

Devon Wide Guidance

HMO Standards

West Devon Borough Council



March 2011

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HMO Standards

These standards have been designed to assist landlords and developers to improve and maintain HMOs to a reasonable standard. There is considerable diversity in the way that HMOs are occupied and in the health and safety risks that may be present. This advice therefore suggests standards that are appropriate for a wide range of the most common types of HMO.

The advisory standards are flexible and can be adapted to suit different circumstances. They cover both licensed and non-licensable HMOs. HHSRS assessment applies to all HMO's

Licensed HMO's

The exception is in regard to licensed HMOs where national minimum HMO standards must be complied with and in particular the level of bathroom, WC and wash hand basin provision. A Housing Health and Safety Rating (HHSRS) assessment will be carried within the 5 years of an HMO Licence being issued.

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.

Information Sources:-

www.westdevon.gov.uk

The standards may be revised from time to time. To ensure that these standards are current, please check with your Council's website.

Further information about standards for privately rented houses is available on the Council website including mandatory licensing and the Housing Health and Safety Rating System (HHSRS).

www.lacors.gov.uk

A good source of information regarding decisions by the Residential Property Tribunal and codes of practice for Private Sector Housing matters can be found on the LACORS website for **Environmental Health Practitioners**.

www.communities.gov.uk

A good source of information regarding Private Sector Housing matters for the **public/landlords and tenants**.

Contact Details

Enquiries about HMOs can be made to the Private Sector Housing Service – See end of guidance document for details

WHAT IS A HOUSE IN MULTIPLE OCCUPATION?

The Housing Act 2004 redefines a HMO as a building or part of a building (i.e. flat) which:

- Is occupied by persons not forming a single household and/or;
- Two or more households occupy and share one or more basic amenities (or lack such amenities);
- Is occupied by more than one household and is a converted building not entirely comprising of self-contained flats;
- Comprises entirely of self-contained flats and the conversion does not comply with the Building Regulations 1991 and less than 2/3 of the flats are owner occupied;
- The HMO is occupied as the only or main residence;
- Rents are payable or other consideration is provided in respect of at least 1 of those occupying the HMO.

ARE ANY BUILDINGS EXEMPT?

Yes – the following are exempt from the HMO definition:

- Building occupied by only two people who do not form a single household;
- Buildings managed by specified educational establishments, Local Housing Authorities, Registered Social Landlords, Police, Fire, Health Authority or regulated by other legislation such as residential care homes etc;
- Buildings occupied by religious communities;
- Buildings predominantly owner occupied, including residential landlords where the owner occupier (and family members) occupies the building (or flat) with no more than 2 other persons;
- Buildings converted into self-contained flats, where the conversion meets 1991 Building Regulations.

WHAT IS A SINGLE HOUSEHOLD?

A single household includes members of the same family either by blood, marriage, including same sex partnerships or other recognised means such as adoption or fostering. As an example, four friends sharing a student dwelling will be classed as four individual households and therefore a HMO.

EXPLANATION OF CATEGORIES OF HMOs

The number of amenities and the health and safety standards that are appropriate for an HMO are related to the differing needs of different types of occupiers. These standards take this into account and suggest different standards for different categories of HMOs as described below:

Category A HMOs

The essential feature of this type of HMO is that the occupiers tend to live completely independently of each other.

Commonly these HMOs comprise parts that are rented as individual lettings with exclusive use of certain rooms. Occupiers may share washing, WC and kitchen facilities, but do not usually have a communal living or dining room. Individuals or households may have a letting agreement that specifies the part(s) of the accommodation that they may occupy.

Typical examples are:

1. Single room bedsits – may have exclusive use of, or may share, personal washing, WC and kitchen facilities
2. Flatlets – multi-room lettings sharing some personal washing, WC and kitchen facilities.
3. Non – self contained conversions.
4. Buildings converted into 2 or more self-contained flats where the conversion did not comply with Part B of the Building Regulations 1991 (Fire protection facilities and means of escape)

Category A HMO's may or may not need to be Licensed depending on the number of storeys, occupants and whether facilities are shared.

Category B HMOs

The essential feature of these types of HMO is that the occupiers tend not to live completely independently of each other and there is some element of communal occupancy.

Occupiers will share personal washing, WC and kitchen/dining facilities and will often have a communal living room.

