



GUIDANCE ON HMO STANDARDS

This guidance is intended for Houses in Multiple Occupation (HMOs) in the City of London. It applies to all HMOs whether or not they are licensable.

They will assist landlords and developers to design, improve and maintain HMOs to a reasonable standard.

The City of London will have reference to this document in exercising its powers and duties under the Housing Act 2004, associated legislation and relevant case law.

The guidance is intended to be flexible, each property will be considered on its own merits, as there may be more than one way to achieve a required standard. However, alternatives to the guidance must be approved by the City of London Pollution Control Team.

What is an HMO?

The Housing Act 2004 sections 254 and 260 provides a definition of an HMO.

A building is defined as a House in Multiple Occupation (HMO) if all of the following apply:

- It is occupied as living accommodation by at least three people;
- who form more than one family or household;
- who live in accommodation that is not self-contained and share amenities (bathrooms and kitchens);
- rent, or some other consideration, is payable by at least one of the occupiers;
- it is the occupiers' only or main residence.

The definition applies to single dwellings, to self-contained flats within buildings and residential accommodation above or below commercial property.

An individual tenancy may have exclusive use of the basic facilities (bath/shower, WC and kitchen), but the accommodation would only be defined as self-contained if the sleeping/living area and all the facilities are behind one door (studio flats) and not accessed via a common stairwell, hallway etc.

Section 257 HMO

A building that has been converted entirely into self-contained flats prior to June 1992 and the conversion does not meet the standards contained in the 1991 Building Regulation is also defined under Section 257 of the Housing Act 2004 as an HMO. However, if at least two thirds of the flats are owner-occupied, the building will not be an HMO.

What is bedsit accommodation?

This is the 'traditional' type of HMO, where a household has exclusive use of a bedroom or set of rooms within a property, lacking in amenities such as a kitchen or bathroom, normally behind a locked door. They will share amenities such as kitchens and bathrooms, and possibly living rooms and dining rooms with at least one other household within the property. They will be on individual tenancies.

What is a shared house?

There is no longer a legal definition of a 'shared house' but, for the purposes of this guidance, shared houses (or flats occupied on a similar basis) are described as where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends on a single or joint tenancy. Each occupant would normally have their own bedroom but would 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 home as one group. There is a single or joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household although the property is legally an HMO.

Shared houses will themselves vary in nature. For example, some shared homes will have both shared dining space and a separate living room, whilst in others shared dining and living space will be very limited.

For HMOs which can be shown to be shared, some variation from the standards given below may be allowed, for example:

- Bedroom sizes may be smaller where the residents have access to suitable and sufficient additional shared dining and/or living space
- The requirement for separate food storage facilities for each person in a shared home may not be necessary

Which HMOs require a licence?

HMOs require a mandatory licence if they are occupied by at least five people, in a building that has at least three storeys, and where at least one person's accommodation is not self-contained. Where the whole building has a mix of self-contained and non-self-contained flats, the whole building will be licensable.

This applies even where one or more of the storeys are in commercial use.

Where the accommodation is licensable, the government has prescribed national minimum standards for amenities and these requirements must be met. Where a requirement is mandatory, it will be indicated in the guidance.

It is intended that in the main, the standard of accommodation provided in both licensable and non-licensable HMOs should be the same.

What is a household?

A household can be a single person. For two or more people to be part of the same household, they must be closely related by blood, be married, be in a civil partnership, be co-habiting partners of either sex, or be in recognized relationships such as step children, or adopted or fostered children. Some live-in employees also count as being in the same household.

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 29 specified hazards and, if the likelihood of harm is significant, the City of London may take action to ensure that the risk is removed under Part 1 of the Housing Act 2004.

In addition to fire, the following are commonly encountered hazards;

Damp and mould growth

Houses should be warm, dry and well-ventilated, maintained free from rising, penetrating and persistent condensation and there should be adequate provision for the safe removal of moisture-laden air to prevent damp and mould growth.

Excess cold

Houses should be adequately insulated to prevent excessive heat loss; in particular, roof spaces should be properly insulated and windows and doors draught proofed. The property should have an efficient heating system capable of maintaining temperature.

Entry by intruders

Houses should be capable of being secured to deter against unauthorised entry. Windows and doors should be robust and fitted with adequate security. Externally, the curtilage of the property should be restricted and be properly gated. Sheds or outbuildings should be maintained in good order and made secure.

