



Houses in Multiple Occupation Conditions

Introduction

This document sets out the conditions applicable for Licensable HMO properties and would form part of all HMO licences. Licensed HMO properties are required to comply with all conditions. These conditions are good practice guide for landlords with non licensable HMO's to follow.

Statutory Conditions in Schedule 4 Housing Act 2004

1. If gas is supplied to the licensed premises the licence holder must produce annually to East Riding of Yorkshire Council (“the Council”) for their inspection, a gas safety certificate obtained in respect of the house named on the licence within the last 12 months.
2. The licence holder must;
 - i. keep electrical appliances and furniture supplied by him in a safe condition;
 - ii. supply to the Council, on demand, a declaration by him/her as to the safety of such appliances and furniture.
 - Where the house is in England, additionally;
 - iii. to ensure that every electrical installation in the house is in proper working order and
 - iv. is safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations;for the purposes of paragraph (iii) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.
3. The licence holder must;
 - i. 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;
 - ii. keep each such alarm in proper working order;
 - iii. supply the Council, on demand, with a declaration by him/her as to the condition and positioning of such alarm.
4. The licence holder must;
 - i. ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
 - ii. keep each such alarm in proper working order;
 - iii. supply the Council, on demand, with a declaration by him/her as to the condition and positioning of any such alarm.
5. The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.
6. The licence holder must;
 - i. ensure that 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;
 - ii. ensure that 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;
 - iii. ensure that 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;
 - iv. ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

7. The licence holder to ensure that:
 - i. 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;
 - ii. 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;
 - iii. 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.
8. The licence holder must; where the licence holder has not knowingly breached any of the conditions imposed pursuant to condition 6 & 7 above and the Council have notified the licence holder of the breach, must comply with any notification issued by the Council to rectify that breach within the specified period of time.
9. The licence holder must notify the Council of any room used as sleeping accommodation in the HMO with a floor area of less than 4.64m². 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.
10. The licence holder must comply with any scheme which is provided by the Council to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection. See www.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=719594 for further information.

General Conditions Applicable to all HMO Licences

1. The licence holder must inform the Council in writing or via email of any changes in their address and contact details within 14 days of any changes.

Details for communication are as detailed below:

East Riding of Yorkshire Council
Private Sector Housing
HMO Licensing
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA
Tel: 01482 396301
Email: h.licensing@eastriding.gov.uk

2. The licence holder must display a copy of the licence in the common parts or be made available to the occupiers at the outset of their occupation.
3. The licence holder must display, within the common parts of the house, his or her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their:
 - i. Name
 - ii. Address

- iii. Contact Telephone Number (and alternative contact number(s) if the licence holder and/or manager cannot be contacted within a 24 hour period by a tenant or relevant Council Officer).
4. The licence holder should not knowingly permit the occupancy of the house to exceed the number permitted by the licence and should deal with any over occupation by taking appropriate action to reduce occupation as is reasonable.
5. The licence holder must ensure that any persons involved with the management of the house including themselves to their best knowledge are “fit and proper persons” for the purpose of the Act. Any change in these circumstances, following the granting of the licence shall be notified to the Council;
 - i. immediately and confirm in writing or by email if there are to be any transfers in ownership, sale of the licensed property or management of the property.
 - ii. immediately and confirm in writing or by email if either he/she or the appointed manager receives a relevant conviction following the grant of the licence
 - iii. in writing within 14 days of any changes affecting the company/partnership status, i.e. bankruptcy, changes in Directors, Partners or Company Secretaries.
 - iv. within 14 days before making any material changes to the layout; provision or removal or relocation of sinks, cookers, wash basins, baths showers and water closets, fire precautions or mode of occupation of the house (other than identified as specific works in these conditions or so as to comply with the general conditions of this licence).

Details for communication are as section 1 above.

6. The licence holder must comply with the Council’s adopted Standards for Houses in Multiple Occupation and associated guidance relevant to the property type throughout the period of the licence unless otherwise specified in the licence, and must maintain those standards throughout the period of the licence. The Council’s Standards for Houses in Multiple Occupation can be found at www.eastriding.gov.uk/hmolicensing or a paper copy can be supplied on request.
7. The licence holder must take all reasonable steps to arrange full access to the whole of the licensed premises for the purposes of a compliance inspection by the Council within 7 days of a written request to do so. Tenants/occupiers of the licensed premises must be given a minimum of 24 hours’ notice of the need for inspection by the Licence holder or his representative.
8. The licence holder must keep on file and have available for the Council upon request originals and produce annually to the Council copies of the following documents on, or within 7 days of, the anniversary date of the grant of the licence:
 - i. A current fire detection equipment inspection and servicing certificate to BS5839 Part 6 in respect of the house in multiple occupation (HMO) named on the licence.
 - ii. Current Firefighting equipment (extinguishers, blankets etc.), inspection and servicing certificate where applicable in respect of the named HMO on the licence.
 - iii. A current electrical installations inspection certificate in respect of the HMO named on the licence confirming that the installation is safe to use. Certificates supplied annually must be available on a date specified by the Council.
 - iv. A current “Portable Appliance Test” (P.A.T) certificate in respect appliances provided in the HMO named on the licence The Report must be issued by a ‘competent person’ in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection of Testing of Electrical Equipment. A ‘competent person’ has the same meaning as that for clause 9.

