

## **Conditions for Houses in Multiple Occupation (HMOs) licensed under part 2 Housing Act 2004**

These conditions are attached to every HMO Property Licence issued by Hounslow Council.

It is the licence holder's responsibility to ensure that the licensed property complies with all the conditions set out below. Failure to do so is an offence and could lead to prosecution or imposition of a financial penalty and the licence being revoked.

If the licence holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence.

The property licence must be displayed within a communal area of the property or provide tenants with a copy at the start of their tenancy and a copy of the conditions should be made available to all the occupying tenants

1.	Restrictions on Occupation - Permitted Occupancy	Type
1.1	<p>The Licence Holder must ensure that:</p> <p>(a) the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres,</p> <p>(b) the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres,</p> <p>(c) the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres,</p> <p>(d) any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation,</p> <p>Please note that the room floor areas referenced in this condition are nationally prescribed minimum standards. The Council may impose higher standards in an HMO in accordance with its locally adopted HMO guidance.</p>	
1.2	<p>The Licence Holder must ensure that:</p> <p>(a) Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence,</p>	

	<p>(b) Where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence,</p> <p>(c) Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified,</p> <p>The maximum number of persons who may occupy the HMO and the maximum number of persons who may occupy each room are specified in the licence documentation. Both elements of these occupancy requirements must be met; please note that the [overall] maximum number of persons permitted to occupy the HMO may be lower than the sum of the total numbers of persons allowed to occupy the HMO on a room-by-room basis.</p>	
1.3	In the event that the Authority has notified the Licence Holder of a breach of Licence Condition 1.1 or 1.22 above, the Licence Holder must ensure that all necessary steps are taken to remedy the breach within a specified period, not exceeding 18 months from the date of notification of that breach.	
1.4	The Licence Holder must ensure that the Authority is notified of any room in the HMO with a floor area of less than 4.64 square metres.	
1.5	<p>For the purposes of Conditions 1.1-1.4 above:</p> <p>a) A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO (as defined in section 262 Housing Act 2004).</p> <p>b) A room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.</p> <p>c) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.</p> <p>d) The conditions do not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—</p> <p>i. is a night shelter, or</p>	

	II. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.	
1.6	The licence does not cover [the outbuilding] [any outbuilding] of the main dwelling. Outbuildings must not be used in conjunction with the HMO or for human habitation. Outbuildings can only be used as storage while the property is an HMO.	
2.	<b>Requirement for works to be carried out</b>	
2.1	The licence holder must carry out any necessary improvement works identified as being a condition of the issued licence. Where such works are specified, they should be undertaken within the given time periods.	
3.	<b>Gas Safety</b>	
3.1	If gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.	
3.2	The Licence Holder must have a valid gas safety certificate in place for the duration of the licence to show that all the gas installations and appliances have been checked, by a recognised engineer on the gas safety register. This must be provided as and when requested by the Council.	
4.	<b>Electrical Safety</b>	
4.1	The licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations. "Electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.	
4.2	All the recommendations for urgent attention and improvement (Codes 1 and 2) within the report must be carried out within 28 days of the report being issued.	
4.3	All electrical appliances supplied by the Licence Holder must be kept in a safe condition and The Licence Holder must provide a declaration as to the safety of such appliances as and when requested by the Council.	
5	<b>Furniture and Furnishings</b>	
5.1	All furniture supplied by the Licence Holder must comply with the Furniture and Furnishing (Fire) (Safety) Regulations 1988 (as amended), such as soft furnishing, pillows, filling for cushions, upholstered furniture etc. The Licence Holder must provide a declaration as to the safety of such furnishings as and when requested by the Council.	

<b>6.</b>	<b>Fire Safety</b>	
6.1	<p>The Licence Holder must ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and to keep each such alarm in proper working order the Licence Holder must supply to the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.</p> <p>For the purpose of this condition bathrooms and lavatories are treated as rooms used as living accommodation.</p>	
6.2	The Licence Holder must ensure that all means of escape from fire in the HMO are kept free from obstruction and maintained in good order and repair.	
6.3	The Licence Holder must provide the Council with copies of annual reports/certificates for the testing and inspection of fire alarms, emergency lighting and equipment provided for firefighting purposes where provided.	
6.4	The Licence Holder must ensure that all residents are fully aware of the procedures to be followed in the event of a fire.	
<b>7</b>	<b>Carbon Monoxide Alarms</b>	
7.1	The licence holder must ensure that a carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and which contains a fixed combustion appliance other than a gas cooker, and to keep any such alarm in proper working order, and to supply the Council, on demand, with a declaration by him or her as to the condition and positioning of any such alarm. For the purposes of this condition, a room includes a hall or landing, and a bathroom or lavatory is to be treated as a room used as living accommodation.	
<b>8.</b>	<b>Tenancy Management</b>	
8.1	The Licence Holder must provide each of the occupiers of the house with a written statement of the terms and conditions on which they occupy the house (e.g. a tenancy or licence agreement). The licence holder must declare that they provide these terms to the occupiers and provide a copy of the statement(s) as and when requested by the Council.	
9.2	The Licence Holder must ensure that occupants of the house receive written confirmation about how they must report repairs and emergencies should they arise	
9.3	The Licence Holder must provide tenants with instructions on how to comply with the Council's waste and recycling collection requirements at the start of their tenancy.	