Lighting

All habitable rooms should have an adequate level of natural lighting. Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should be provided, with a

window. All rooms and circulations areas within the property should have provision for electric lighting.

Electrical hazards

The electrical installation should be maintained in a safe condition. There is a legal requirement for the electrical installations in Houses in Multiple Occupation (HMOs) to be inspected every five years. Electrical installations must be inspected by a registered electrical engineer.

Flames, hot surfaces etc.

Heating and cooking appliances should all be maintained in a safe condition and be suitably located so as not to become unreasonably hazardous. Cooking appliances should be set on an even surface and heating appliances securely fixed with a suitable position within the room.

Falls

Externally, paths and walkways should be even, be properly drained and steps should be maintained in good condition and be free from disrepair. Internally, floors should be even and comprise a non-slip finish and be maintained in a good condition. Stairs should be maintained in good condition, and be free from disrepair. Stair coverings should be properly and securely fitted and should not be worn or loose. A securely fixed handrail should be provided the full length of the stairway. Balconies and basement light wells should have securely fixed guarding.

Personal hygiene, sanitation and drainage

Bathroom and kitchen, surface finishes should be capable of being readily cleaned. The external of the property should be free from disrepair and free from access by pests, such as rats and mice. There should also be suitable provision for the storage of domestic waste inside and adequate receptacles outside the property.

Water supply

An adequate supply of cold potable drinking water should be available from the kitchen sink. All pipework should be adequately protected from frost damage

Further information and guidance can be found in Housing Health and Safety Rating System by following this link:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

Standards for bedsit-type accommodation

For the purpose of this guidance, bedsit-type accommodation is HMO accommodation that does not fall within the shared house HMO description above.

Space Standards for Sleeping Accommodation

| Number of occupiers | Where kitchen facilities provided in a separate room | Where kitchen facilities provided in the same |
|----------------------------|---|--|
| One | 8.5 sq. m | 13 sq. m |
| Two | 13 sq. m | 18 sq. m |

For two occupiers, they must be living together as partners, family members or consenting friends, irrespective of age. A room shared by more than two people would be considered to be overcrowded, and may be the subject of enforcement action.

A room used for sleeping must not be shared by children of the opposite sex who are aged 10 years and over.

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room.

Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and en-suite bathroom or shower rooms are not.

Rooms must have a minimum floor to ceiling height of at least 2.14 m over 75% of the floor area. Any floor area where the ceiling height is less than 1.53 m is disregarded.

Kitchen Facilities

Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen.

Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

| Number of persons sharing | Minimum Room Size (Square Meters) |
|---------------------------|-----------------------------------|
| Up to 3 | 5.5 |
| 4 or 5 | 7.5 |
| 6 or 7 | 9.5 |
| 8 to 10 | 11.5 |

Some flexibility regarding kitchen room size and facilities provided may be considered in well-managed properties where there are 6 or 7 persons, subject to a risk assessment carried out by the local authority.

Where all or some of the lettings within the HMO do not contain cooking facilities, they must be provided for sharing with other households. There should be one full set of facilities per 5 persons sharing, irrespective of age.

Where there are 8 – 10 persons, either an additional full set of cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lettings where the room is large enough. If two sets of facilities are in the same shared kitchen, each set must be separated and in distinct areas of the room.

Cooking facilities where provided in a bedsit (or any dwelling) should be sited as remote as possible from the entrance door or door to the kitchen. The cooker should not be situated below a window. With the exception of an extractor hood, fixtures and fittings are not to be directly located above cooking appliances.

A kitchen must not be installed in a hallway. A bedroom or other habitable room must not be accessed via a kitchen, unless a suitable alternative means of escape in case of fire is provided. For general guidance for inner rooms see section 12 of the **LACORS Housing – Fire Safety guidance**.

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

- (i) sinks with draining boards
- (ii) an adequate supply of cold and constant hot water to each sink supplied
- (iii) installations or equipment for the cooking of food
- (iv) electrical sockets
- (v) worktops for the preparation of food

- (vi) cupboards for the storage of food or kitchen and cooking utensils
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers)
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire extinguishers, fire blankets and fire doors.

Newly converted kitchens must have a mechanical extractor regardless of whether there is an open-able window.

