations state that landlords must make such further arrangements for the disposal of rubbish and litter from the HMO as may be necessary, having regard to any service for disposal provided by the Council.

Suitable facilities must be provided for storing rubbish generated by tenants whilst it is waiting to be collected. Facilities provided to dispose of rubbish must be sufficient for the number of occupants within the building.

At residential premises served by kerbside collections, space must be made available outside for the storage of rubbish and recycling.

The council's refuse service provides for the collection of standard dustbins or bags. These dustbins, typically around 90 litres, are not provided by the council and must be supplied by the landlord. Wheelie bins are not acceptable containers because they are not compatible with collection vehicles and are too tall for bags to be safely removed from them.

For each individual household an external cupboard or designated storage space is needed, capable of holding at least two ordinary dustbins, whose specification conforms to BS 792 or BS 4998, or alternatively space or holders for at least two refuse sacks, each of about 100 litre capacity. Additional space of at least 160 Litres is also needed for recycling sacks.

The table below summarises the approximate capacity needed depending on household size.

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**Table 9** – Storage Capacity for refuse per household size:

Household size	Refuse	Recycling
1-3 people	2-3 dustbins (minimum 2 dustbins or 200 litres)	2 recycling sacks (minimum 160 litres)
4-6 people	3-5 dustbins (minimum 3 dustbins or 300 litres)	2-3 recycling sacks (minimum 240 litres)

It is not acceptable for any waste to be stored on the public highway (with the exception of black sacks and recycling sacks placed out on collection day, or after 9pm on the preceding day).

If storage requirements for refuse pending disposal can't be met due to a lack of storage capacity landlords need to arrange for additional weekly collections. Our contact details are at:

<https://www.lbhf.gov.uk/pages/contact-us>

### 5.9.1 External Storage

External refuse storage areas should be on a hard level surface that is impervious, pest-proof with easily cleansable surfaces and close fitting lids to receptacles. If the storage area is provided within basement vaults beneath the footway at the front of the premises the following requirements apply:

- The flooring to the vault should be in good order and provide a smooth and easily cleansable concrete finish.
- The vault should be free from serious water ingress and standing water.
- All holes surrounding pipework and gas /electricity services should be filled to prevent pest ingress. The pointing to the brickwork of the vault should be reasonably sound.
- The structure should be pest proof.
- The vault should be provided with a sound, rodent-proof timber door and frame. The door should be close-fitting with a maximum clearance of 5mm at the foot to prevent rodent entry beneath, and, ideally, fitted with a metal kick-plate at the foot to prevent gnawing, etc.
- The storage area to be kept clean and free from accumulations of refuse.

The tenants should be advised on the arrangements for refuse collections and the relevant days when refuse is regularly collected for disposal by the Council.

A full technical specification is available on the following page:

[https://www.lbhf.gov.uk/sites/default/files/section\\_attachments/hf\\_refuse\\_and\\_recycling\\_guidelines.pdf](https://www.lbhf.gov.uk/sites/default/files/section_attachments/hf_refuse_and_recycling_guidelines.pdf)

## PART 6: HMO MANAGEMENT

### 6.1 Introduction

The following is a summary of the following legislation which applies to the Management of HMOs.

- *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. SI 2006 No.373*
- *The Management of Houses in Multiple Occupation (England) Regulations 2006 No.372*
- *The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. SI 2007 No.1903.*

### 6.2 Responsibilities of the manager

Regulation 3 - Duty to inform the occupier of contact details including name, address and telephone number and to display this information in a prominent place in the HMO. If a landlord is regularly out of the country or away for long periods of time, a local manager should be appointed who can act on behalf of the landlord; contact details for this person should also be displayed.

Regulation 4 - Duty of the manager to take safety measures in relation to providing and maintaining the means of escape from fire & firefighting equipment and to reasonably protect the occupiers of the HMO from injury.

Regulation 5 - Duty of the manager to maintain water supply & drainage. Water rates should be registered in the name of the landlord/manager who is responsible for paying the bills.

Regulation 6 - Duty of the manager to supply & maintain gas & electricity, including the provision of the latest gas safety certificate to the local authority when requested and the uninterrupted supply of gas and electricity. Utility bills should be registered in the name of the landlord/manager who is responsible for paying the bills. Key meters are not acceptable.

Regulation 7 - Duty of the manager to maintain common parts, fixtures, fittings and appliances including stairs, banisters, floor coverings, windows, lighting, shared appliances, yards, gardens and boundaries. Common parts must be kept free from obstruction, clean and in good order & repair.

Regulation 8 - Duty of the manager to maintain living accommodation and any furniture, fittings and appliances provided by the landlord.

Regulation 9 - Duty to provide waste disposal facilities suitable for the number of people occupying the HMO.

Regulation 10 - Duties of occupiers to reasonably cooperate with, not to hinder or frustrate the manager in performance of his duties; to provide information



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reasonably requested by the manager for the purpose of carrying out his duties; take reasonable care to avoid causing damage; properly dispose of rubbish; and comply with reasonable instructions regarding the means of escape from fire, prevention of fire and the use of fire equipment.

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