Each occupier may have a separate tenancy, or may be on a group/joint contract, commonly students or young professional adults.

Larger category B HMO's may require to be Licensed.

Hostels

These are HMOs that are generally referred to as hostels, guest houses, or bed & breakfast accommodation which provide accommodation for people with no other permanent place of residence.

The category includes hostel and bed and breakfast establishments used by local authorities for housing homeless people, or similar establishments which provide accommodation for single people whose only financial support is state benefit and who would otherwise be homeless, or Foreign Language Students (discuss with your local authority) and Migrant Workers living in this type of accommodation for 3 months or more.

Category A and B HMO's

Shared Personal Washing & WC Facilities

Facility	CATEGORY A HMO & CATEGORY B HMO
Bathroom	1 per 5 occupiers
The provision of baths/WC's will be agreed with the LA	5 occupiers 1 bathroom and a separate WC with WHB (the WC can be contained within a second bathroom where practicable.) Student shared houses may not require a separate WC (speak to your Local Authority)
	For 6 – 10 occupiers 2 bathrooms and 2 separate WC's with WHB
	All bathrooms to possess:- a WC (unless agreed separate provision as above), WHB and Bath or fixed Shower supplying adequate cold and constant hot water
WC	1 per 5 occupiers
	See above for further ratios
Wash hand basins	In licensable HMOs 1 WHB to be provided within each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room and its existing provision for WHBs toilets and bathrooms. A wash hand basin must be provided with every WC
	Each WHB to be provided with adequate supply of cold and constant hot water

Kitchen Facilities

FACILITY	CATEGORY A	CATEGORY B
Cooker	<p>1 per 5 occupiers/small households. The addition of a microwave oven with a grill will allow the facilities to be used by up to 7 persons</p> <p>For 7 to 10 persons 2 cookers must be provided</p> <p>1 person bedsit with exclusive use of kitchen facilities, 2 ring burner, oven and grill or 2 ring burner and combined microwave and grill</p> <p>2 person bedsit with exclusive use of kitchen facilities. 4 ring burner, oven and grill</p>	<p>1 for up to 5 occupiers. The addition of a microwave oven will allow the facilities to be used by up to 7 persons.</p> <p>If there are more than 7 occupants, 2 cookers must be provided, for use by up to 10 occupants.</p>

Sink and drainer Dishwasher not to replace a sink	1 per 5 occupiers/small households.	1 for up to 5 occupiers. If there are more than 7 occupants, 2 sinks and drainers must be provided, for use by up to 10 occupants.
Adequate no. of suitably located electrical power points (adjacent to worktop)	4 single sockets or 2 double sockets are required for every 5 occupiers/small households. Additional sockets are needed for a cooker or refrigerator and washing machine.	4 single sockets or 2 double sockets per 5 occupiers. Additional sockets are needed for a cooker or refrigerator and washing machine
Worktops	2m x 0.6m per 5 occupiers/small households.	2m x 0.6m per 5 occupiers.
Dry food storage	Double wall unit or single base unit (0.16m ³) for each occupier/small household. Storage in communal areas to be lockable.	Single wall unit per occupier (0.08m ³)
Refrigerated storage	Standard sized fridge (0.15m ³) with adequate freezer compartment per occupier/small household. If no freezer compartment in the fridge, separate freezers should be provided. Storage in communal areas to be lockable.	Standard sized fridge (0.15m ³) per 5 occupiers. Separate standard sized freezer should be provided per 5 occupiers.
Extractor fan	To be provided	To be provided
Fire door to shared kitchen	30 minute self closing fire door set with cold smoke seals and intumescent strip	30 minute self closing fire door set with cold smoke seals and intumescent strip
Fire blanket	To be supplied and wall mounted, but not to be sited immediately adjacent to or over a cooker	To be supplied and wall mounted, but not to be sited immediately adjacent to or over a cooker
Storage space for crockery & kitchen utensils	Adequate cupboard and/or drawer space	Adequate cupboard and/or drawer space
Layout of kitchens/cooking areas and position of facilities	Regard to be had for the safe use of the equipment provided and the access into and out of the kitchen/cooking area. Particular care should be taken where 2 sets of facilities are required in one room/area	Regard to be had for the safe use of the equipment provided and the access into and out of the kitchen/cooking area. Particular care should be taken where 2 sets of facilities are required in one room/area

NOTES

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

No personal washing or WC facility should be more than one floor distant in the case of a category A HMO, or two floors distant in the case of a category B HMO, from the users of those facilities.

