



# Houses in Multiple Occupation Policy

Last reviewed April 2018

# 1.0 Houses in Multiple Occupation policy overview

This policy is managed and adhered to by the housing service. This policy will be reviewed on a regular basis.

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## 1.1 Introduction

Dacorum Borough Council (DBC) is committed to working with landlords and private tenants so Houses in Multiple Occupation (HMO) are safe places to live. This policy sets out the council's approach to enforcing HMO standards.

From October 2018, the law around HMO licensing is changing. Local authorities will be required to licence any HMO housing five people or more covering two or more households, regardless of number of storeys in the property (DBC have previously only licensed HMO's of three storeys or more).

People who are not related to each other by blood, marriage or in an equivalent relationship (in the case of persons of the same sex) will be considered as separate households.

DBC will be adopting the new licensing requirements early in order to support the council and landlords to effectively prepare for October 2018.

## 1.2 Aim(s) of the policy:

The aims of this policy are to;

- Reinforce the expected standards of all HMO's operating in Dacorum
- Outline our approach to regulating HMO's, including enforcement action

## 1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities which are set out in ['Delivering for Dacorum – Corporate Plan 2015-2020'](#).

## 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

## 1.5 Policy Statement(s)

We will be proactive in our use of delegated powers to identify HMO's.

Ensure all HMO's are appropriately licenced and managed by a person that is considered to be fit and proper to fulfil the duties of a landlord.

Work with landlords and managing agents to maintain the required standards for HMO's so that properties prioritise the health and safety of tenants.

Take appropriate and proportionate action against tenants and landlords to maintain these standards.

# 2.0 HMO Policy Detail

## 2.1 Identifying HMO's

Dacorum currently licences approximately 40 HMO's. Under the new requirements, we expect this to rise to over 400.

We will take a proactive approach to identifying HMO's in Dacorum, using a range of methods so that we can ensure appropriate licences are in place.

Other DBC teams, such as: homelessness prevention, the housing register, council tax and electoral registration collect and hold information which allow us to identify the number of people living in a property. This can then be used as an indicator for the Private Rented Sector (PRS) Team to identify suspected HMO's.

As a local authority, we require our partners, local letting agents and voluntary sector organizations to report suspected HMO's so that we can investigate and ensure licences are in place where appropriate.

Tenants living in a property of five or more people are encouraged to contact the Private Sector Housing Team if there is no visible licence displayed in their home. Although we understand that some tenants may not want to report their landlord, either through fear of a revenge eviction or because they are able to pay lower rents as a result of compromised conditions, it is essential that all HMO's are licenced in order to ensure the safety of people living in or visiting the property. The PRS Team will investigate any suspected HMO's operating in the Dacorum area, and will undertake a variety of actions,

such as door-knocking, desktop reviews and contacting the landlord in order to obtain further information. All details of activity and communication with landlords is recorded. Where an unlicenced HMO is identified, action will be taken to ensure the landlord applies for and adheres to the requirements set out within the license.

## 2.2 Licensing HMO's

Licensing a HMO is the landlord's responsibility. Most landlords seek to maintain homes for their tenants that are safe and will proactively apply for or renew their HMO license. There is, however, a minority group of 'rogue landlords' who may try and avoid applying for a licence.

Where a rogue landlord and/or unlicenced HMO is identified, we maintain statutory powers to intervene. This means that we can ensure all operating HMO's are licenced and meet the required standards.

Landlords will be subject to a fit and proper person check. Any landlord that has received a banning order will not be granted a licence. In these cases, landlords cannot transfer the responsibility for the HMO to a 'prohibited person'.

A prohibited person is:

- a person associated with the landlord (including family members, spouses and civil partners)<sup>12</sup>;
- a business partner of the landlord<sup>13</sup>;
- a person associated with the business partner of the landlord;
- a business partner of a person associated with the landlord;

- a body corporate of which the landlord or a person mentioned above is an officer;
- a body corporate in which the landlord has a shareholding or other financial interest; or
- in the case where a landlord is a body corporate, anybody corporate that has an officer in common with the landlord.

A HMO licence lasts for a maximum of five years. We are required to ensure that any fees set are reasonable and proportionate. To ensure this, we undertake an annual benchmarking exercise against 12 local authorities across Hertfordshire and Bedfordshire. Dacorum fees are then set up to the average amount charged across these local authorities. The list of fees charged by Dacorum Borough Council can be found on our [website](#).

Landlords who apply for a licence as a result of action undertaken by the Private Sector Housing Team will be required to pay a higher fee.

As part of the application process, the landlord is required to provide a Fire Risk Assessment and Floor Plan of the property (this service can be provided at a charge by DBC's Environmental Health Officer). Conditions will be placed on licences without these documents or if:

- the HMO is considered unsuitable for the number of occupiers;
- the number of facilities do not meet the requirements such as toilets, bathrooms and cooking facilities; or
- the landlord or managing agent is not deemed suitable under the 'fit and proper test'.

In cases where work needs to be undertaken to the property, licenses may be granted with conditions and an associated time frame allocated for completion.

## 2.0 HMO Policy detail continued

### 2.3 Maintaining standards

Maintaining the right standards in HMO's is essential to reducing the risk of fire and avoiding people living in overcrowded and/or unsafe conditions. We are responsible for taking action against landlords or managing agents who do not meet the requirements set out in the Housing (Management of Houses in Multiple Occupation) regulations 2006.