A set of cooking facilities is comprised as follows:

| Number of Occupiers | Facilities | Specifications |
|----------------------------|---------------------------|--|
| Up to 5 | Cooker | Cooker with a 4-ring hob, oven and grill (a cooker with a 2-ring hob permanently and safely installed on a fixed worktop may be allowed within single person) |
| 6 or 7 | | Four-ring hob, oven and grill and an additional combined microwave oven and grill |
| Up to 5 | Sink/Drainer | 1000mm sink/drainer set on a base unit, provided with a constant supply of hot and cold water and properly connected to the |
| 6 or 7 | | A double sink/drainer installed as above <u>or</u> A single sink/drainer plus a dishwasher |
| One household | Worktop | 1000mm x 600mm worktop, fixed at an appropriate height and made of suitable impervious material |
| Up to 5 | | The equivalent of 2000mm x 600mm worktop space provided and fitted as |
| 6 or 7 | | The equivalent of 2000mm x 600mm worktop space provided and fitted as above, plus additional space for extra appliances as detailed above. |
| All | Splashback | 300 mm tiled Splashback or its equivalent to be provided to the sink/drainer, worktop and |
| Up to 5 | Electrical Sockets | One suitably located electrical socket for each dedicated appliance such as a cooker, refrigerator and washing machine. In addition, 4 sockets (in either double or single combinations) to be provided above the |

| Number of Occupiers | Facilities | Specifications |
|----------------------------|--|---|
| 6 or 7 | | As above plus an additional 2 sockets |
| All | Floor covering | Impervious and washable floor covering to cover the floor area of the kitchen |
| Per household | Food storage cupboard Must be secure and provided for a specific household if provided within shared kitchen | One double wall cupboard [1000mm wide] or one single base cupboard [500mm wide] per household – may be provided within bedsit or within shared kitchen. The base unit below the sink/drainage is not acceptable for food storage |
| Per household | Refrigerator | A small fridge freezer where provided within lettings |
| Up to 5 | A suitable Refrigerator for each household is the preferred option. Should be secure or provided for a specific household if provided within shared kitchen | Where provided in a shared kitchen, equivalent of 2 worktop height refrigerators both with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer (refrigerator minimum capacity of 130 litres, freezer minimum capacity of 130 litres) |
| 6 or 7 | As per shared kitchen for up to 5 persons, plus the equivalent of an additional worktop height refrigerator with freezer compartment | |

Personal washing and WC facilities

Bathrooms and WC's should normally be within one floor of lettings and, where shared, must be accessible from a common area.

WC's and bath/shower rooms must be fitted with a suitable and functioning lock and all room surfaces must be impervious and readily cleansable.

Bath/shower rooms and WC's must be adequately ventilated, and bath and shower rooms must be adequately heated, such as by radiator, wall-mounted convector or fan heater, or under floor heating. Electric bar heaters are not permitted. In newly provided bathrooms, a mechanical extractor must be installed in addition to any open-able window.

Where only one bathing facility is provided in the premises, it must be a bath, preferably equipped with a suitable seal and a fixed overhead shower. A fixed shower rail and curtain must be installed.

Where a shower cubicle is provided, it must be of a sufficient size that the user can bathe and dress without injury (minimum size 1600mm x 900mm for single-purpose shower room).

Separate WC compartments are required to be a minimum of 1300 x 800mm.

Windows to bathrooms and WCs are to be glazed with obscured glass.

The facilities must be adequate for the number of occupiers, and the following guide should be followed when determining the adequacy of the provision. External WC's are not counted.

Those persons having exclusive use of a bath/shower or WC will be discounted when calculating the level of shared facilities required.

| Number of occupiers | Facilities | Specifications |
|---------------------|--|---|
| Up to 5 | <p>1 bath with wash hand basin</p> <p>At least 1 WC. The WC should, wherever possible, be in a separate compartment from the bathroom but may be within the bathroom if up to 4 persons accommodated</p> <p>Where 5 persons accommodated, and cooking facilities (including a sink) are not provided to each letting, wash hand basins should be provided within each</p> | <p>Standard size bath [minimum 1700mm x 700mm] with minimum 450 mm Splashback</p> <p>Full-size wash hand basin (minimum 500mm x 400mm) with tiled Splashback.</p> <p>Both to have constant supply of hot and cold water.</p> <p>If the WC is separate, it must have an additional wash hand basin (which does not need to be full- sized) & tiled Splashback within the compartment</p> |