A small household is one that consists of no more than 2 persons.

Space Standards

ROOM(S)	CATEGORY A	CATEGORY B
One room unit for one person	13 m ² including kitchen facilities for exclusive use. 10 m ² where separate shared kitchen	13 m ² including kitchen facilities for exclusive use. 10 m ² where separate shared kitchen 8.0 m where separate shared kitchen and lounge
One room unit for a co-habiting couple	20.5 m ² including kitchen facilities for exclusive use. 15m ² where separate shared kitchen	Not applicable
Two or more roomed unit for one person	Kitchen – 4.5m ² Living / kitchen 11m ² Living room – 9m ² Bedroom – 8.0m ² Bed/living room 10m ²	Not applicable
Two or more roomed unit for two persons living as a single household	Kitchen – 7 m ² Living / kitchen -15m ² Living room – 12m ² Bedroom – 10m ² Bed/living room 14m ²	Not applicable
Shared kitchens	7m ² for up to 5 occupants. 10m ² for 6 – 10 occupants.	7m ² for up to 5 occupants. 10m ² for 6 – 10 occupants.
Bedroom/study	Not applicable	10m ² except where a separate communal living room is provided in which case the bedroom may be 8.0m ²
Dining/kitchen	Not usually applicable.	11.5 m ² for up to 5 occupants. 19.5m ² for 6 – 10 occupants.
Communal living room	Not usually applicable.	12 m ² for up to 5 occupants. 16.5 m ² for 6 – 10 occupants.

**Space Standards for self-contained units not sharing any facilities
with the exception of common means of access and egress**

ROOM(S)	CATEGORY A	CATEGORY B
One room one person unit with bathroom containing WC separated by lobby	13 m ² including kitchen facilities for exclusive use.	Not applicable
One room unit for a co-habiting couple with bathroom containing WC separated by lobby	20.5 m ² including kitchen facilities for exclusive use.	Not applicable
Two or more habitable roomed unit for one person with bathroom containing WC separated by lobby	Kitchen – 4.5m ² Living / kitchen 11m ² Living room – 9m ² Bedroom – 8.0m ² Bed/living room 10m ²	Not applicable
Two or more habitable roomed unit for two persons living as a single household	Kitchen – 7 m ² Living / kitchen -15m ² Living room – 12m ² Bedroom – 10m ² Bed/living room 14m ²	Not applicable

Measurement of rooms

Rooms sizes are calculated by taking wall to wall measurements directly above the height of the skirting board. Areas which can only be used for access (e.g. some “L” shaped rooms with a narrow area in front of a doorway) are excluded. Also excluded are all parts of rooms located below sloping ceilings etc where the maximum ceiling height is less than 1.5m.

Standards for Hostels

Shared Personal Washing, WC and Kitchen Facilities

(There maybe a preference for single sex facilities where shared, check with your local authority)

Bathroom	1 per 5 occupiers 1 bathroom and a separate WC (where practicable) with WHB
WC	1 per 5 occupiers and separate WC (where practicable)
Wash hand basin	In licensable HMOs 1 WHB to be provided within each letting where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room, and its existing provision for WHBs toilets and bathrooms. A wash hand basin must be provided with every WC
Cooker	1 cooker for up to 5 persons/small households + microwave oven or other alternative form of cooker. 2 cookers for up to 10 persons and + microwave ovens or other alternative form of cookers one cooker per additional 5 persons thereafter + microwave ovens or other alternative form of cookers
Sink and drainer	1 sink for up to 5 person. 2 sinks for up to 10 persons and one sink per additional 5 persons thereafter.

Space Standards for Hostels

ROOM(S)	MINIMUM ROOM SIZE
1 person	8.0m ² if communal area provided. 10m ² if no communal area.
2 persons	10m ² if communal area provided. 14m ² if no communal area.
Kitchen facilities located within the letting	Add 3m ² to each of the room sizes given above
Shared kitchens (for use by occupants)	7m ² for up to 5 occupants. 10m ² for 6 – 10 occupants.
Kitchen/dining rooms	11.5m ² for up to 5 persons. 19.5 m ² for 6-10 persons.
Lounge/dining area	12m ² for up to 5 persons. 16.5m ² for 6-10 persons. Dining space to be in close proximity to kitchen.