9.4	The Licence Holder must protect any tenancy deposit taken under an assured short hold tenancy by placing it in a statutory tenancy deposit scheme and must advise the tenants where it has been placed.	
9.5	The Licence Holder must ensure compliance with legal requirements when bringing a tenancy to an end.	
<b>10.</b>	<b>Managing Anti-Social Behaviour</b>	
10.1	The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by people occupying or visiting the premises and for the use of the premises for illegal purposes.	
10.2	The Licence Holder must have a written policy for managing ASB being caused by the occupants and their visitors to the property. The policy must include a procedure for investigating and taking any necessary action to prevent any further occurrence. A copy must be provided to the Council on request.	
10.3	The Licence Holder must obtain references from all persons who wish to occupy the house. No new occupier must be allowed to occupy the property if they are unable to provide a reference. The licence holder must provide evidence of reference checks carried out as and when requested by the Council.	
10.4	The Licence Holder must ensure that the written statement of the terms and conditions upon which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors.	
10.5	The Licence Holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant in writing of the matter within 14 days and take all appropriate steps to prevent the continuance which may include legal eviction proceedings.	
10.6	The Licence Holder must keep records of any correspondence and written notes relating to anti-social behaviour for the premises for a period of 5 years.	

10.7	The Licence Holder must provide details of investigations undertaken in relation to anti-social behaviour associated with their tenants and/or their visitors, providing the names of all involved persons as and when requested by the Council.	
<b>11</b>	<b>Property Management Arrangements</b>	
11.1	The Licence Holder shall ensure that the property is maintained in compliance with the Housing Act 2004, The Management of Houses in Multiple Occupation (England) Regulations 2006 for HMOs with shared amenities. For HMOs consisting of self-contained flats, then The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply.	
11.2	The common parts in the premises should be kept free from obstruction, kept in a clean condition and in good order.	
11.3	The condition of the resident's rooms on commencement of tenancy agreement should be in a reasonable decorative condition.	
11.4	The Licence Holder must ensure that gas or electricity supplies to common parts or shared amenities are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.	
11.5	Where rents are inclusive of gas or electricity the Licence Holder must ensure that gas or electricity supplies to units of accommodation are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.	
11.6	The Licence Holder must ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.	
11.7	The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house and alleyways within the property curtilage are maintained in reasonable repair. They must also be kept in a clean, tidy and safe condition, and free from infestations.	
11.8	The Licence Holder must ensure that any kind of refuse and rubbish which the Council will not collect (e.g. bulky items and hazardous waste) are disposed of responsibly and appropriately.	

11.9	<p>The following should be displayed in the common parts of the premises:</p> <ul style="list-style-type: none"> <li>• Copy of the licence (incorporating where the licence conditions can be viewed)</li> <li>• Copy of the current Gas Safety Certificate</li> <li>• Name, address and telephone number (including an emergency contact number, if different) of the Licensee or Manager of the premises</li> </ul> <p>This management information should be clearly displayed in a prominent position within the house or added to the Licence/Tenancy Agreement as an Appendix.</p> <p>A copy of the licence and gas safety certificate may be given to the tenants rather than displayed in the property with the agreement of the tenants.</p>	
11.10	<p>The Licence Holder must make arrangements for regular inspections (minimum six monthly) of the property to ensure that it is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions. A copy of the management arrangements and a log of the inspections carried out must be provided as and when requested by the Council.</p>	
11.11	<p>The Licence Holder must cooperate with the Council by allowing an authorised person with identification to access the house for carrying out licence compliance checks.</p>	
12	<b>Disposal of Refuse</b>	
12.1	<p>The licence holder must ensure that they comply with the refuse and recycling scheme provided by the Council to the Licence Holder and which relates to the storage and disposal of household waste at the HMO pending collection.</p> <p>The License Holder is responsible for ensuring occupiers manage the waste appropriately and liaise with the local authority to ensure the property is supplied with the appropriate bins and recycling containers for the number of occupants.</p> <p>For advice on the appropriate refuse storage capacity and to obtain refuse and recycling containers, contact Waste and Recycling services at the London Borough of Hounslow. Visit <a href="http://www.hounslow.gov.uk">www.hounslow.gov.uk</a></p>	
12.2	<p>Instructions on the Council's waste and recycling requirements must be posted in the communal areas of the property or give to the tenants a copy at the start of the</p>	

	tenancy. These can be found on the Council's website: <a href="http://www.hounslow.gov.uk">www.hounslow.gov.uk</a> .	
12.3	The Licence Holder must ensure that sufficient bins and other suitable receptacles are provided for the storage of refuse and litter pending their disposal.	
13.	<b>The Main Terms of the Licence, General Requirements and Duration</b>	
13.1	This licence relates to the address specified on the certificate. A licence may not relate to more than one HMO.	
13.2	A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.	
13.3	The licence comes into force on the date specified on the licence and will continue in force for the period specified on the licence unless the licence is revoked under section 70 of the Housing Act 2004.	
13.4	The licence continues to remain in force for the period specified on the licence even if the premises are no longer an HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.	
13.5	This licence may not be transferred to another person.	
13.6	If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period (the initial period) as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Sections 62 and 68 of the Housing Act 2004 will apply.	
13.7	If at any time during the initial period, the personal representatives of the deceased licence holder request the council to grant a further exemption the authority may serve on them a notice which, during the period of 3 months after the date on which the initial period ends, has the same effect as a temporary exemption notice under section 62.	