9. The electrical certificate required under clause 6 must be issued by a **'competent person'** and be valid for a period of not less than 5 years from the date of inspection. The following installations, where applicable, shall be inspected and tested:

- i. General electrical system
- ii. Fire alarm system
- iii. Smoke/heat detection system
- iv. Emergency lighting system

A **'competent person'** means an approved electrical contractor who is a member of one of the following organisations, or registered with them as an authorised competent person: - NICEIC, BRE Certification Ltd, British Standard Institution, ELECSA Ltd, or NAPIT Certification Ltd. Similar schemes / organisations as approved by the Department of Communities and Local Government will also be acceptable. In exceptional circumstances, the Council may accept a PIR from an electrician who is not registered by one of the aforementioned organisations, upon consideration of the person's proof of qualifications.

10. Certificates and/or documentation which have been requested, must be forwarded or produced to Private Sector Housing at the address stated at 1 above within 14 days of the request.

11. The licence holder and manager(s) of the house must receive suitable basic training on the law and legal requirements relating to managing an HMO within one year of the issue of the licence. This requirement can be satisfied in one of the following ways:

- i. by completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) and submitting the pass certificates to the Council for confirmation;
- ii. by completion of other suitable training on the law and legal requirements relating to managing an HMO, subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

Or if available

- iii. by attending the Council approved, one-day training course ;

12. The licence holder must take responsibility for waste and recycling, ensuring that sufficient refuse and recycling containers are available for tenants' use, ensuring that tenants/occupiers are made aware of the arrangements for the collection of refuse and bulky goods and that the tenants /occupiers return the containers within the boundary of the property on the day of collection. The licence holder must work with the Council to find solutions where the tenants are not disposing of waste effectively.

13. The licence holder must ensure that any tenancy agreement used is written in plain English and must provide the Council with a copy within 14 days of a request to do so. (Housing Act 2004 Part 2 Section 67 (2)(b)).

14. The licence holder must undertake reasonable steps to resolve complaints of nuisance and/or anti-social behaviour perpetrated by his or her tenant(s)/occupier(s) or visitor(s) to the licensed premises.

15. The licence holder must take reasonable steps to obtain references as to the character and behaviour of a prospective tenant/occupier from previous landlords and/or persons of standing in the community.

16. The licence holder must ensure that the occupiers of the HMO are given clear instruction on the action to be taken in the event of the following emergencies: heating and hot water breakdown, gas and water leaks, electrical problems, problems with the fire alarm system and any severe disrepair necessitating urgent action and that the occupiers are provided with contact details for such emergencies.
17. The licence holder shall ensure that appropriate instruction and or training is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the HMO. This must include, but not limited to, understanding the alarm systems, the importance of the fire doors, and protecting the escape route, keeping the escape route free of obstructions and the use of firefighting equipment.
18. Licence holders, who do not have to comply with the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, must ensure that all tenants are made aware of to whom they should address tenancy complaints. The name address, telephone number and e mail address to where complaints should be addressed must be displayed in a conspicuous position within the common area of the building.
19. Where the licence holder demands a deposit he/she must provide the tenant/occupier with a statement of the terms of the tenancy deposit, which must be paid into one of the designated schemes, including:
 - i. Details of the deposit required;
 - ii. Details of what the deposit covers together with a written, agreed inventory signed by the tenants/occupiers;
 - iii. Details of the designated scheme the deposit has been paid;
 - iv. A copy of the relevant documentation in respect of the scheme deposit;
 - v. Details of the arrangements and timescales for the return of the deposit.

Additional Conditions

The following conditions are based on the information provided on the application form together with a licence inspection. It is a detailed schedule of the works required in relation to amenity standards (Section 65 Housing Act 2004). Any works required and their timescale for completion will be detailed.

Amenity Standard	Time scale for Completion

Any formal communication with regard to this schedule should be made to:

Private Sector Housing and Safety Manager
Housing and Public Protection
East Riding of Yorkshire Council
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

email: private.sector.housing@eastriding.gov.uk