Standards applicable to all HMO's

Basic Fire Safety	<p>All kitchens must have a suitably sited fire blanket and adequate provision of fire doors and fire detection throughout the property as required by LACORS Fire Safety Guidance.</p>
Fire precautions	<p>All units of accommodation and communal areas shall be fitted with appropriate fire detection and fire precaution equipment as identified by a comprehensive Fire Risk Assessment.</p> <p>All properties will be expected to meet the appropriate standards for structural resistance to the spread of smoke and fire.</p> <p>Generally, the Council is guided by the standard of fire safety described in the document "Housing - Fire Safety" published by LACORS (July 2008). A copy of this can be downloaded from the LACORS website www.lacors.gov.uk</p> <p>Typically HMO's of 3 or more storeys will require :-</p> <p>Grade A LD2 - A fire detection and alarm system which incorporates Control and Indicating equipment with remote back up power supply (usually includes a panel in the hallway). The system serves individual lets and common parts and is interlinked. (mixed system)</p> <p>In HMO's of 2 storeys or less</p> <p>Grade D LD3 - A system of 240 volt mains powered smoke alarms, each with an integral standby supply that may be a single detector or two or more linked detectors. Additional heat detection in high risk rooms.</p> <p>An HHSRS assessment will also be carried out to determine the risk from fire.</p> <p>Where considered appropriate, and following consultation with the Fire & Rescue Authority, the Council may require additional precautions.</p> <p>Fire Detection Testing</p> <p>Grade A must be tested by a competent person, ie someone with the necessary training and expertise and with access to the relevant tools, equipment and information and capable of carrying out the tests for fire detection and alarm (BS5839) and emergency lighting (BS5266). In practice a reputable alarm installation company will be able to carry out these tests and provide an annual certificate</p> <p>Grade D and battery systems can be tested by the owner or the manager. However, the manufacturers instructions must be followed in these tests</p>
Gas supply	<p>If you provide any gas appliances you must have an annual inspection carried out by a competent person (an engineer recognised by GAS SAFE as being competent to undertake such testing.) You must keep copies of the original current certificate for inspection and should provide all tenants with a copy.</p>
Space heating	<p>Each unit of accommodation must be provided with satisfactory fixed heating.</p> <p>Satisfactory heating will comprise a whole house system of heating, capable</p>

	<p>of economically achieving an internal temperature of 21°C in habitable rooms and 18°C in non-habitable rooms and circulation spaces when the external air temperature is 0°C.</p> <p>Appropriate systems include gas, oil or economy 10 wet radiator systems, economy 10 or 7 electric heating or any other appropriate technology that is able to meet the standard above. <i>In the instance of electric heating it may be necessary to further improve the thermal performance of the structure to achieve the appropriate standard.</i></p> <p>The output of the system needs to reflect the thermal characteristics of the accommodation which include the heat losses through walls etc, draughts and the volume of the room.</p> <p>An HHSRS assessment will be carried out to determine the risk from cold and where this is unacceptable improvement will be required. Assessment of this takes account of the heating supplied, its control, and the thermal characteristics of the property.</p>
	<p>Portable paraffin oil heaters and appliances using liquefied petroleum gas (LPG) are a fire and explosion hazard and their use is prohibited. They also create excess moisture and therefore increase the likelihood of condensation problems and associated mould growth.</p>
Electrical Installation	<p>All electrical installations must be inspected periodically and test carried out by a competent person (eg an engineer recognised by NICEIC or ECA as being competent to undertake such testing). The certificate will state when the next inspection is required and therefore when the certificate expires. You should keep an original current certificate available for inspection.</p>
Artificial Lighting	<p>Adequate artificial lighting shall be provided in all areas sufficient for</p> <ul style="list-style-type: none"> (a) the safe use of the accommodation (including external and common areas) (b) the maintenance of its cleanliness and (c) (c) the carrying out of normal domestic activities.
	<p>Time switches will only be allowed to operate lighting in common landings, passages and staircases if they are programmed to stay on long enough to allow for a person to safely climb stairs and enter accommodation. Such switches to be operable on each level.</p>
	<p>There should be suitably located light switches that when operated allow the safe passage of residents and visitors within the building.</p>
Electrical Appliances	<p>If you provide any portable electrical appliances (e.g. fridges, freezer, microwave, kettle, etc.) these should be inspected annually by a competent person (eg an engineer recognised by NICEIC or ECA as being competent to undertake such testing). Unless the all the appliances are less than one year old, you should keep an original current certificate available for inspection.</p>
Furniture	<p>If you provide any furniture to which the Furniture and Furnishings (Fire)(Safety) Regulations 1988 apply (e.g. beds, sofas, curtains) it must comply with the regulations.</p>
Natural Lighting	<p>Where practicable every habitable room should be provided and maintained a clear glazed window, and/or a door with clear glazing, opening directly to</p>

