Houses in Multiple Occupation (HMO)

HMO Information
The 2004 Housing Act, introduces the licensing of Houses in Multiple Occupation (HMOs). The Act has clearly defined ‘households’, a term that had previously caused much confusion. A household is now:
• A family (including, foster children, children being cared for) and current domestic employees
• Single persons
• Co-habiting couples (whether or not of the opposite sex).

A HMO is currently defined as a building that is:
• Occupied by more than one household (i.e. more than one family, or more than one single unrelated person or co-habiting couple), and where more than one household shares – or lacks – an amenity, such as a bathroom, toilet or cooking facilities
• Is occupied by more than one household (i.e. more than one family, or more than one single unrelated person or co-habiting couple) and which is a converted building – but not entirely self-contained flats (whether or not some amenities are shared or lacking)
• Is converted self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies. Please note it is the landlord’s responsibility to check with Portsmouth City Council whether your property falls under this mandatory licensing category.

The building is occupied by more than one household:
• As their only or main residence
• As a refuge for people escaping domestic violence
• By students during term time
• For other purposes prescribed by the government.

Article 4 Direction – category C4 HMO usage
• On 1st November 2011, an Article 4 Direction relating to houses in multiple occupation (HMOs) came into force in Portsmouth. The Direction means that planning permission is now required in order to change the use of a class C3 dwelling house to a class C4 HMO where between three and six unrelated people share a kitchen and / or a bathroom. For further information about C3/C4 use and classification, please visit: www.portsmouth.gov.uk/living/20617.html
• You will not need to apply for planning permission for properties that were already in class C4 use before 1 November 2011.
• For more information about the Article 4 Direction, please contact Portsmouth City Council’s Planning team on:
  • Telephone: 02392 834334
  • Email: planning@portsmouthcc.gov.uk
  • Web: www.portsmouth.gov.uk/living/20617.html

Implementation
• In the case of student accommodation it should be noted that each student constitutes a single household, therefore shared student houses will fall under this definition of an HMO.
• This includes two storey houses with attic or basement conversions.
• Licensing for a property with three or more stories, and with five or more occupiers, is mandatory and required by law under the Housing Act 2004.
• Mandatory licensing currently affects only HMOs with three or more stories, and with five or more occupiers, HOWEVER please note that since August 2013, this has now changed to included all types of HMO in the PO1, PO4 and PO5 postal codes due to Additional HMO Licensing which is now enforced in these areas.

Designation for Additional HMO Licensing
Portsmouth City Council has recently given the approval for Additional Licensing for Houses of Multiple Occupation (HMO) in the following postcodes within Portsmouth: PO1, PO4 and PO5.

This now means that any property which is defined as a HMO (as defined by section 257 of the Housing Act 2004) will now require a licence. Previously, only properties which fell under the following classification required licensing:
• Property was rented to 5 or more un-related persons (properties include any houses which were converted into bedsits or flats which were completed prior to 1991)
• Property was over 3 or more floors.

Continued overleaf...
STUDENT HOUSING – CHANGE TO CRITERIA LANDLORD REGISTRATION CRITERIA 2014/15

This has now changed to encompass all properties classed as HMO (even if you did not require a license before) meaning you now need a licence if:
- The property is rented to 3 or more un-related persons.
- Does not matter how many floors the dwelling spans across e.g. 3 person flat which only has 1 floor for the occupants to reside in.

NB: this is different to the shared house registration with Portsmouth City Council that you may have undertaken since last September where you informed them the house was a HMO but no additional licence was required at that time.

For further details, the designation can be viewed online at:
www.portsmouth.gov.uk/media/Designation_of_an_area_for_additional_HMO_licensing.pdf

Why do I have to do this?
There is a large and diverse private rented sector in Portsmouth covering approximately 22,000 properties which equates to 24% of the overall housing stock in the city according to figures provided by Portsmouth City Council. The shared house sector plays an important role for many who require accommodation across the city and not just the student population. The sector offers flexibility and capacity that is key to addressing housing needs in the city according to Portsmouth City Council.

The council is keen to ensure that the housing needs of a wide range of all private tenants are met through well managed, quality accommodation. However, the private rented sector has some significant problems (including deficient property conditions, poor management and anti-social behaviour) for which statutory licensing is required as these issues could not be addressed through the current Mandatory Licensing Scheme or by using the current enforcement measures that are in place.

The council’s aims and objectives for Additional Licensing are as follows:
- To improve housing standards and maintenance within HMOs, with particular emphasis on amenity levels, fire safety and thermal comfort.
- To allow tenants to live in safe and effectively managed HMOs.
- Landlords to exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood.
- To expand existing partnerships with landlords, letting agents, tenants, the University, and partner agencies.
- Maintaining effective two-way communication, promoting joint working and best practice and through these, facilitating improvements to the HMO sector.
- To support owners and managing agents of HMOs to work proactively with the Council in achieving clearly defined standards and enhanced management of HMOs.

When does this need to be completed by?
- The new designation came into force on 26th August 2013.

How much will it cost?
- There is a fee that has to be paid to PCC for the HMO licence. Please see the council’s website for more details on the fee structure at www.portsmouth.gov.uk/living/29726.html.
- If you are a member of, or you are considering joining the Portsmouth City Council’s Landlord Accreditation Scheme there maybe discounts available! Please see www.las.portsmouth.gov.uk for further details.

What do I do now?
- All the forms you will need to complete will also be available via the website too but please make sure you use the correct ones. Guidance is also available via the council’s website: www.portsmouth.gov.uk/living/6091.html
- Please keep checking the Portsmouth City Council website for important updates regarding the changes.

Continued overleaf...
Student Housing Implementation

- Where applicable, landlords must have applied for an Additional HMO Licence for their property/ies from Portsmouth City Council before registration and advertising of their property/ies with Student Housing.
- The date the application/s was/were submitted to PCC must be provided to Student Housing.
- Please note that if you have changed the number of occupants in the property since you last registered the property with Student Housing and the property is now classed as an HMO you must apply for a licence from Portsmouth City Council.
- Once the licence has been issued a copy must be provided to Student Housing with any accompanying conditions (in writing from PCC). You must also log into Portsmouth StudentPad and update the HMO certificate information fields accordingly.
- If a copy of the HMO licence is not provided within 3 months of your application submission date at PCC, any advertisement on Portsmouth StudentPad will be removed until a copy is provided to Student Housing.

I need further advice, who can I contact?

- Please get in touch with the private sector housing team at Portsmouth City Council on:
  - 02392 841659 – HMO advice
  - 02392 848369 – private sector housing team
  - housing.privatesector@portsmouthcc.gov.uk
- Or you can visit the council offices in person between Monday-Friday

Please note it is the landlord’s responsibility to check with Portsmouth City council whether your property falls under this additional licensing category.