As set out in these requirements, we expect all landlords to clearly display their license along with their name and contact information.

All fire escape routes must be kept clear. It is essential that all tenants in a HMO can get out of the property without coming into contact with high risk areas such as the kitchen. Fire safety measures (e.g. fire doors, smoke alarms and heat detectors) must be installed and maintained regularly.

It is the landlord's responsibility to ensure tenants can access a clean water supply at all times. Drainage must be able to sustain and adequately dispose of water waste.

All HMO's must have a safe and consistent supply of electricity and gas. Tenants are encouraged to report any issues with their gas or electricity to their landlord as soon as possible.

In the event of an emergency or where clean water, electricity or gas is not available for 24 hours or longer, the landlord is required to find alternative accommodation for all effected tenants whilst repairs are undertaken. If a landlord cannot be contacted, we will support the tenant to ensure they have alternative temporary accommodation. In this event, landlords can be charged for any associated costs.

Maintenance of communal areas such as hallways, staircases and kitchens are also the responsibility of the landlord. These areas should be kept in good condition. This includes any furniture supplied by the landlord. Action can be taken by the landlord if communal facilities or furniture is damaged by tenants. The landlord is also within their rights to ask tenants to remove any personal items if they are obstructing escape routes.

Irrespective of any ongoing issues with tenants in a property, any necessary repairs must be carried out when required to

- the structure and exterior of the property e.g. drains, guttering and external pipes, windows and external doors;
- basins, sinks, baths, toilets and pipework; and
- water and gas pipes, electrical wiring, water tanks, boilers /all forms of heating.

If repairs to these areas are not completed, this would be considered a breach of license.

Although not considered essential for rooms individually let within a HMO, a valid energy performance certificate (EPC) does need to be provided to each tenant in order for landlords to serve a valid section 21 notice

Our Home Energy Conservation Officer can provide support and advice to all landlords on improving the energy rating of their property. Investment in insulation helps landlords to protect their property and keep bills down for tenants.

### 2.4 Promoting standards

We will work with landlords, management companies and local letting agents to promote the required standards for HMO's.

Through our partnership with the National Landlords Association we support local landlords to become accredited and complete training so they are able to make informed decisions regarding their property.

We make sure to communicate key messages such as legislative changes that can impact private tenants and their landlords widely, alongside any support the council is able to offer.

The Private Sector Housing Team can offer advice and guidance on issues HMO landlords are experiencing and, where required, signpost to further services that can help

## 2.0 HMO Policy detail continued

In this instance, any notices served will carry an additional charge to the landlord for the cost of the inspection and service of the notice. This is in addition to the cost of the repairs required. If the fees are not recovered within the allocated time frame, then the cost of these additional charges will be registered as a local land charge against your property until the full amount has been repaid.

Charges will be made for the following actions:

- serving an improvement notice under section 11 or 12 of the Housing Act 2004
- making a prohibition order under section 20 or 21 of the Housing Act 2004
- serving a hazard awareness notice under section 28 or 29 of the Housing Act 2004
- taking emergency remedial action under section 40 of the Housing Act 2004
- making an emergency prohibition order under section 43 or
- making a demolition order under section 265 of the Housing Act 1985
- carrying out a review under section 17 (review of suspended improvement notices) or
- section 26 (review of suspended prohibition orders) or
- serving copies of the Council's decision on such a review

Where the council is concerned for the welfare of tenants living in a HMO and the landlord is not being responsive, we will use powers granted by the Housing Act 2004 to issue either an interim or final management order. Additionally, any illegal evictions or harassment towards tenants will also be dealt with by the council (see the Private Rented Sector Enforcement Policy for more

## 5.2 Action against tenants

Due to the type of housing officered by a HMO, there is an increased risk that issues may arise between tenants from different households living in the same property. Landlords are responsible for ensuring that the behaviour of their tenants does not impact neighbours or the wider community.

When this happens it is often a breach in the tenancy agreement and the landlord can choose to evict the tenant. There are, however, circumstances where the council can support landlords to reach an effective solution or take action on their behalf.

Examples include:

- Noise complaints;
- Hoarding;
- Rooms that have become filthy and verminous; and/or
- Anti-Social Behaviour.

In the event of these cases, landlords should contact the Private Sector Housing Team in the first instance. Where there is welfare or safeguarding concerns for a tenant, we are required to contact other professionals e.g. adult social care.

When reports are from a neighbour or other tenant, the team will contact the landlord to agree actions that need to be taken to resolve any issues.

The landlord is able to serve a valid section 21 notice to evict tenants who are causing issues or breaching their tenancy agreement.

## 2.5 Action against HMO landlords

In order to ensure HMO's are a safe place for Dacorum residents to live the council, with powers granted by the Housing Act 2004, will undertake enforcement action against landlords where necessary

Unless it is an emergency (e.g. electrical hazard, raw sewage etc.) landlords will receive a minimum notice of 24 hours prior to any visits undertaken by the council and can choose whether or not to attend.

Where conditions do not meet the necessary standards, we will utilise the Housing Health and Safety Rating System (HHSRS) to identify issues and assess the level of risk to the tenants.

Landlords will be notified of any hazards identified and given the opportunity to rectify them. Where work is not undertaken within the agreed timeframe, we will serve an improvement notice or a prohibition order to ensure works are completed in the required time frame.

### 3.0

## Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

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### 4.0

## Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Housing Act 2004