	the external air and having a glass area equal to at least one-tenth (1/10 th) of the floor area
	All glazing to windows in bathrooms and WC's shall be obscured where considered necessary by the Council.
Ventilation	Where practicable all habitable rooms should be ventilated direct to the external air by a window, the openable area of which shall be equivalent to at least one twentieth of the floor area (1/20 th).
	All kitchens, bathrooms, WC's should comply with the above standard, but where this is not practicable mechanical ventilation meeting current Building Regulations shall be provided.
Electricity, gas and water supplies	<p>The supplies of electricity, gas (where provided) and water to each letting shall be sufficient to carry out normal domestic activities. Where landlord's submeters are provided, the charge for the power used shall be within the limits set by the maximum retail price of electricity and gas.</p> <p>Where lighting, heating, ventilation, kitchen, hot water, electrical sockets or alarm systems are provided for the shared use of all, or several, households,</p> <p>then:</p> <ul style="list-style-type: none"> • These services shall be available at all times, and sufficient for the needs of the users in the function being carried out and • The electricity and gas (where provided) shall be provided from quarterly meters. Normally these will be landlords' meters. However, in the case of some, smaller, shared housing, metering may be the collective responsibility of all the occupiers.
Water Supply	Each property should be provided with piped cold water of potable quality supplied at an adequate pressure. To maintain water quality any storage tank supplying water shall be suitably covered. Each occupier to be able to access the above.
Refuse Storage	<p>Refuse storage facilities must be provided sufficient for the needs of the house and of a type acceptable to the local authority (and in accordance with its recycling requirements).</p> <p>This should normally be in the ratio of one standard bin or equivalent per household. This provision is additional to any refuse storage containers provided in shared kitchens.</p> <p>All containers should be located on hardstanding with suitable access for cleansing of the area and removal of containers.</p> <p>Managers are also responsible for ensuring that a nuisance or health risk does not arise from refuse problems; such a problem is evidence of failure to provide adequate "facilities", and may give rise to enforcement action by the Council.</p>

General Management

The person having control of the house must ensure the following:-

- All services, furnishings, fixtures and fittings are maintained in good, sound, and clean condition.
- The structure is kept in good order
- All communal areas of the interior are regularly cleaned and redecorated as necessary
- All yards, boundary walls, fences, gardens and outbuildings are maintained in a safe and tidy condition
- Satisfactory arrangements for the disposal of refuse and litter have been made
- At the commencement of all tenancies the lettings are clean, in a satisfactory state of repair and decoration, and comply in all respects with these standards.
- All staircases and multiple steps should be provided with suitable handrails
- All Tenants should fulfil their tenancy obligations

Planning Permission and Building Regulation Approval

These standards have been adopted without prejudice to other legislation applicable to HMO's and residential accommodation generally, Alterations or extensions carried out to a building in order to comply with these standards will continue to require any necessary Planning Permission and/or Building Regulation approval.

Are you aware of the following?

- Have you carried out an electrical safety check and a fire risk assessment? By identifying potential risks and subsequently reducing the hazard to an acceptable level you are meeting **your legal duty**, ensuring your tenants are safe and also protecting your property.
- An Energy Performance Certificate is generally required for all New Lettings after October 2008
- If you supply a gas appliance to your property, you are required to carry out an annual gas safety check and provide your tenant with a copy of the Gas Safety Certificate.
- Tenancy Deposit Protection Scheme – From April 2007, all deposits (for rents up to £25,000 per annum) taken by landlords and letting agents for Assured Shorthold Tenancies, must be protected by a tenancy deposit protection scheme

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