| Number of occupiers | Facilities | Specifications |
|---------------------|--|---|
| 6 to 10 | <p>2 bathrooms with wash hand basins in each</p> <p>One of bathrooms must contain bath, and the other a shower which may be a fixed over bath type</p> <p>At least 2 WCs, at least one of which should be in a separate compartment from a bathroom</p> <p>Where cooking facilities (including a sink) are not provided to each letting, wash hand basins should be provided within each letting, wherever this is</p> | As above but at least 2 sets of bathroom/WC amenities are required |
| More than 10 | <p>An additional set of bathroom and WC amenities for every 1 to 5 persons accommodated</p> <p>At least 50% WCs to be in compartments separate from bathrooms</p> <p>Where cooking facilities (including a sink) are not provided to each letting, wash hand basins should be</p> | <p>11-15 persons – 3 sets of facilities</p> <p>16-20 persons – 4 sets of facilities</p> <p>Etc.</p> |

Standards for shared house HMO accommodation

Space Standards for Sleeping Accommodation

Where shared house type HMOs are provided with suitable shared dining and/or living space, the following space standards will apply:

| Number of occupiers | Minimum room size (Square Meters) |
|----------------------------|--|
| One | 6.5 |
| Two | 10.2 |

Where the residents occupying a shared house type HMO do not have access to suitable dining and/or living space, the bedsit-type space standards will apply in determining minimum bedroom sizes

Where a communal living room is provided [in addition to any space that is required for shared kitchen and dining] it should normally be at least 13 square meters for a 3 person shared house, plus 1 square meter added for every additional person thereafter.

If dining facilities are combined with the living room, the room should be at least 14 square meters for 3 people, plus 1 square meter for every additional person thereafter.

Kitchen Facilities

As per the standard for bedsit-type HMOs except that food storage cupboards and refrigerators would normally be located within the shared kitchen and would not be required to be secure or identifiable to a particular household member

Personal washing and WC facilities

As per the standard for bedsit-type HMOs except that wash hand basins will not be required to be provided within each bedroom/letting.

Fire Safety

Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary.

The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire.

The Management Regulations require fire fighting equipment and fire alarms to be maintained in good working order. Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include: fire doors on high risk rooms, fire separation, a fire blanket in the kitchen and automatic fire detection systems.

Fire safety standards for the City of London are to be in accordance with the LACORS Housing Fire Safety Guidance:

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Heating

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 19°C can be maintained. Radiators must be fitted with thermostatic valves.

HMO Management

The Management of HMOs Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation and Other Houses (Additional Provisions) Regulations 2007 detail full responsibilities of HMO managers and are summarised below:

Responsibilities of the manager

The manager must ensure that:

The manager's name, address and any telephone contact number is made available to each household in the premises and these details must be clearly displayed in a prominent position.

Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order. The letting is kept in good repair and condition.

All common parts, for example staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe working condition and kept reasonably clear from obstruction.

Outbuildings, boundary walls, yards and fences are maintained in a good state of repair and clean condition. The garden must be kept in a safe and tidy condition.

The water supply is constant and not unreasonably interrupted and that the drainage system is maintained in good, clean and working condition.

Annual gas safety tests are carried out on all gas appliances within the HMO by a GasSafe registered engineer, and evidence is supplied to support this annually to the City of London.

The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the City of London.

Other management requirements

Furniture and Furnishings (Fire Safety) Regulations 1998 (amended 1989 & 1993)

Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

Additional Considerations

Compliance with these standards does not negate the need for compliance with other statutory provisions, including the Housing Act 2004 and supporting Regulations and Building Regulations.

Compliance with these standards does not confer planning approval for any particular use. Contact the Planning Team on 020 7332 1710 or plans@cityoflondon.gov.uk

For further information contact the Pollution Control Team on 020 7606 3030 or publicprotection@cityoflondon.gov.uk

References

London Borough of Waltham Forest – Standards for Houses in Multiple Occupation
DOE Design Bulletin: Spaces in the Home (1972)
Statutory Instrument 2006 No 373 and Statutory Instrument 2007 No 1903
Joint London Boroughs Code of Practice for Hostel Accommodation
East London Guidance on HMO standards
GLA Housing Space Standards
Housing Act 2004
Housing Health and Safety Rating System Operating Guidance
Building Regulations Part F
Lacors guidance on overcrowding
Lacors Housing Fire Safety Guidance